

Annual PHA Plan (Standard PHAs and Troubled PHAs)	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	PHA Name: <u>Hawaii Public Housing Authority</u> PHA Code: <u>HI001</u> PHA Type: ☒ Standard PHA ☐ Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2024</u> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units <u>4,731 (as of 06/28/24)</u> Number of Housing Choice Vouchers (HCVs) <u>4,397 (as of 06/28/24)</u> Total Combined Units/Vouchers <u>9,128</u> PHA Plan Submission Type: ☒ Annual Submission ☐ Revised Annual Submission 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. The Hawaii Public Housing Authority's (HPHA) Annual PHA Plan, and all supporting documents, are available online at: https://www.hpha.hawaii.gov/plans-reports. Hard copies of the Annual PHA Plan will be made available at all Asset Management Project (AMP) offices. Please see Attachment A for the office address of each AMP. ☐ PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) <table><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><tr><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></tr><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></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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B.	Plan Elements.																																										
B.1	Revision of Existing PHA Plan Elements. (a) Have the following PHA Plan elements been revised by the PHA? <table border="0"> <tr> <td>Y</td> <td>N</td> <td></td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Statement of Housing Needs and Strategy for Addressing Housing Needs</td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions</td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Financial Resources</td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Rent Determination</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Operation and Management</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Grievance Procedures</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Homeownership Programs</td> </tr> <tr> <td>☒</td> <td>☐</td> <td>Community Service and Self-Sufficiency Programs</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Safety and Crime Prevention</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Pet Policy</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Asset Management</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Substantial Deviation</td> </tr> <tr> <td>☐</td> <td>☒</td> <td>Significant Amendment/Modification</td> </tr> </table> (b) If the PHA answered yes for any element, describe the revisions for each revised element(s): Plan Element I: Statement of Housing Needs and Strategy for Addressing Housing Needs <i>Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA's strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families, (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a)).</i> In accordance with 24 CFR 903.7(a)(1) and (2)(i), the sections below address the housing needs of low-income and very low-income families who reside in Hawaii as well as those who are on the HPHA's public housing and HCV program waiting lists. Additional information is provided on the specific housing needs of extremely low-income families (as required by 24 CFR 903.7(a)(1)(i)), elderly families (as required by 24 CFR 903.7(a)(1)(ii)), households with individuals with disabilities (as required by 24 CFR 903.7(a)(1)(iii)), and households of various races and ethnic groups (as required by 24 CFR 903.7(a)(1)(iii)). <u>A. Jurisdictional Housing Needs</u> The data and information contained herein was gathered primarily from the latest Hawaii Housing Planning Study (HHPS) produced in 2019, which was prepared by SMS Research, Inc. on behalf of the Hawaii Housing Finance and Development Corporation (HHFDC), the HPHA, and other state and local agencies; the State of Hawaii Consolidated Plan for PYs 2020-2024; and publicly available data collected by the U.S. Census Bureau's American Community Survey; the Hawaii Department of Business, Economic Development, and Tourism (DBEDT); the National Low Income Housing Coalition; and the Hawaii Appleseed Center for Law & Economic Justice. According to the U.S. Census Bureau, there were 535,543 housing units in Hawaii in 2017. This number is up 2.0 percent from 524,852 units in 2014. Among the 2017 total, 482,864 housing units were available to the	Y	N		☒	☐	Statement of Housing Needs and Strategy for Addressing Housing Needs	☒	☐	Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions	☒	☐	Financial Resources	☒	☐	Rent Determination	☐	☒	Operation and Management	☐	☒	Grievance Procedures	☐	☒	Homeownership Programs	☒	☐	Community Service and Self-Sufficiency Programs	☐	☒	Safety and Crime Prevention	☐	☒	Pet Policy	☐	☒	Asset Management	☐	☒	Substantial Deviation	☐	☒	Significant Amendment/Modification
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residential housing market (455,502 were occupied units and 27,362 were available vacant units). It is estimated that 50,156 additional housing units are needed by 2025. This number includes a backlog of approximately 28,459 housing units to meet the then-present demand; a projected demand of 18,078 new housing units to accommodate population growth; and 3,619 units to accommodate households experiencing homelessness.

The lion's share of needed units is concentrated at the lowest HUD income levels, according to the 2019 HHPS. This finding suggests the market is more effective at producing high-end units versus low-end units. The HHPS states that inefficiencies are exacerbated in periods of rapid market expansion when fewer low-end units are built while more middle-market and low-end units are built during periods of market adjustment. The 2019 HHPS also found that needed units are concentrated in the rental market rather than the ownership market with the current housing market producing units for sale more efficiently than units for rent.

A.1. Extremely Low-Income Families

As of 2019, about 14 percent (roughly 74,976) of housing units were priced affordably¹ for households earning less than 30 percent of the area median income (AMI). Of the 50,156 housing units needed by 2025, about 20 percent or 10,457 units would be needed for extremely low-income families.

In 2021, there were approximately 41,207 renter households that fell below 30 percent of the AMI². According to the HHFDC, the annual income of a 4-person, extremely low-income family on Oahu in 2023 was \$39,300³. At that same time, the annual income required to afford a two-bedroom rental home at HUD's Fair Market Rent was roughly \$87,013⁴.

Units Needed for Extremely Low-Income Families by 2025	
Jurisdiction	Units Needed
State of Hawaii	10,457
City and County of Honolulu	4,200
County of Maui	1,721
County of Hawaii	3,475
County of Kauai	1,060

Source: HHPS, 2019, pg. 40.

A.2. Elderly Families

The 2019 HHPS defines elderly households as those with one or more persons 60 years of age or older, no children under the age of 18, and no persons other than immediate family. Of the 50,156 new housing units needed by 2025, 13 percent or 6,714 units would be needed for elderly households. This number is up 9 percent from the last HHPS conducted in 2016.

Jurisdiction	Units Needed for Elderly Families ⁵ by 2025 (AMI)			
	< 30%	30% to 50%	50% to 60%	60% to 80%
State of Hawaii	400	751	113	704
City and County of Honolulu	288	714	72	538
County of Maui	62	6	16	21
County of Hawaii	49	22	15	132
County of Kauai	0	9	11	13

Source: HHPS, 2019, pg. 46.

¹ The 2019 HHPS defines a housing unit as affordable if it does not require a monthly mortgage or rent payment greater than 30 percent of monthly household income.

² [National Low Income Housing Coalition, 2023 Hawaii Housing Profile](#)

³ [HHFDC Income Schedule for 2023](#)

⁴ [National Low Income Housing Coalition, 2023 Hawaii Housing Profile](#)

⁵ Number of units reflects the sum of ownership and rental units needed for each category.

Considering only the units needed for elderly households, about 29 percent or 1,967 units are needed for low- and moderate-income households making 80 percent of the AMI or less. The demand for single-family versus multi-family units was almost evenly distributed among elderly households. Of the 6,714 needed elderly units, the 2019 HHPS projected a demand for 3,129 (47%) single-family dwellings.

The largest special needs group identified by the 2019 HHPS are the elderly. With only 4.5 percent of seniors cared for in a home or facility, it is likely that family or care services will be required for the many other senior in the state. For seniors who choose to or will have to remain in their unit or with family, their homes will require retrofitting with grab bars, ramps, emergency call systems, special telephones for the blind, etc.

A.3. Households with Individuals with Disabilities

Although public housing, Section 8, and other similar housing support programs help to mitigate the economic barriers to accessing housing, many persons with disabilities may also need access to support or treatment services delivered at or near their residences. According to the 2019 HHPS, about 81,018 of survey respondents stated someone in their household had a “physical, mental, or emotional condition that made it difficult to walk or climb stairs.” Roughly 27,575 households included at least one member who had difficulty bathing or dressing themselves. In 42,688 households statewide, at least one member had a physical, mental, or emotional condition that made it difficult to travel to doctor’s offices or shopping places. In these households, at least one member may require assistance with activities of daily living.

The 2019 HHPS found that 19 to 26 percent of households were single-person households. Persons in these households who are frail elderly, persons with an advanced terminal illness, or persons with severe mental or physical disabilities may be unable to perform activities associated with daily living. Without access to a shelter, clinic, or other living arrangement with daily living support and medical treatment, these households will require in-home care to be provided. Additional accessibility retrofitting may also be required.

A.4. Housing Needs by Race & Ethnicity

A 2018 report⁶ published by DBEDT’s Research and Economic Analysis Division, found that Hawaii ranks 47th among the fifty states and District of Columbia in homeownership rates for occupied housing units. Although homeownership rates were low for all racial groups except the Japanese and Okinawans, it was particularly low among those with younger age structures. Six of the seven populations with homeownership rates under 50% were populations with median ages under 28 years old.

DBEDT’s report uses the U.S. Census Bureau’s definition of gross rent as “the contract rent plus the estimated cost of utilities and fuels, if... costs are paid for by the renter. It is a measure of average monthly housing cost expenses for renters.” DBEDT found that Blacks or African Americans and Guamanians or Chamorro had the highest median gross rents, at \$1,945 and \$1,940, respectively. This was about 16% - over \$300 a month – more than the third highest median gross rent, \$1,636 paid by Whites. Only the Marshallese had a gross rent less than \$1,000; however, 92.3% of Marshallese rent rather than own.

Median Gross Rent by Household Rent	
Race Alone or in Combination	Median Gross Rent
Total Population	\$1,438
White	\$1,636
Filipino	\$1,313
Japanese	\$1,245
Native Hawaiian	1,252
Chinese	\$1,211
Black or African American	\$1,945
Korean	\$1,299
Samoan	\$1,274

⁶ [Demographic, Social, Economic and Housing Characteristics for Selected Race Groups in Hawaii; 2018](#)

American Indian/Alaska Native	\$1,441
Vietnamese	\$1,150
Okinawan	\$987
Marshallese	\$1,054
Guamanian or Chamorro	\$1,940
Tongan	\$1,175

Source: DBEDT, 2018, pg. 15.

In 2017, HUD's Office of Policy Development published the results of its study on the housing needs of Native Hawaiians⁷. The report compared the housing conditions of Native Hawaiians to those of other residents of Hawaii and examined specific subgroups of Native Hawaiians in the context of federal policy.

HUD found that Native Hawaiians were overrepresented among Hawaii's homeless population. In 2015, Native Hawaiians and Other Pacific Islanders accounted for only 10 percent of the state's population but were 39 percent of the 7,620 people experiencing homelessness in Hawaii. Data from 2016 showed that 42 percent of 7,921 homeless individuals in Hawaii identified as Native Hawaiian or Other Pacific Islander.

The study also offered insight into the types of housing Native Hawaiian households need. Large households (i.e., those with five or more members) accounted for 27 percent of Native Hawaiian households statewide and nearly 40 percent of households on the Hawaii Department of Hawaiian Homelands (DHHL) waiting list. Additionally, Native Hawaiian households were more likely to be working and more likely to include children than were non-Native Hawaiian households in Hawaii. According to the report, these findings demonstrate a need for housing that can accommodate larger households and is located close to employment centers and transportation networks.

B. Housing Needs by HPHA Program Waiting List

B.1. Housing Needs of Families on the Public Housing Waiting List

As of July 1, 2023, there are **2,371 families** on the HPHA's federal public housing waiting lists. Their housing needs are broken down as follows:

Income Levels		
Family Type	# of Families	% of Total Families
Extremely Low-Income ($\leq$ 30% AMI)	2,121	89.46%
Very Low-Income ($>$ 30%, but $\leq$ 50% AMI)	234	9.87%
Low-Income ($>$ 50%, but $\leq$ 80% AMI)	6	0.25%
Families with children	914	38.55%
Elderly families	540	22.78%
Families with disabilities	616	25.98%
Racial Distribution		
Race	# of Families	% of Total Families
Asian/Pacific Islander/Other	1,008	42.51%
White	735	31.00%
Hispanic	382	16.11%
Black	149	6.28%
American Indian	97	4.09%
Bedrooms Needed		
Unit Size	# of Families	% of Total Families
1 Bedroom and Studio	1,497	63.14%
2 Bedrooms	737	31.08%

⁷ [Housing Needs of Native Hawaiians; 2017](#)

3 Bedrooms	550	23.20%
4 Bedrooms	93	3.92%
5 Bedrooms	35	1.48%

B.2. Housing Needs of Families on the Housing Choice Voucher (HCV) Waiting List

As of July 1, 2023, there are **2,497 families** on the HPHA's HCV waiting list. Their housing needs are broken down as follows:

Income Levels		
Family Type	# of Families	% of Total Families
Extremely Low-Income ($\leq$ 30% AMI)	2,208	88.43%
Very Low-Income ($>$ 30%, but $\leq$ 50% AMI)	262	10.49%
Low-Income ($>$ 50%, but $\leq$ 80% AMI)	4	0.16%
Families with children	1,233	49.38%
Elderly families	314	12.58%
Families with disabilities	794	31.80%
Racial Distribution		
Race	# of Families	% of Total Families
Asian/Pacific Islander/Other	1,558	62.39%
White	439	17.58%
Hispanic	277	11.09%
Black	261	10.45%
American Indian	46	1.84%
Bedrooms Needed		
Unit Size	# of Families	% of Total Families
1 Bedroom and Studio	1,085	43.45%
2 Bedrooms	737	29.52%
3 Bedrooms	550	22.03%
4 Bedrooms	93	3.72%
5 Bedrooms	33	1.32%
6 Bedrooms or more	2	0.08%

C. Strategies for Addressing Housing Needs

In accordance with 24 CFR 903.7(a)(2)(ii), this section provides a brief description of the strategies the HPHA employ, to the maximum extent practicable, to address the housing needs identified above.

The overwhelming majority of housing assistance the HPHA provides through its public housing and HCV programs is already targeted at families at or below 30% to 50% of the AMI, elderly families, and families of persons with disabilities.

The HPHA will maximize the number of affordable public units it can offer to low-income households within its current resources. Through Capital Fund Program appropriations and asset preservation strategies, the HPHA has planned for \$27 million in capital work over the five-year period of FY 23 to FY 27. Due to the average age of our inventory of 50 years old, addressing health and safety issues, site improvements, ADA compliance, structural repairs, and general infrastructure upgrades are prioritized. Aging properties and reductions in funding levels have made asset preservation an increasingly difficult challenge.

In 2022, the HPHA became a Moving to Work (MTW) expansion agency as part of the Landlord Incentives Cohort. The HPHA's participation in MTW will allow it to simplify and streamline the operation of core programs for the purposes of accomplishing the three statutory objectives of MTW. Specific strategies to increase the cost-effectiveness of federal programs, improve participant self-sufficiency, and expand affordable housing choice locally are outlined in the MTW Supplement attached to this Annual PHA Plan.

The HPHA is seeking innovative approaches to redevelop its aging and obsolete property inventory through public-private partnerships. The goal is to create mixed-income, mixed-use neighborhoods that make greater use of valuable State land assets through higher density. The HPHA intends to use mixed-finance strategies and federal programs like Rental Assistance Demonstration (RAD) to accomplish this.

In 2023, the HPHA launched its Ka Lei Momi Program to redevelop 10 low-income public housing projects identified in its portfolio. Most of these projects are located near planned stations of the Honolulu light rail system currently being developed by the Honolulu Authority for Rapid Transportation. The redevelopment of these projects allows the HPHA to rehabilitate functionally obsolete public housing units while also significantly expanding the inventory of affordable housing across the state.

Plan Element I: Recent Revision(s)

☒ Tables B.1. and B.2. have been updated with waiting list data from the end of FY 23.

Plan Element I: Proposed Revision(s)

N/A.

Plan Element II: Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see [24 CFR 903.2](#). ([24 CFR §903.23\(b\)](#)) Describe the PHA's admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA's policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. ([24 CFR §903.7\(b\)](#)) Describe the PHA's procedures for maintain waiting lists for admission to public housing and address any site-based waiting lists. ([24 CFR §903.7\(b\)](#)). A statement of the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. ([24 CFR §903.7\(b\)](#)) Describe the unit assignment policies for public housing. ([24 CFR §903.7\(b\)](#))

A. Public Housing Deconcentration Policy

In accordance with 24 CFR §903.7(b)(1), a copy of the HPHA's public housing deconcentration policy is attached as **Attachment B: Deconcentration Policy**.

B. HCV Program Policies

In accordance with 24 CFR §903.7(b), this section briefly describes the HPHA's policies governing tenant eligibility, selection, admission, and occupancy for the HCV program.

B.1. HCV Eligibility Policies

The HPHA's HCV tenant eligibility policies are established under Section 17-2031-22, Hawaii Administrative Rules (HAR). The HPHA requires that an applicant family meet the following criteria to be eligible for the HCV and related housing voucher programs:

- Meet the definition of a "family" as set forth in Section 17-2031-3, HAR;
- Be within the appropriate income limits;

- Not have any outstanding debt owed to the HPHA;
- Not have been previously terminated from any other program operated by the HPHA for reasons of drug-related, criminal, or violent behavior;
- Be a citizen or non-citizen with eligible immigration status; and
- Furnish and verify valid Social Security numbers for all members who claim eligible immigration or citizenship status.

Additional information on the HCV program's eligibility requirements can be found in Chapter 3 of the Administrative Plan.

B.2. HCV Selection & Admission Policies

The HCV waiting list local preferences for admission are established under Section 17-2031-25, HAR. The HCV local preference categories are divided into three priority groups, with each preference having equal weight. The preference categories and priority groups can be described as follows:

1. First Priority Group:
 - a. Families who are involuntarily displaced, including public housing families subject to relocation who cannot be relocated to another public housing dwelling unit;
 - b. Victims of domestic violence, including public housing tenants who are victims of stalking, reprisals, or hate crimes and who cannot be safely transferred to another public housing unit;
 - c. Homeless families; or
 - d. Public housing families exceeding the largest public housing dwelling unit size on the island where they reside; or public housing tenants who are approved for a reasonable accommodation for a dwelling unit with specific features and have not been offered a dwelling unit in the public housing program that meets the family's needs and have waited over one year;
2. Second Priority Group:
 - a. Families living in substandard housing; or
 - b. Families paying more than 50 percent of their annual income in rent.
3. Third Priority Group:
 - a. Working families and those unable to work because of age or disability;
 - b. Veterans and veterans' surviving spouses;
 - c. Residents who live or work in the jurisdiction; or
 - d. Victims of reprisals or hate crimes.

Once admission preferences are applied, families are selected from the HCV waiting list in order of their preference priority group and then by a randomly assigned lottery number. Additional information on the HPHA's HCV selection and admission process can be found in Chapter 4 of the Administrative Plan.

B.3. HCV Occupancy Policies

The HCV program's occupancy policies are established under Section 17-2031-8, HAR. When determining the appropriate family unit voucher size. The HPHA assigns one bedroom for each two persons within a household except in the following circumstances:

- Persons of the opposite sex (other than spouses and/or significant others) will be allocated separate bedrooms; and
- Live-in aides will be allocated a separate bedroom.

The HPHA utilizes the following table when determining the appropriate voucher size for a family:

Voucher Size	Persons in Household (Minimum – Maximum)
0 Bedroom, Studio	1 – 1
1 Bedroom	1* - 2
2 Bedrooms	2 – 4

3 Bedrooms	3 – 6
4 Bedrooms	4 – 8
5 Bedrooms	6 - 10

*Single person families are allocated a one-bedroom voucher only when there are no 0 bedroom/studio bedroom dwellings available in an area.

All HCV-assisted units must meet federal Housing Quality Standards and adhere to the prevailing county building code.

Additional information on the HCV program's occupancy standards can be found in Chapter 5, Part II of the Administrative Plan.

C. Public Housing Program Policies

In accordance with 24 CFR §903.7(b), this section briefly describes the HPHA's policies governing tenant eligibility, selection, admission, and occupancy for the public housing program. The requirements listed under 24 CFR §903.7(2)(v) do not apply because the HPHA does not administer any site-based waiting lists.

C.1. Public Housing Eligibility Policies

The HPHA's public housing tenant eligibility policies are established under Section 17-2028-22, HAR. The HPHA requires that an applicant family meet the following criteria to be eligible for the public housing program:

- Meet the definition of a family as set forth in Section 17-2028-2, HAR;
- Be within the appropriate income limits;
- Not have any outstanding debt owed to the HPHA;
- Not have been previously terminated from any other program operated by the HPHA for reasons of drug-related, criminal, or violent behavior;
- Be a citizen or non-citizen with eligible immigration status; and
- Furnish and verify valid Social Security numbers for all members who claim eligible immigration or citizenship status.

Additional information on the public housing program's eligibility requirements can be found in Chapter 2 of the Admissions and Continued Occupancy Policy (ACOP).

C.2. Public Housing Selection & Admission Policies

The public housing program's local preferences for admission are established under Section 17-2028-34, HAR. The local preference categories are weighted equally and can be described as follows:

- Families who are involuntarily displaced;
- Victims of domestic violence who are participating in a program with case management through a domestic violence shelter, program, or clearinghouse; or
- Homeless persons who are participating in a federally or state funded homeless transitional shelter or program, and who are in compliance with a social service plan.

Single applicants who are elderly, disabled, or displaced are given preference over all other single applicants, regardless of the other single applicant's local preference.

The HPHA maintains fourteen geographical waiting lists which are community wide in scope and consist of all eligible applicants. The geographical waiting lists are grouped by county: City & County of Honolulu (4), County of Hawaii (6), County of Maui (2), and County of Kauai (2).

Once admission preferences are applied, families are selected from a waiting list by a randomly assigned lottery number.

Additional information on the public housing selection and admission process can be found in Chapter 4 of the ACOP.

C.3. Public Housing Occupancy Policies

The public housing occupancy policies are established under Sections 17-2028-5 and 17-2028-6, HAR.

Under its occupancy guidelines, the HPHA does not determine who shares a bedroom, but requires that there be at least one person per bedroom. All determinations of unit size are made in a manner consistent with Fair Housing guidelines. One bedroom is generally assigned for every two family members. The HPHA considers factors such as family characteristics (e.g., members' sex, age, relationship), number of bedrooms, size of sleeping areas, and the overall size of the unit. Consideration is also given for medical reasons and the presence of a live-in aide.

The HPHA utilizes the following table when determining the appropriate voucher size for a family:

Unit Size	Persons in Household (Minimum – Maximum)
0 Bedroom, Studio	1 – 1
1 Bedroom	1 - 2
2 Bedrooms	2 – 4
3 Bedrooms	3 – 6
4 Bedrooms	4 – 8
5 Bedrooms	6 - 10

The HPHA has units designed for persons with mobility, sight, and hearing impairments. These units were designed and constructed specifically to meet the needs of persons requiring the use of wheelchairs and persons requiring other modifications.

Preference for occupancy of these units is given to families with disabled family members who require the modifications or facilities provided in the units. No non-mobility-impaired families are offered these units until all eligible mobility impaired applicants have been considered. All non-mobility-impaired families who are offered an accessible unit must accept a transfer to a non-accessible unit at a later date if a person with a mobility impairment requires the unit.

For additional information on the public housing program's occupancy policies, please see in Chapter 5 of the ACOP.

Plan Element II: Recent Revision(s)

- ☒ During **FYs 20 to 24**, the HPHA updated the HCV program's policy on additions to a household to allow the addition of more than one family member as a spouse, significant other, partner, and minors through birth, adoption, court awarded custody, or hanai.
- ☒ During **FYs 20 to 24**, the HPHA adopted a policy to pay landlords via electronic deposit.
- ☒ During **FYs 20 to 24**, the HPHA adopted rules to allow HQS inspections to be conducted every other year for units that pass inspection on the first attempt, except in circumstances where it determines a need for an annual inspection.

- ☒ During **FYs 20 to 24**, the HPHA updated the HCV program's policy on family break-ups. The HCV is awarded to the family member awarded custody of the majority of minor children or who has the majority days of custody.
- ☒ During **FYs 20 to 24**, the HPHA amended Chapters 17-2028 and 17-2031, HAR, to allow for a lottery system to be used when choosing and placing applicant families on waiting lists for the public housing and HCV programs.

Plan Element II: Proposed Revision(s)

B. HCV Program Policies

B.1. HCV Eligibility Policies

- ☐ Amend Chapter 17-2031, HAR, and the Administrative Plan to require applicants with a criminal history to include their latest conviction date or arrest date.

B.2. HCV Selection & Admission Policies

- ☐ Update the HCV program's local preference for homeless persons by:
 - Amending Chapter 17-2031, HAR, and the Administrative Plan to establish a definition for "housing ready;"
 - Redefine "homeless persons" as those who currently are experiencing homelessness, residing in a transitional shelter, and are verified as complying with a social service plan or are otherwise determined to be "housing ready."
- ☐ Amend Chapter 17-2031, HAR, and the Administrative Plan to simplify and/or eliminate certain local preferences. More specifically, the HPHA is considering eliminating use of "priority groups" and keeping only one local preference for families experiencing or at risk of homelessness. (Added in FY 25)
- ☐ Amend Chapters 17-2028 and 17-2031, HAR; the Administrative Plan; and the ACOP to establish a "super-preference" in the HCV program for certain public housing families. Under this super-preference, the HPHA may award a voucher to a public housing family for the any of the following reasons:
 - A public housing family is involuntarily displaced for reasons such as for relocation due to modernization activity, or based on an emergency where conditions of the public housing dwelling unit, building, or project pose an immediate, verifiable threat to life, health or safety of the family, and the family cannot be relocated to another public housing unit in the same program, meeting their needs;
 - A public housing family was approved for a transfer as a reasonable accommodation to a dwelling unit with special accessibility features, but the HPHA does not have an appropriate dwelling unit within its inventory that meets the family's needs and the family has waited over one year;
 - A public housing family includes one or more members who are victims of domestic violence, dating violence, sexual assault, stalking, reprisal, or a hate crime and who cannot be transferred safely to another public housing unit; or
 - A public housing family is under-housed, and the HPHA does not have an appropriately sized public housing dwelling unit currently available or within its inventory. (Amended in FY 25)
- ☐ Amend Chapter 17-2031, HAR, and the Administrative Plan to establish a "super-preference" in the HCV program for families who were previously issued a Special Purpose Voucher (SPV) and experienced a

loss of rental assistance because of insufficient funding or because the eligible family member exceeded the maximum allowable age of the applicable SPV. (Added in FY 25)

B.3. HCV Occupancy Policies

- ☐ Adopt a policy on changes to household composition such that when a family member who is 18 years or older removed themselves from the household but later wishes to rejoin the household, the HPHA shall:
 - Prohibit their readmission to the household;
 - Require that s/he apply as a new applicant for placement on the waiting list; and
 - Allow for the consideration of medical hardships or other extenuating circumstances, and if determined necessary as a reasonable accommodation, allow such family members to rejoin the household as a live-in aide only.
- ☐ Adopt a policy to shorten the length of time a family can be absent from a subsidized unit from 180 days to 60 days, allowing for specific exceptions as allowed under the 24 CFR §982.312.
- ☐ Adopt a policy to allow vouchers to be used for special housing types identified in 24 CFR §982.601.
- ☐ Amend Chapter 17-2028, HAR, and the Administrative Plan to specify that persons with disabilities may use their vouchers in any special housing type identified in 24 CFR §982.601 if it is needed as a reasonable accommodation.
- ☐ Adopt a policy to prohibit an owner from keeping a Housing Assistance Payment for the remainder of the month when a family moves out of the unit. Under this policy, Housing Assistance Payments will end the date the family vacated the unit, as determined by the HPHA. Additionally, any amount overpaid to the owner must be returned to the HPHA.
- ☐ Adopt a policy such that when a family is requesting to downsize, the voucher size will be changed at the end of their lease term
- ☐ Amend Chapter 17-2031, HAR, and the Administrative Plan to include policies regarding VASH vouchers, including conversion of a VASH voucher to an HCV when the qualifying veteran or veteran's spouse no longer needs the VASH voucher or qualifies for the VASH voucher.
- ☐ Amend Chapter 17-2031, HAR, to implement Hawaii Revised Statutes §356D-13.5. Under this amendment, the HPHA would allow only the original household members at the time of voucher issuance to retain the voucher when other members of the family leave the unit. The voucher would also be automatically returned to the HPHA once all original household members are no longer in the household. The HPHA would provide an exception for families where the original parents in the household are survived by minors who were subsequently added to the household, until the youngest minor reaches the age of 21 years or reaches the age of 23 if the youngest minor is a full-time student at a business school, technical school, college, community college, or university.
- ☐ Amend initial occupancy guidelines to assign one bedroom for every two family members only, with consideration for infant children, disability-related reasons, and the presence of a live-in aide.
- ☐ Establish policies for the implementation and use of any additional offering or allocation of special purpose vouchers, including any mandatory, alternative, or discretionary policies issued under the program guidance.

- ☐ Amend Chapter 17-2031, HAR, and the Administrative Plan to state that when a family's composition is reduced, except for instances in which the reduction is due to fraud, misinformation, or inaccurate documentation, a voucher correction will occur at the end of the lease or the next recertification, whichever comes first. (Amended in FY 25)
- ☐ The HPHA's request to implement MTW Activity 3.b. which permits biennial recertifications for HCV families will be submitted through an amendment to the MTW Supplement for FY 24. For more information, see **Attachment C: MTW Supplement for FY 25**. (Added in FY 25)

C. Public Housing Program Policies

C.2. Public Housing Selection & Admission Policies

- ☐ Adopt site-based waiting lists.
- ☐ Amend §17-2028-34, HAR, to remove the following preference from the public housing program's selection and admission policy: "A single applicant who is elderly, disabled, or displaced shall be given preference over all other single applicants, regardless of the other single applicant's local preference."
- ☐ Update Federal Housing acceptance policy relating to "good cause" refusal, to eliminate existing rental agreements that cannot be breached without causing undue financial hardship as verified by the applicant's current landlord, and "the applicant's acceptance of the offer would result in undue hardship not related to consideration of race, color, national origin, or language and the applicant presents evidence which substantiates this to the authority's satisfaction."
- ☐ Amend Chapter 17-2028, HAR, and the ACOP to align the local preference policy with Act 99, Session Laws of Hawaii 2023, which repealed the percentage requirements related to the admission of applicants with or without preferences into federal and state low-income public housing projects. (Added in FY 25)

C.3. Public Housing Occupancy Policies

- ☐ Adopt a policy to not renew a lease agreement if a family or family member remains non-compliant with the Community Service and Self-Sufficiency Requirements after entering into a 12-month written agreement with the Authority to cure such noncompliance. (Amended in FY 25)
- ☐ Update "schedule of charges" policy by having the maintenance work-order system record the actual cost of materials and time spent by maintenance workers to charge tenants the actual cost of intentional, careless, or negligent damages beyond normal wear and tear.
- ☐ Adopt a policy to allow the addition of no more than one family member so long as the addition (1) does not require the family to be transferred to a larger unit, and (2) would not cause overcrowding of the unit in accordance with occupancy standards.
- ☐ The HPHA is applying for MTW Activity 3.a. which permits biennial recertifications for public housing families. For more information, see **Attachment C: MTW Supplement for FY 25**. (Added in FY 25)

Plan Element III: Financial Resources

A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. ([24 CFR §903.7\(c\)](#))

	Sources	Anticipated \$	Planned Uses
Federal Grants	Public Housing Operating Fund*	36,730,000	Operations and maintenance of public housing
	Public Housing Capital Fund*	14,844,000	Capital repairs, management improvements, operations, administrative costs
	Section 8 Tenant-Based Assistance*	67,179,000	Housing Assistance Payments and Administrative costs
	Family Self Sufficiency Program	90,000	FSS Coordinator expenses
	Public Housing Dwelling Rental Income	23,876,000	Operations and maintenance of public housing
	State Capital Improvement Program	16,800,000	Capital repairs and associated administrative costs
	State General Fund	12,609,000	Operations, State Rent Supplement Program, maintenance, security, and vacant unit turnaround of public housing
	Total Resources for Public Housing or Tenant-Based Assistance	172,128,000	
	Coronavirus State Fiscal Recovery Fund	7,000,000	Operation, maintenance, security, and vacant unit turnaround of public housing, RSP, and HCV Landlord Incentive Program
	Other Project-Based Resources: Performance Based Contract Administration	45,132,000	PBCA payments to landlords; administrative costs
	Public Housing Non-Rental Income – including Rooftop Lease Agreements	374,000	Management improvements, operations for site location

*MTW funding fungibility applies (i.e., collectively referred to as "MTW Funds").

Plan Element IV: Rent Determination

A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. ([24 CFR §903.7\(d\)](#))

A. HCV Rent Determination Policies

The HPHA reviews and adjusts its payment standards with each HUD update to the Small Area Fair Market Rents (SAFMR). To establish its payment standards, all the zip codes for the island of Oahu are grouped into 13 different tiers. All zip codes within a particular tier share the same payment standards. Payment standards are always set between 90% to 110% of the applicable SAFMR.

Whenever a dwelling unit is identified by a voucher holder, the HPHA will perform a test of rent reasonableness on the unit to ensure the rent charged is reasonable and comparable to those of similar unassisted units on the marketplace.

Payment Standards Based on SAFMR Effective January 1, 2024

TIER	ZIP CODES				BEDROOM SIZE								
					0	1	2	3	4	5	6	7	8
Tier 1	96825				\$2,360	\$2,580	\$3,380	\$4,760	\$5,740	\$6,600	\$7,460	\$8,325	\$9,175
Tier 2	96734	96821			\$2,250	\$2,475	\$3,225	\$4,550	\$5,475	\$6,300	\$7,125	\$7,950	\$8,750
Tier 3	96818	96860			\$2,110	\$2,300	\$3,025	\$4,250	\$5,150	\$5,900	\$6,675	\$7,450	\$8,200
Tier 4	96706	96853			\$1,950	\$2,130	\$2,800	\$3,950	\$4,750	\$5,475	\$6,200	\$6,900	\$7,600
Tier 5	96815	96863			\$1,875	\$2,060	\$2,700	\$3,800	\$4,550	\$5,250	\$5,925	\$6,600	\$7,300
Tier 6	96786	96857	96791		\$1,800	\$1,965	\$2,550	\$3,600	\$4,350	\$5,000	\$5,650	\$6,300	\$7,075
Tier 7	96759	96762	96782	96789	\$1,700	\$1,875	\$2,450	\$3,450	\$4,150	\$4,775	\$5,400	\$6,000	\$6,625
	96814	96707	96744										
Tier 8	96709	96717	96801	96802	\$1,645	\$1,800	\$2,370	\$3,330	\$4,010	\$4,625	\$5,230	\$5,850	\$6,450
	96803	96804	96805	96806									
	96807	96808	96809	96810									
	96811	96812	96820	96823									
	96824	96828	96830	96836									
	96837	96839	96848	96850									
	96854	96858	96859	96861									
Tier 9	96701	96712	96816		\$1,600	\$1,750	\$2,300	\$3,250	\$3,900	\$4,500	\$5,100	\$5,675	\$6,300
Tier 10	96822	96826	96731	96797	\$1,540	\$1,694	\$2,211	\$3,113	\$3,751	\$4,313	\$4,876	\$5,435	\$6,000
Tier 11	96813	96819			\$1,441	\$1,584	\$2,068	\$2,915	\$3,509	\$4,035	\$4,561	\$5,080	\$5,610
Tier 12	96730	96817			\$1,386	\$1,507	\$1,980	\$2,794	\$3,355	\$3,858	\$4,361	\$4,860	\$5,360
Tier 13	96792	96795			\$1,199	\$1,309	\$1,716	\$2,420	\$2,915	\$3,352	\$3,789	\$4,225	\$4,660

Income and Total Tenant Payment (TTP) are calculated in accordance with 24 CFR Part 5, Subpart F. The TTP is set at the highest of the following amounts:

- 30% of the family's monthly adjusted income;
- 10% of the family's gross monthly income; or
- The minimum rent of \$0.

Financial hardship rules do not apply because the HPHA established a minimum rent of \$0. The HPHA does not apply a welfare rent policy.

For more information on calculating the family share of rent, please see Chapter 6 of the Administrative Plan. For more information on the HPHA's regular and interim reexaminations policies, please see Chapter 12 of the Administrative Plan. For more information on the HPHA's payment standards policies, please see Chapter 16 of the Administrative Plan.

B. Public Housing Rent Determination Policies

Income and TTP for all public housing families are calculated in accordance with 24 CFR Part 5, Subpart F. Tenants may choose their rent amount as either:

- **Income-based rent:** The income-based rent is a rent that is based on the tenant's income and the HPHA's rent policies for determination of such rents. Under the income-based rent, the monthly rental rate may be adjusted after the tenant's reexamination, when the tenant's family composition changes, or verification of income causes a change in rent. If the tenant chooses to pay an income-based rent, the TTP shall be set at the greatest of:
 - 30% of the family's adjusted monthly income;
 - 10% of the family's monthly income; or
 - The minimum rent of \$50.

OR

- **Flat rent:** The flat rent is based on the market rent charged for comparable units in the private unassisted rental market. It is equal to the estimated rent for which the HPHA could promptly rent the dwelling unit after preparation for occupancy (i.e., fair market rents as determined by HUD). Under this choice, there will be no rent adjustments unless due to financial hardship the tenant may choose to be switched to an income-based rent. The tenant may only choose a flat rent at a reexamination of eligibility.

The HPHA will grant a tenant an exemption from payment of minimum rent because of a financial hardship attributable to:

- A loss of eligibility or a pending eligibility determination for a federal, state, or local assistance program, except when the loss of eligibility is a result of sanctions imposed by the welfare agency for noncompliance with program requirements or fraud in connection with the program;
- The tenant would be evicted because they are unable to pay the minimum rent, except when the inability to pay the minimum rent is a result of sanctions imposed by the welfare agency for noncompliance with program requirements or fraud in connection with the program;
- The family's income has decreased because of changed circumstances, including the loss of employment;
- A death in the family; or
- Other circumstances as determined by the HPHA or HUD.

The HPHA will suspend the minimum rent requirement beginning the month following a family's request for a hardship exemption, until it determines whether there is a qualifying hardship and whether the hardship is temporary or long-term:

- If the HPHA determines that qualifying hardship is temporary, it will reinstate the minimum rent from the beginning of the suspension of the minimum rent 90 days after receiving the exemption request. A reasonable payment arrangement will be offered to ensure payment in full of any back charges.
- If the HPHA determines a qualifying hardship is long-term, the family will be exempt from minimum rent requirements if the hardship continues. The extension will apply from the beginning of the month following the family's request for a hardship exemption until the end of the hardship.
- If the HPHA determines there is no qualifying hardship, it will reinstate the minimum rent, including back rent owed from the beginning of the suspension. The tenant would be responsible for back charges within 90 days of the date of notification that no qualifying hardship was found.

For more information regarding the HPHA's public housing rent determination policies, please see Chapter 6 of the ACOP.

Plan Element IV: Recent Revision(s)

N/A.

Plan Element IV: Proposed Revision(s)

A. HCV Rent Determination Policies

- ☐ Adopt a policy to cap the amount of childcare expenses a family can claim at the amount of the lowest wage earned by working family members when calculating their adjusted income.
- ☐ Adopt policies to clarify how the HPHA will manage two assisted households who share custody of a minor (e.g., determining which household the minor's unearned income will be associated with, determining appropriate unit sizes, determining eligible deductions).
- ☐ Update the policy for determining the value of a checking account to be consistent with the policy for determining the value of a savings account (i.e., the HPHA will use the current account balance). The purpose of this proposal is to reduce administrative burden.
- ☐ Update the Administrative Plan to change the minimum rent amount from \$0 to \$50. The purpose of this proposal is to align the Administrative Plan with the more recently updated Chapter 17-2031 which sets the minimum rent amount at \$50.
- ☐ Amend the interim rent increase policy. More specifically, interim increases would only occur if:
 - The tenant misrepresented or failed to accurately report facts upon which rent is based;
 - Income increases after a tenant was granted an interim decrease;
 - The tenant reported zero income and has verified an increase, including a non-monetary contribution;
 - A person with income joins the family; or
 - A family member has an increase of earned or unearned income greater than \$200 per month unless it meets a CFR qualification for exemption.
- ☐ Adopt a policy to hold harmless a family in an affected payment standard tier for the difference in gross rent if there is a drop in the tier's payment standard resulting in the gross rent exceeding the payment standard.
- ☐ Adopt discretionary and non-discretionary policies set forth under Sections 102 and 104 of the Housing Through Modernization Act of 2016 (HOTMA) by the compliance deadline of January 1, 2025. (Added in FY 25)
- ☐ The HPHA is requesting MTW Waiver 2.a. to allow for the setting payment standards for grouped zip codes between 90% to 120% of their applicable SAFMRs. For more information, see **Attachment C: MTW Supplement for FY 25**. (Added in FY 25)

B. Public Housing Rent Determination Policies

- ☐ Adopt rules to clarify how rent calculations are to be performed when a tenant enters public housing by way of a citizen sponsorship. If the tenant does not have any source of income, their rent amount will be calculated using the income of their sponsor.
- ☐ Adopt discretionary and non-discretionary policies set forth under Sections 102 and 104 of HOTMA by the compliance deadline of January 1, 2025. (Added in FY 25)

Plan Element V: Operation and Management

A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. (24 CFR §903.7(e))

A. Maintenance and Management Policies

In accordance with 24 CFR §903.7(e)(1), this section lists the rules, standards, and policies governing the management of housing owned, assisted, or operated by the HPHA.

The rules, standards, and policies governing the maintenance and management of housing assisted under the Federal Low-Income Public Housing Program include:

- Parts I, II, and IV of Chapter 356D, Hawaii Revised Statutes;
- Chapter 17-2028, Hawaii Administrative Rules, "Federally Assisted Public Housing Projects";
- Admission and Continued Occupancy Policy; and
- PMMSB Maintenance Policies and Procedures Manual.

The rules, standards, and policies governing the maintenance and management of housing assisted through the Project-Based Voucher Program and Rental Assistance Demonstration Program include:

- Part I of Chapter 356D, Hawaii Revised Statutes;
- Chapter 17-2033, Hawaii Administrative Rules, "Section 8 – Housing Choice Voucher and Project Based Voucher Program"; and
- Administrative Plan.

B. Pest Management

In accordance with 24 CFR §903.7(e)(2), this section provides a brief description of the HPHA's standard procedures for preventing and eradicating pest infestations in public housing.

The HPHA practices integrated pest management strategies at all public housing properties as recommended in Notice PIH 2007-12 and the HUD Public Housing Maintenance Guidebook VII. All efforts are made to provide public housing residents healthy and pest-free living environments.

Upon discovery or notification of a pest infestation, HPHA staff will identify the type of pest and determine the scope of the problem. A management office or maintenance staff person will respond to resident complaints within 24 hours to schedule an inspection. Inspections are scheduled as soon as possible. After the inspection, the HPHA will put a treatment plan in place for the affected units. The project management office may utilize a pest control contractor depending on the scope of the problem.

The HPHA considers the following factors when evaluating and determining the necessary control measures:

- Extent of the problem;
- Available treatments, both natural and chemical;
- Previous treatment efforts;
- Costs of treatment;
- Time involved in treatment; and
- Risks to residents, structures, and grounds.

Resident cooperation is also essential to managing and preventing pest infestations. All public housing residents are made aware of the HPHA's pest control policies upon admission into the program. Regular reminders are also sent through the monthly rent inserts about recommended housekeeping practices (e.g., store food in tight containers in the refrigerator; spills should be wiped up; avoid stacks of newspapers, boxes, etc. which can provide food and shelter for rodents and cockroaches).

Housekeeping practices that result in providing food, shelter, or breeding grounds for pest of any nature will be brought to the attention of a project's management office upon observation by HPHA staff. Residents whose

housekeeping practices include excessive stacked or stored materials, dirty dishes and dirty kitchen cabinets or appliances, or food particles on floors will be advised of additional unit inspections. If the condition(s) are not corrected after multiple inspections, the resident is at risk of violating the lease agreement. Failure to prepare or allow access may also constitute a serious lease violation as well as a health and safety violation for other residents of the project.

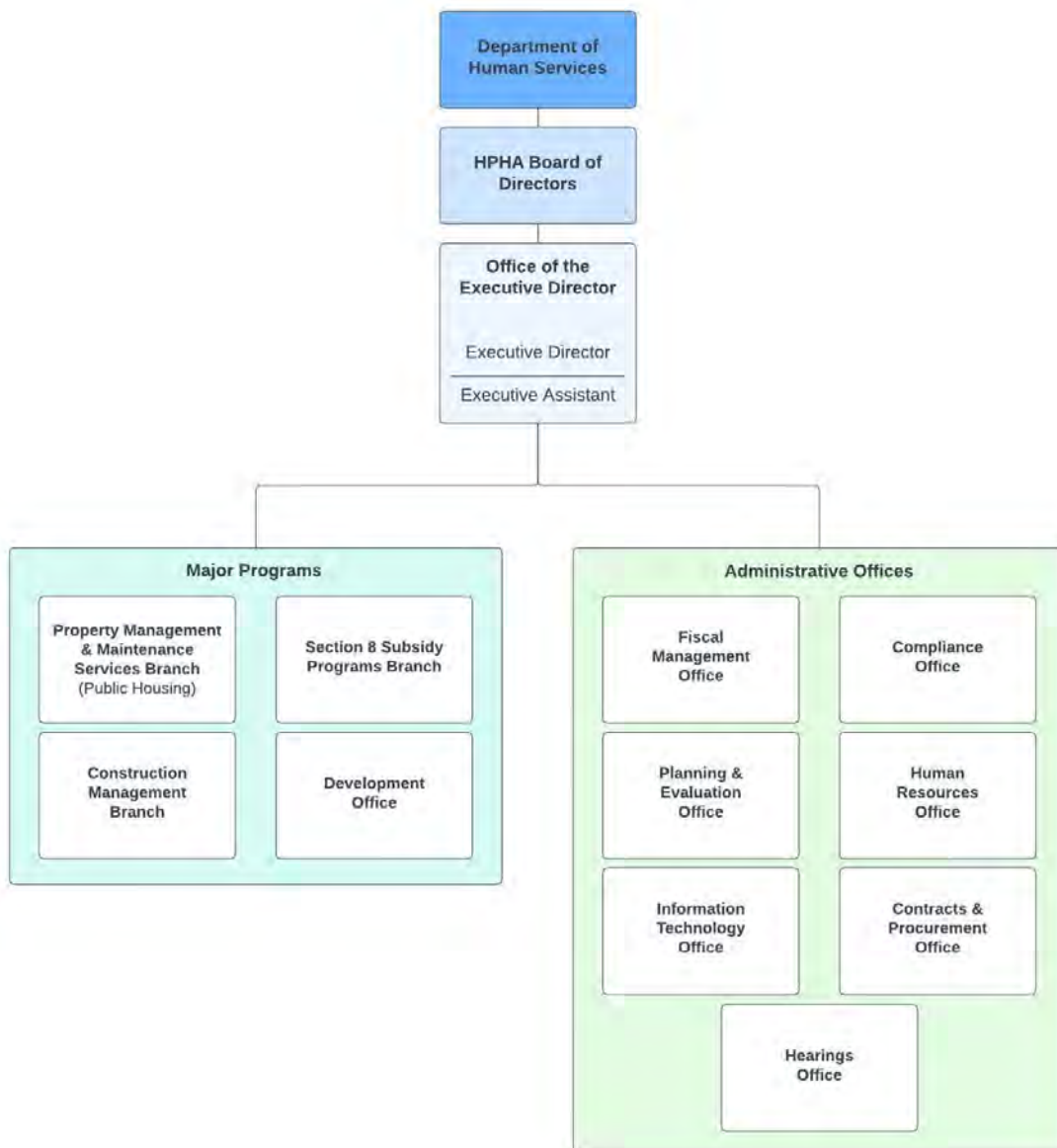
C. Management Organization and Programs Administered

In accordance with 24 CFR §903.7(e)(3) and (4), this section briefly describes the management organization of the HPHA and includes a listing of all federal- and state-funded services and programs being administered that are directly related to public housing and tenant-based assistance.

C.1. HPHA Organizational Chart

The HPHA is administratively attached to the Hawaii Department of Human Services. It is governed by a nine-member Board of Directors which establishes the policies and direction for the agency as well as approves its programs and actions. The HPHA is comprised of the Office of the Executive Director, which provides for the overall administration and management of agency functions, as well as four major program branches and seven administrative offices.

Property Management and Maintenance Services Branch Major Programs
• Federal Low-Income Public Housing • State Low-Income Public Housing
Section 8 Subsidy Programs Branch Major Programs
• Tenant-Based Voucher (TBV) Programs, including: • Housing Choice Vouchers (HCV) • Non-Elderly Disabled (NED) Vouchers • Veterans Affairs Supportive Housing (VASH) Vouchers • Foster Youth Initiative (FYI) Vouchers • Emergency Housing Vouchers (EHV) • Project-Based Voucher (PBV) Program • State Rent Supplement Program (RSP) • Family Self-Sufficiency (FSS) Program • Landlord Incentive Program



Plan Element V: Recent Revision(s)

N/A.

Plan Element V: Proposed Revision(s)

N/A.

Plan Element VI: Grievance Procedures

A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. ([24 CFR §903.7\(f\)](#))

In accordance with 24 CFR §903.7(f), the sections below provide a description of the public housing program's grievance procedures and the HCV program's informal review and hearing procedures. Residents and applicants may avail themselves of these procedures if the HPHA's action or inaction in any way causes them to be adversely affected in a discriminatory way. For more information on these procedures, please refer to Chapters 17-2021 and 17-2028, HAR; Chapter 13 of the ACOP; and Chapter 16 of the Administrative Plan.

A. Public Housing Grievance Procedures

The Public Housing Grievance Procedures apply to all individual grievances except any grievance concerning a termination of tenancy or eviction that involves:

- Any activity, not just criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other residents or HPHA staff; or
- Any drug-related criminal activity on or off such premises.

Grievances are to be presented orally or in writing to the HPHA's main administrative office or the Property Management and Maintenance Services Branch. Written grievances must be signed by the complainant. The grievance must be presented within a reasonable time not past the first working day after the day of the action or failure to act which is the basis for the grievance. The grievance may be simply stated, but shall specify:

- The grounds upon which it is based;
- The action requested; and
- The name address and telephone number of the complainant, and similar information about the complainant's representative, if any.

An informal conference shall first be held to discuss and attempt to resolve the grievance without the necessity of a formal hearing. Within seven business days, a summary of this discussion will be given to the complainant by an HPHA representative. If the complainant is dissatisfied with the proposed disposition of the informal conference, s/he shall submit a written request for a formal hearing within 15 business days of the receipt of the summary of the informal conference.

The grievance hearing shall be conducted by an impartial person or persons appointed by the HPHA other than the person who made or approved its action under review, or a subordinate of such person. The hearing shall be scheduled by the hearing officer within 28 business days and at a time and place reasonably convenient to the complainant and the HPHA.

The complainant shall be afforded a fair hearing and shall be provided the basic safeguards of due process, including:

- The opportunity to examine and to copy before the hearing, at the expense of the complainant, all documents, records and regulations of the HPHA that are relevant to the hearing with at least a 24-hour notice to the legal department prior to the hearing. Any document not so made available after request by the complainant may not be relied upon by the HPHA at the hearing.
- The HPHA shall also have an opportunity to examine and to copy at the expense of the HPHA all documents, records, and statements that the family plans to submit during the hearing to refute the HPHA's inaction or proposed action. Any documents not so made available to the HPHA may not be relied upon at the hearing.
- The right to a private hearing unless otherwise requested by the complainant.
- The right to be represented by counsel or another person chosen as a representative.
- The right to present evidence and arguments in support of the complaint, to controvert evidence presented by the HPHA, and to confront and cross-examine all witnesses upon whose testimony or information the HPHA relies, limited to the issues for which the complainant has received the opportunity for a formal hearing.
- The right to a decision based solely and exclusively upon the facts presented at the hearing.

If the hearing officer determines that the issue has been previously decided in another proceeding, a decision may be rendered without proceeding with the hearing.

If the complainant or HPHA fail to appear at the scheduled hearing, the hearing officer may decide that the party has waived his/her right to a hearing. Such a determination in no way waives the complainant's right to appropriate judicial proceedings in another forum.

At the hearing, the complainant must first make a showing of an entitlement to the relief sought and thereafter the HPHA must sustain the burden of justifying the HPHA action or failure to act against which the complaint is directed. The hearing shall be conducted by the hearing officer as follows:

- Informal: Oral and documentary evidence pertinent to the facts and issues raised by the complaint may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings;

OR

- Formal: The hearing officer shall require the PHA, complainant, counsel, and other participants and spectators to conduct themselves in an orderly manner. The failure to comply with the directions of the hearing official/panel to maintain order will result in the exclusion from the proceedings, or a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate.

The HPHA may arrange, in advance, and at the expense of the party making the arrangement, for a transcript of the hearing. Any interested party may purchase a copy of such transcript.

The hearing officer shall give the HPHA and the complainant a written decision, including the reasons for the decision, within a reasonable time following the hearing. The HPHA will place one copy in the tenant files. The written decision will be sent to the address provided at the hearing. The decision of the hearing officer shall be binding on the HPHA which shall take all actions necessary to carry out the decision unless the complainant files for a judicial review or trial in Circuit Court.

B. HCV Informal Review and Hearing Procedures

B.1. Informal Review Procedures

The HPHA provides applicants who are denied admission to the HCV program the opportunity for an informal review. When the HPHA determines that an applicant is ineligible for the program, the family is notified of their ineligibility in writing. The notice contains:

- A brief statement of reasons for the HPHA's decision;
- The procedure for requesting an informal review if the applicant does not agree with the HPHA's decision; and
- The deadline to request an informal review.

The HPHA gives applicants an opportunity for an informal review of the HPHA's decision to deny assistance. However, the HPHA is not required to provide an opportunity for an informal review for any of the following reasons:

- Discretionary administrative determinations by the HPHA;
- General policy issues or class grievances;
- A determination of the family unit size under the HPHA subsidy standards;
- A determination not to grant approval of the tenancy;
- Determination that the unit is not in compliance with HQS; or
- Determination that the unit is not in accordance with HQS due to the family size or composition.

A request for an informal review must be made in writing and delivered to the HPHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the denial of

assistance. The HPHA will schedule and send a written notice of the informal review within 10 business days of the family's request.

The informal review may be conducted by any person or persons designated by the HPHA other than a person who made or approved the decision under review or a subordinate of this person. The applicant will be given the opportunity to provide written or oral objections to the HPHA's decision. The HPHA will inform the applicant, in writing, of the final decision within 10 days after the informal review, including a statement of the reasons for the final decision.

B.2. Informal Hearing Procedures

The HPHA gives participant families the opportunity for an informal hearing to consider whether any of the following decisions related to the individual circumstances of a participant family are in accordance with the law, HUD regulations, and the HPHA's policies:

- A determination of the family's annual or adjusted income and the use of such income to compute the Housing Assistance Payment;
- A determination of the appropriate utility allowance (if any) used for tenant-paid utilities from the HPHA's utility allowance schedule;
- A determination of the family unit size under the HPHA's subsidy standards;
- A determination that a certificate program family is residing in a unit with a larger number of bedrooms than appropriate for the family unit size under the HPHA's subsidy standards, or the HPHA determination to deny the family's request for exception from the standards;
- A determination to terminate assistance for a participant family because of the family's failure to act;
- A determination to terminate assistance because the participant family has been absent from the assisted unit for longer than the maximum period permitted under the HPHA's policy and HUD rules;
- A determination to terminate a family's FSS contract, withhold supportive services, or propose forfeiture of the family's escrow account; or
- A determination to deny admission based on an unfavorable history that may be the result of domestic violence, dating violence, or stalking.

The HPHA is not required to provide a participant family an opportunity for an informal hearing for any of the following reasons:

- Discretionary administrative determinations by the HPHA;
- General policy issues or class grievances;
- Establishment of the HPHA schedule of utility allowance for families in the program
- A determination not to approve an extension or suspension of a voucher term;
- A determination not to approve a unit or tenancy;
- A determination that unit selected by the applicant is not in compliance with HQS or NSPIRE standards;
- A determination that the unit is not in accordance with HQS or NSPIRE standards because of family size;
- A determination by the HPHA to exercise or not to exercise any right or remedy against an owner under a HAP contract.

In cases where the family makes a decision and an informal hearing must be offered, the notice to the family will include all of the following information:

- The proposed action or decision of the HPHA;
- A brief statement of the reasons for the decision including the regulatory reference;
- The date the proposed action will take place;
- A statement of the family's right to an explanation of the basis for the HPHA's decision;
- A statement that if the family does not agree with the decision the family may request an informal hearing of the decision;
- A deadline for the family to request the informal hearing;
- To whom the hearing request should be addressed; and
- A copy of the HPHA's hearing procedures

A request for an informal hearing must be made in writing and delivered to the HPHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the HPHA's decision or notice to terminate assistance.

The HPHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.

The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made orally or in writing prior to the hearing date. At its discretion, the HPHA may request documentation of the "good cause" prior to rescheduling the hearing.

If the family does not appear at the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the HPHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The HPHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

Informal hearings will be conducted by a person or persons approved by the HPHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision. The HPHA has designated the supervisor of the Rent Subsidy Section, and if unavailable, the Section 8 Subsidy Programs Branch Chief or its designee to serve as hearing officers.

During the informal hearing, the participant family has the right to:

- Present written or oral objections to the HPHA's determination;
- Examine the documents in the file which are directly relevant to the basis of the HPHA's action, and all documents submitted to the hearing officer;
- Copy any relevant documents at their expense;
- Present any information or witnesses pertinent to the issue of the informal hearing;
- Request that HPHA staff be available to present at the informal hearing to answer questions pertinent to the case; and
- Be represented by legal counsel, advocate, or other designated representative at their own expense.

During the informal hearing, the HPHA has the right to:

- Present evidence and any information pertinent to the issue of the informal hearing;
- Be notified if the family intends to be represented by legal counsel, advocate, or another party;
- Examine and copy any documents to be used by the family prior to the hearing;
- Have its attorney present; and
- Have staff persons and other witnesses familiar with the case present.

The informal hearing shall concern only issues for which the family received the opportunity for a hearing. Evidence presented at the hearing may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

The hearing officer will determine whether the action, inaction, or decision of the HPHA is in accordance with HUD regulations and HPHA policy based upon the evidence and testimony provided at the hearing. A notice of the decision will be provided, in writing, to the family and the HPHA within 10 business days of the informal hearing and shall include hearing information; a brief impartial statement of the reason for the hearing; a summary of the evidence; the findings of fact; and a conclusion and determination of whether the HPHA's action is upheld or overturned. The HPHA is not bound by the hearing officer's decision which concerns a matter in which the HPHA is not required to provide an opportunity for an informal hearing, or that otherwise exceeds the authority of the person conducting the hearing; or conflicts with or contradicts HUD regulations or requirements, or otherwise contradicts federal, state, or local law.

Plan Element VI: Recent Revision(s)

N/A.

Plan Element VI: Proposed Revision(s)

N/A.

Plan Element VII. Homeownership Programs

A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or Housing Choice Voucher (HCV) homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

The HPHA does not operate or administer any homeownership programs.

Plan Element VII: Recent Revision(s)

N/A.

Plan Element VII: Proposed Revision(s)

N/A.

Plan Element VIII. Community Service and Self-Sufficiency Programs

Describe how the PHA will comply with the requirements of (24 CFR §903.7(l)). Provide a description of: 1) Any programs relating to services and amenities provided or offered to assisted families; and 2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs subject to Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135) and FSS. (24 CFR §903.7(l))

A. Family Self-Sufficiency Program

In accordance with 24 CFR §903.7(l)(ii), this section describes and provides an update on all activities related to the Family Self-Sufficiency Program.

The HPHA's Family Self-Sufficiency Program (FSS) provides participants with education, financial literacy, job training, job search assistance, and case management. Both public housing and HCV families are eligible to participate. As part of the FSS Program, the HPHA establishes an interest-bearing escrow account for each participating family. As a family's income grows, excess funds are deposited into their escrow account. The family is eligible to receive these funds at the completion of their FSS contract.

B. Section 3 Training and Employment

In accordance with 24 CFR §903.7(l)(ii), this section describes and provides an update on all activities related to Section 3 of the Housing and Community Development Act of 1968.

The HPHA regularly assists its contractors in achieving Section 3 labor hour goals by:

- Requiring contractors to estimate their total labor hours expected and to identify Section 3 worker and Targeted Section 3 worker hours expected to be generated from their initial contracts;
- Including Section 3 language to project application forms, project set-up forms, and project completion forms;
- Assisting contractors in their search for potential qualified Section 3 workers and targeted Section 3 workers that can perform the duties required under their contracts; and
- Reviewing the benchmarks with contractors and subcontractors to ensure that Section 3 requirements are understood.

The HPHA also publishes a listing of Section 3 job opportunities on its website.

C. Other Self-Sufficiency Programs & Services

In accordance with 24 CFR §903.7(l)(i), this section describes services and amenities coordinated, promoted, or provided by the HPHA for assisted families, including programs provided or offered as a result of its partnership with other entities.

Program Name & Description	Size (est.)	Allocation Method	Service Locations
Child & Family Services Case management and congregate activities for elderly residents to improve residents' quality of life.	380	First come, first served	Kalakaua Homes Makua Alii Paokalani Pumehana Punchbowl Homes
Mental Health Kokua Case management and supportive services for mentally disabled persons.	125	First come, first served	Kalakaua Homes Makua Alii Paokalani Punchbowl Homes Pumehana

D. Community Service and Self-Sufficiency Requirement (CSSR)

In accordance with 24 CFR §903.7(l)(iii), this section briefly describes how the HPHA is complying with the requirements of 42 U.S.C. §1437j and (d).

The HPHA requires all public housing tenants who are of working age, unemployed, and without a disability or other qualified exemption to participate in either:

- Eight (8) hours of community service activities per month;
- Eight (8) hours of an economic self-sufficiency program per month; or
- Eight (8) hours of a combination of both per month.

All tenants are made aware of the CSSR requirement at admission into the public housing program.

The HPHA entered into a formal written agreement with the Hawaii Department of Human Services (DHS) on April 8, 1997, to verify tenant participation in community service activities. The HPHA's Property Management and Maintenance Services Branch (PMMSB) also maintains documentation of tenants' exempt/nonexempt status and of all community service or self-sufficiency hours logged. Documentation includes written verification by a third-party of the tenant's name, address, and the dates and hours of participation/service performed.

PMMSB sends quarterly reminders to all participating tenants to provide documentation of community service completed during their lease period.

Eligible community service activities may include but are not limited to:

- Actively participating in a community voluntary tenant patrol;

- Assisting grounds maintenance and community beautification projects;
- Assisting with a literacy and self-esteem program in an afterschool youth program;
- Assisting in a senior center providing elderly families with information on various services such as transportation; meals, etc.;
- Assisting in a homeless shelter kitchen; or
- Volunteering at a foodbank.

Eligible self-sufficiency activities may include but are not limited to:

- Job training;
- Employment counseling;
- Work placement;
- Basic skills training; and
- Education.

Ineligible activities include but are not limited to:

- Part-time or full-time employment, including seasonal or temporary employment;
- Political activities (e.g., lobbying, campaigning, advocacy activities); or
- Any activity performed or work ordinarily performed by HPHA employees.

The HPHA may consider non-compliance with the terms of CSSR as a violation of the tenant's lease agreement.

For more information on the public housing program's community service requirement, please see Appendix B of the ACOP.

The HPHA's agreement with DHS (the State of Hawaii's TANF agency) also includes the coordination of verification of tenants' participation in TANF. The HPHA adopted the appropriate changes to its rent determination policies to account for income changes resulting from welfare program requirements. For more information, please see Chapter 11, Section D of the ACOP and Chapter 6, Section I.J of the Administrative Plan.

Plan Element VIII: Recent Revision(s)

N/A.

Plan Element VIII: Proposed Revision(s)

N/A.

Plan Element IX. Safety and Crime Prevention

Describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. (24 CFR §903.7(m)) A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5)).

A. Need for Measures to Ensure Safety

In accordance with 24 CFR 903.7(m)(2)(i), this section describes the need for measures to ensure the safety of public housing residents.

Although no quantitative analysis of data has been performed, the HPHA believes there is a need to improve the safety of residents residing in public housing properties with higher-level crime rates. This determination is based on an informal review of reported incidents of violent and drug-related crime in and around certain developments. Surveys and anecdotal evidence provided by residents were also used to determine where the need for additional safety measures is greatest. Observed lower-level crime (e.g., loitering, vandalism, graffiti, etc.) are monitored and responded to by each AMP management office.

B. Crime Prevention Activities

In accordance with 24 CFR 903.7(m)(2)(ii) and (iii), this section describes any crime prevention activities carried out by the HPHA and in partnership with appropriate police precincts.

The HPHA does not currently operate independently or in partnership with another organization any formalized crime prevention programs. However, the HPHA regularly coordinates with state and county police departments to respond to reports of criminal behavior on its properties. Additionally, the HPHA is actively seeking to fill dwelling units reserved for law enforcement officers at certain public housing properties (refer to New Activities section).

C. Domestic Violence, Dating Violence, Sexual Assault, and Stalking Prevention

In accordance with 24 CFR 903.7(m)(i) through (iii), this section provides information on any activities, services, or programs offered by the HPHA or in partnership with another service provider to assist child or adult victims of domestic violence, dating violence, sexual assault, or stalking.

The HPHA adopted a VAWA Administrative Policy which sets forth the procedures and requirements it will follow when providing housing assistance and VAWA protections for tenants and participant families in each of its federal programs it administers. The HPHA does not independently or in partnership with another service provider operate or administer any programs or services which specifically assist child or adult victims of domestic violence, dating violence, sexual assault, or stalking.

Plan Element IX: Recent Revision(s)

N/A.

Plan Element IX: Proposed Revision(s)

- ☐ Adopt a new chapter in the Hawaii Administrative Rules to establish an updated VAWA policy for the public housing and HCV programs.

Plan Element X. Pet Policy

Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. ([24 CFR §903.7\(n\)](#))

A. Standard Pet Policy

All public housing tenants are allowed to own and keep pets so long as they are kept and maintained in accordance with HPHA's Pet Policy as well as state and local public health, animal control, and animal anti-cruelty laws, rules, and regulations.

All projects with pets have the Resident Association and/or a Project Pet Committee participate in a pet monitoring program and assist the HPHA in monitoring the pet policy.

Pets shall only include domesticated, common household animals such as cats, dogs, birds, and fish. A tenant may have only one pet, regardless of the category of the animal; except if the tenant has a small bird, in which case the tenant may have two small birds. The HPHA sets the maximum adult weight of any pet at 21 pounds.

All pets must be registered with the HPHA before they are brought onto a public housing property. Tenants with pets are required to pay a refundable deposit of \$75 per household or an amount equal to their TTP, whichever is lower. They are also charged a non-refundable fee of \$5 a month per household to cover reasonable operating costs associated with the maintenance of a project's common use areas. The pet fee does not apply to residents of elderly/disabled projects.

Tenants with pets shall receive a pet permit upon approval of their registration application. The pet permit is revalidated on an annual basis.

The HPHA may revoke a tenant's pet ownership at any time, for any of the following reasons:

- The HPHA determines the pet is not being properly cared for;
- The pet presents a threat to the safety and security of other tenants, HPHA staff, contractors, or any other person on the premises;
- The pet is destructive or causes an infestation;
- The pet disturbs other tenants for reasons including but not limited to noise, odor, cleanliness, sanitation, and allergic reactions;
- The tenant fails to re-validate their pet ownership permit;
- The tenant fails to pay the monthly pet fee on a timely basis, if applicable; or
- The HPHA receives a written recommendation from a Resident Association and/or Project Pet Committee to revoke the tenant's pet permit due to a demonstrated lack of cooperation and responsibility to maintain the pet.

The violation of any rule listed in Chapter 10 of the ACOP may be grounds for removal of the pet or termination of the tenant's tenancy or both.

B. Assistance Animal Policy

The HPHA's standard pet policy does not apply to the keeping of assistance animals. An assistance animal means any animal that works, assists, or performs tasks for the benefit of a person with a disability. This includes "service animals," support animals," and "comfort animals."

For an animal to qualify as an assistance animal, a tenant must submit a reasonable accommodation request to the HPHA. If a tenant's disability is not obvious or readily known, they must provide a written certification from a reliable third party which verifies the qualifying disability and the need for the assistance animal.

The HPHA may deny a request if the presence of the animal would pose a direct threat to the health or safety of others, or would result in damage to the property that cannot be eliminated or substantially reduced.

Tenants with disabilities must still comply with the provisions of their rental agreements and are subject to the full list of reasonable conditions in Chapter 10 of the ACOP. If any reasonable condition is breached or any provision of the rental agreement is violated, or if an approved assistance animal causes bodily injury or property damage, the HPHA may rescind its approval and the tenant may be requested to remove the animal within 24 hours of notice. Violation of any of the reasonable conditions may also be grounds for termination of the tenant's tenancy.

Plan Element X: Recent Revision(s)

N/A.

Plan Element X: Proposed Revision(s)

N/A.

Plan Element XI. Asset Management

State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (24 CFR §903.7(g))

The operating and capital needs of the public housing program are reviewed and updated annually. In accordance with 24 CFR §905.300, the HPHA's CFP 5-Year Action Plan is developed and reviewed on a rolling (annual) basis and takes into consideration building and site components.

The day-to-day operations of each public housing are coordinated and overseen by the Property Management and Maintenance Services Branch (PMMSB) and by Property Managers assigned to each Asset Management Project (AMP). PMMSB oversees the following management and maintenance tasks:

- Marketing and tenant selection;
- Rent collection;
- Routine and preventative maintenance;
- Unit turnover;
- Security;
- Resident services;
- Capital improvement planning; and
- Other activities necessary to support the efficient operations of each site.

PMMSB conducts performance management meetings on a monthly basis to review program performance at individual sites and system wide.

The HPHA's Property Managers develop and monitor AMP budgets with support from the HPHA's Fiscal Management Office (FMO). Budget trainings are held annually. FMO provides each Property Manager with recent property-specific non-utility and utility cost data to help with developing their budget estimates.

For more information on specific HPHA activities related to the rehabilitation, modernization, disposition, and redevelopment of its public housing inventory, please see **B.2. New Activities**.

Plan Element XI: Recent Revision(s)

N/A.

Plan Element XI: Proposed Revision(s)

N/A.

Plan Element XII. Substantial Deviation

PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. ([24 CFR §903.7\(r\)\(2\)\(i\)](#))

The Quality Housing and Work Responsibility Act of 1998 requires that the HPHA explain any substantial deviation from the 5-Year PHA Plan in its Annual PHA Plans. A "substantial deviation" may include, but is not limited to:

- A change to a goal or objective identified in the 5-Year PHA Plan or a subsequent Annual PHA Plan that is substantial but does not rise to the level of a "significant amendment;"
- A formal decision by the HPHA not to pursue a stated goal or objective;
- The substitution of a different set of activities to achieve a stated goal or objective;
- Administrative or programmatic changes resulting from the loss of adequate funding for a program; or
- The reallocation of funding to sustain a program.

The definition of a "substantial deviation" excludes:

- Amendments to the Hawaii Administrative Rules, the Admissions and Continued Occupancy Policy, or the Administrative Plan for the purposes of including federally mandated or non-discretionary changes to policy or as a result of the agency's application for competitive grant opportunities;
- The elimination of a policy where a more stringent one exists or where two policies may appear to conflict, and one policy is eliminated to avoid confusion.

As part of the Rental Assistance Demonstration (RAD), Section 18 Disposition process, and the Section 22 Streamlined Voluntary Conversion process, the definition of a substantial deviation excludes the following items specific to the RAD, Section 18, and Section 22 programs:

- Changes to the Operating Fund or Capital Fund Budget produced as a result of each approved RAD, Section 18, or Section 22 conversion, regardless of whether the proposed conversion will include use of additional Operating or Capital Funds;
- Changes to the Relocation Plan and processes for each approved, RAD, Section 18, Section 22 conversion;
- Changes to the construction and rehabilitation plan for each approved RAD, Section 18, or Section 22 conversion;
- Changes to the financing structure for each approved RAD, Section 18, Section 22 conversion;
- The decision to convert to either Project-Based Rental Assistance or Project-Based Voucher Assistance; and
- Changes to a RAD, RAD/Section 18 blend, Section 18 Demolition and/or Disposition, or Section 22 Streamlined Voluntary Conversion Plan and/or application for such program(s) for units identified in an approved Plan.

Plan Element XII: Recent Revision(s)

- ☒ In the Annual PHA Plan for FY 24, Amendment No. 2, the HPHA revised a technical error made during a previous amendment to exclude from the definition of a "substantial deviation" (1) changes to its Administrative Rules, ACOP, or Administrative Plan for the purposes of complying with non-discretionary policies; and (2) applications for competitive grant opportunities. The HPHA also excluded several items from the RAD, Section 18, and Section 22 programs from requiring a revision of the Annual PHA Plan and/or 5-Year PHA Plan.

Plan Element XII: Proposed Revision(s)

N/A.

Plan Element XIII. Significant Amendment/Modification

PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

The HPHA will amend or modify its 5-Year PHA Plan and/or Annual PHA Plan upon the occurrence of any of the following events during the term of an approved Plan:

- A federal statutory or regulatory change is made effective and, in the opinion of the HPHA, has either substantial programmatic or financial effects on the programs administered by the HPHA, or administrative burdens beyond the programs under administration at the start of the Plan year;
- The HPHA pursues a demolition, disposition, homeownership, Capital Fund Financing, development, or mixed-finance proposal that is not already identified in an approved Plan and would be considered by HUD to be significant amendment to the Annual PHA Plan and CFP 5-Year Action Plan;
- Excluding projects for which the HPHA will submit to HUD a Section 18 application or projects arising out of federally-declared major disasters or other acts of God beyond the control of the HPHA (e.g., earthquakes, fire and storm damages, civil unrest, or other unforeseen significant events), whenever a Capital Fund project not already in the 5-Year Action Plan either (1) experiences a change in the use of replacement reserve funds under the Capital Fund in the amount of \$10 million or more, or (2) would affect more than 15% of a development's ACC unit count; or
- Any other event that the HPHA's Board of Directors determines to be a significant amendment or modification of the approved Annual PHA Plan.

Plan Element XIII: Recent Revision(s)

- ☒ In the Annual PHA Plan for FY 24, Amendment No. 2, the HPHA clarified the conditions under which it would amend its Annual PHA Plan and/or 5-Year PHA Plan and moved certain items related to RAD conversion to Plan Element XII.

Plan Element XIII: Proposed Revision(s)

N/A.

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.

New Activities: Mixed-Finance Modernization or Development

1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals.

This activity is updated on an ongoing basis.

Kuhio Homes and Kuhio Low-Rises

The HPHA anticipates construction will commence on Phase 1 of the redevelopment of the Kuhio Homes and Kuhio Low-Rises in FY 25. The City & County of Honolulu (City) has approved the HPHA's land-use entitlements, and a financing application has been submitted to HHFDC. A draft relocation plan and Section 18 has been prepared in consultation with potentially impacted residents. The development team is also coordinating with the Governor's Office in finalizing the environmental assessment needed to comply with the historical preservation requirements set forth under Section 106 of the National Historic Preservation Act (NEPA). In August 2023, building permit plans were submitted by the project architect to the City Department of Planning and Permitting. In October 2023, the project was awarded \$92.9 million in private activity bonds from the City. The HPHA aims to be ready for financial closing and receive HHFDC financing approval, all building permit approvals, NEPA EA acceptance, and Section 18 approval prior to July 1, 2024.

Modernization or Development Activity Summary

Development Name:	Kuhio Homes and Kuhio Low-Rises
AMP Number:	40
Project Address:	Ahonui Street Honolulu, Hawaii 96819
Project Type:	Family (General Occupancy)
Total Current Units:	174 Total Units (20 One-Bedroom Units, 32 Two-Bedroom Units, 37 Three-Bedroom Units, 77 Four-Bedroom Units, 8 Five-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.
Est. PBV Request	TBD.

Mayor Wright Homes

In 2023, Mayor Wright Homes was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

In 2024, the HPHA will look to enter into a data sharing agreement with the Hawaii State Department of Education (HIDOE). The purpose of this agreement is to improve coordination between both agencies and minimize disruptions to education for public housing youth at Mayor Wright Homes as redevelopment starts. The agreement will allow the HPHA to share with HIDOE where public housing families with school-aged children choose to relocate to and the anticipated dates of their relocation. Any transference of data will comply with federal and State student privacy laws and only take place via encrypted transmission methods. The scope of this agreement may expand to include additional public housing properties as other redevelopment projects get set to begin.

Modernization or Development Activity Summary

Development Name: Mayor Wright Homes

AMP Number: 32

Project Address: 521 North Kukui Street
Honolulu, HI 96817

Project Type: Family (General Occupancy)

Total Current Units: 364 Total Units (24 One-Bedroom Units, 114 Two-Bedroom Units, 168 Three-Bedroom Units, 50 Four-Bedroom Units, 8 Five-Bedroom Units)

Repositioning Tool(s): TBD.

Est. TPV Request: TBD.

Est. PBV Request: TBD.

Pu`uwai Momi

In 2023, Pu`uwai Momi was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name: Pu`uwai Momi

AMP Number: 30

Project Address: 99-132 Kohomua Street
Aiea, Hawaii 96701

Project Type: Family (General Occupancy)

Total Current Units: 260 Total Units (48 One-Bedroom Units, 86 Two-Bedroom Units, 88 Three-Bedroom Units, 38 Four-Bedroom Units)

Repositioning Tool(s): TBD.

Est. TPV Request: TBD.

Est. PBV Request: TBD.

Ka`ahumanu Homes

In 2023, Ka`ahumanu Homes was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name: Ka`ahumanu Homes

AMP Number: 33

Project Address: Alokele Street
Honolulu, Hawaii 96817

Project Type: Family (General Occupancy)

Total Current Units: 152 Total Units (116 Two-Bedroom Units, 36 Three-Bedroom Units)

Repositioning Tool(s): TBD.

Est. TPV Request: TBD.

Est. PBV Request: TBD.

Kamehameha Homes

In 2023, Kamehameha Homes was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name: Kamehameha Homes

AMP Number: 33

Project Address: 1541 Haka Drive
Honolulu, Hawaii 96817

Project Type: Family (General Occupancy)

Total Current Units: 221 Total Units (62 One-Bedroom Units, 123 Two-Bedroom Units, 36 Three-Bedroom Units)

Repositioning Tool(s): TBD.

Est. TPV Request: TBD.

Est. PBV Request: TBD.

Hale Laulima

In 2023, Hale Laulima was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name: Hale Laulima

AMP Number: 30

Project Address: 1184 Waimano Home Road
Aiea, Hawaii 96701

Project Type: Family (General Occupancy)

Total Current Units:	36 Total Units (20 Two-Bedroom Units, 16 Three-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.
Est. PBV Request	TBD.

Nanakuli Homes

In 2023, Nanakuli Homes was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name:	Nanakuli Homes
AMP Number:	44
Project Address:	Lualei Place Waianae, Hawaii 96792
Project Type:	Family (General Occupancy)
Total Current Units:	36 Total Units (36 Three-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.
Est. PBV Request	TBD.

Lanakila Homes

In 2023, Lanakila Homes was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name:	Lanakila Homes
AMP Number:	37
Project Address:	600 Wailoa Street Hilo, Hawaii 96720
Project Type:	Family (General Occupancy)
Total Current Units:	164 Total Units (14 One-Bedroom Units, 66 Two-Bedroom Units, 44 Three-Bedroom Units, 20 Four-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.

Est. PBV Request TBD.

Kahekili Terrace

In 2023, Kahekili Terrace was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name:	Kahekili Terrace
AMP Number:	39
Project Address:	2015 Holowai Place Wailuku, Hawaii 96792
Project Type:	Family (General Occupancy)
Total Current Units:	82 Total Units (12 One-Bedroom Units, 22 Two-Bedroom Units, 36 Three-Bedroom Units, 12 Four-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.
Est. PBV Request	TBD.

Kapa`a

In 2023, Kapa`a was included as part of the Ka Lei Momi Project which seeks to redevelop a portion of the HPHA's federal public housing inventory with the goal of creating more than 10,000 new, affordable units. The HPHA and Highridge Costa Development Co., the selected master developer for the project, are still determining which conversion tools may be used in repositioning existing public housing units. No timetable for the submittal of applications or proposals have been officially set.

Modernization or Development Activity Summary

Development Name:	Kapa`a
AMP Number:	38
Project Address:	4726 Malu Road Kapaa, Hawaii 96746
Project Type:	Family (General Occupancy)
Total Current Units:	36 Total Units (6 One-Bedroom Units, 8 Two-Bedroom Units, 12 Three-Bedroom Units, 10 Four-Bedroom Units)
Repositioning Tool(s):	TBD.
Est. TPV Request:	TBD.
Est. PBV Request	TBD.

School Street Elderly Affordable Housing Project

The HPHA is currently working on a mixed-finance development of its School Street Administrative Offices. The project does not currently include the use of federal subsidies and is not under a HUD DOT. However, the project's financing needs may change over time and, as such, the HPHA is providing notice that it may consider the use of various subsidies, including federal resources such as PBVs to ensure affordability. This development project aims to provide 800 senior rental housing units over multiple phases over the next 10-12 years.

The HPHA anticipates construction to begin prior to the start of FY 25. As of November 1, 2023, the project has been awarded financing by the HHFDC and all City & County of Honolulu land-use entitlements are approved. The project's building permit approval is the last major milestone needed prior to financial closing.

Modernization or Development Activity Summary

Development Name:	School Street Elderly Affordable Housing
AMP Number:	N/A.
Project Address:	1002 North School Street Honolulu, Hawaii 96817
Project Type:	N/A.
Total Current Units:	N/A.
Repositioning Tool(s):	N/A.
Est. TPV Request:	N/A.
Est. PBV Request	N/A.

New Activities: Demolition and/or Disposition

With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities.

2023 Maui Wildfires

In August 2023, wildfires in Lahaina, Maui completely destroyed two federal public housing properties in AMP 39 (Project No. HI0010039). Both properties, David Malo Circle and Piilani Homes, are considered to be total physical losses. The HPHA is preparing an after-the-fact Section 18 application to initiate the demolition and/or disposition process. The HPHA continues to weigh its options on how best to proceed and is considering applying for Tenant-Protection Vouchers as well as the use of different repositioning alternatives.

Demolition/Disposition Activity Summary

Development Name:	David Malo Circle
AMP Number:	39
Project Address:	Mill Street Lahaina, Hawaii 96761

Total Units: 18 Total Units (2 One-Bedroom Units, 4 Two-Bedroom Units, 10 Three-Bedroom Units, 2 Four-Bedroom Units)

Accessibility Features: N/A

SAC Application Status: As of October 1, 2023, the SAC application has been created. The HPHA intends to submit an application for this property by February 2024.

Demolition/Disposition Activity Summary

Development Name: Piilani Homes

AMP Number: 39

Project Address: 1028 Wainee Street
Lahaina, Hawaii 96761

Total Units: 42 Total Units (32 Studios, 10 One-Bedroom Units)

Accessibility Features: N/A

SAC Application Status: As of October 1, 2023, the SAC application has been created. The HPHA intends to submit an application for this property by February 2024.

Physical Obsolescence

The HPHA may request HUD's approval of the demolition and disposition of the Pahala in AMP 37, Nanakuli Homes in AMP 44, and Kupuna Home O Waialua in AMP 49. These projects are not built to current code, and the cost to modernize each one is equivalent to the cost to demolish and rebuild.

Demolition/Disposition Activity Summary

Development Name: Pahala

AMP Number: 37

Project Address: 96-1169 Kou Street
Pahala, Hawaii 96777

Total Units: 24 Total Units (16 Studios, 8 One-Bedroom Units)

Accessibility Features: N/A

SAC Application Status: N/A

Demolition/Disposition Activity Summary

Development Name: Nanakuli Homes

AMP Number: 44

Project Address: Lualei Place
Waianae, Hawaii 96792

Total Units: 36 Total Units (36 Three-Bedroom Units)

Accessibility Features: N/A

SAC Application Status: N/A

Demolition/Disposition Activity Summary

Development Name: Kupuna Home O Waialua
AMP Number: 49
Project Address: 67-088 Goodale Avenue
Waialua, Hawaii 96791
Total Units: 40 Total Units (24 Studios, 16 One-Bedroom Units)
Accessibility Features: N/A
SAC Application Status: N/A

County Easements and/or Dedications

The HPHA may request HUD approval of non-exclusive easements or dedications at certain federal public housing properties to the applicable county government. These requests would not impact the HPHA's ACC unit count.

The HPHA intends to dedicate portions of the street(s)/sidewalk(s) at Lanakila Homes to the County of Hawaii. For reasons now unknown, a dedication did not take place after one of the phases of the project's initial construction. Hawaii County is not averse to taking ownership of the streets per the HPHA's ongoing discussions. The county has continued to repair and repave the HPHA's streets as most of the streets in the neighborhood belong to the county.

Kalihi Valley Homes Community Center

The HPHA will request HUD approval for the demolition and disposition of the Community Center at Kalihi Valley Homes. The elevated building is currently closed and is not in use. The HPHA has contracted a consultant to study alternatives to rehabilitating the structure and a possible replacement. It has been determined that demolition and/or disposition is necessary. The HPHA will obtain the necessary approval and submit the application to HUD SAC. There will be no impact to the HPHA's ACC unit count.

Other Applications for Demolition and/or Disposition

The HPHA is providing notice that it may, at any time during the fiscal year, submit an application to the HUD Special Applications Center to demolish and/or dispose of public housing units or other properties from its public housing inventory for any of the following reasons:

- There is evidence of substantial physical issues with a project's building(s) or dwelling unit(s) (e.g., critical structural issues, deficiencies in major systems, deterioration due to prolonged deferred maintenance, etc.) that are not cost-effective to repair. This includes damages to a project that were caused by natural or human-caused disasters and other acts of God;
- There is evidence that a project's location causes obsolescence or presents serious obstacles to maintain dwelling units as healthy and safe housing (e.g., environmental factors, proximity to a highway/factory makes a project no longer suited for residential use, etc.);
- There are other factors and conditions which impact the marketability, usefulness, or management of dwelling units and seriously impede operations for residential use;
- De Minimis demolition;
- Continued operation is infeasible because of a lack of demand for dwelling units;
- To improve the efficiency and effectiveness of on-site or off-site development;
- As part of a RAD-Section 18 blend;
- To remove scattered-site dwelling units that are unsustainable to operate and/or maintain; or

- To remove a non-dwelling buildings or vacant land that exceeds the needs of a project.

A full list of all federal public housing properties in the HPHA's public housing inventory is attached as **Attachment D**.

New Activities: Conversion of Public Housing to Tenant-Based Assistance

Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion.

2023 Maui Wildfires

In August 2023, wildfires in Lahaina, Maui completely destroyed two federal public housing properties in AMP 39 (Project No. HI0010039). Both properties, David Malo Circle and Piilani Homes, are considered to be total physical losses. As mentioned in the previous section, the HPHA is considering applying for Tenant-Protection Vouchers.

Development Projects

As part of the Ka Lei Momi Project, the HPHA will look to convert dwelling units at nine public housing projects to tenant-based assistance. During FY 25, the HPHA will likely pursue the conversion of Mayor Wright Homes, Kapaa, and the vacant portion of Lanakila Homes.

New Activities: Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD

Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Rental Assistance or Project-Based Vouchers under RAD.

The HPHA may apply to convert the following public housing dwelling units to project-based assistance under the guidelines established by PIH Notice 2012-32, REV-3, REV-4, and any successor notices, and PIH Notice 2021-07:

Property Name (All Family Units)	Bedroom Size						Total Units Per Property
	0	1	2	3	4	5	
Kuhio Homes & Low-Rises	0	20	32	37	77	8	174
Mayor Wright Homes	0	24	114	168	50	8	364
Pu`uwai Momi	0	48	86	88	38	0	260
Ka`ahumanu Homes	0	48	86	88	38	0	260
Kamehameha Homes	0	62	123	36	0	0	221
Hale Laulima	0	20	16	0	0	0	36
Nanakuli Homes	0	0	0	36	0	0	36
Lanakila Homes	0	14	66	44	20	0	144

Kahekili Terrace	0	12	22	36	12	0	82
Kapa`a	0	6	8	12	10	0	36
`Ele`ele	0	2	6	10	6	0	24
Total Units	0	256	559	555	251	16	1,637

Upon conversion, the unit types will remain the same. In some cases, some bedroom sizes may change as the HPHA improves its housing stock and redevelops units to ensure compliance with federal Fair Housing requirements by maintaining a minimum of % of units at each development be fully mobility accessible and 2% of units at each development be accessible to those with hearing and/or vision impairments. Pursuant to the RAD CHAP awards, the HPHA will apply on the Inventory Removal module in PIC, or HIP upon its implementation, for the disposition of the sites.

The HPHA is firmly committed to improving the quality of life for its residents and providing deeply affordable housing to extremely low to moderately low-income individuals and families. Through the RAD program, the HPHA will continue to own its properties and provide its residents with expanded choices and opportunities. The HPHA will also have the ability to evaluate and immediately address many needed capital improvements and will continue to serve the same population. The RAD program offers the HPHA the opportunity to transition from its current public housing funding platform to a more stable, predictable, and sustainable funding source (i.e., PBV or PBRA). The same families who are eligible today for public housing will be eligible for the PBV/PBRA program.

Upon conversion to the PBV program, the HPHA will adopt the resident rights, participation, waiting list, and grievance procedures listed in Section 1.6 of the RAD Notice H-2019-09 PIH-2019-23 Rev. 4 (**Attachment E**); the RAD Fair Housing, Civil Rights, and Relocation Notice - Notice H 2016-17, PIH 2016-17 (HA), PIH-2012-32 (**Attachment F**) and the Joint Housing/PIH Notice H-2014-09/ PIH-2014-17 (**Attachment G**).

Additionally, PHA is currently compliant with all fair housing and civil rights requirements and the RAD conversion complies with all applicable site selection and neighborhood reviews standards and all appropriate procedures have been and will be followed. PHA is not under a Voluntary Compliance Agreement, consent order or consent decree or final judicial ruling or administrative ruling or decision and assures that compliance will not be negatively impacted by conversion activities.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing the HPHA with access to private sources of capital to repair and preserve its affordable housing assets. Upon conversion, the HPHA's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration. The HPHA may also borrow funds to address its capital needs.

New Activities: Occupancy by Police Officers

The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A "police officer" means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7](#). ([24 CFR 960.505](#)) ([24 CFR §903.7\(b\)](#))

This activity is updated on an ongoing basis.

The HPHA reserves the right to place police officers who would not otherwise be eligible for the public housing program into a public housing dwelling unit if it is determined that their presence would improve the safety and

security of a project's residents. In exchange, a police officer agrees to provide services to the residents such as weekly office hours, "meet and greet" visits, and wellness checks.

The table below lists all dwelling units currently designated for occupancy by a police officer in IMS/PIC:

AMP No.	Project No.	Unit No.	Project Name	Address
37	1097	A440	Kauhale O Hanakahi	19 Pamala St Hilo, HI 96720
37	1004	0017B	Lanakila Homes I	600 Wailoa St Hilo, HI 96720
37	1028	0130R	Punahele Homes	6-B Lokahi Pl Haiku, HI 96708
43	1061	0003L	Ka Hale Kahaluu	78-6725 Makolea St Kailua-Kona, HI 96740
43	1070	A101	Kealakehe	74-991 Manawale`a St Kailua-Kona, HI 96740
43	1063	4E	Nani Olu	81-1011 Nani Kupuna Pl Kealakekua, HI 96750
46	1031	4B	Hale Hauoli	45-540 Koniaka Pl Honokaa, HI 96727
46	1097	B2208	Ke Kumu `Ekolu	68-3385 Ke Kumu Pl Waikoloa, HI 96738

The HPHA may designate a dwelling unit(s) at the following public housing projects for occupancy by a police officer to improve safety and security:

AMP No.	Project No.	Project Name	Address
30	1026	Puuwai Momi	99-132 Kohomua St Aiea, HI 96701
31	1005	Kalihi Valley Homes	2250 Kalena Dr Honolulu, HI 96819
32	1003	Mayor Wright Homes	521 N Kukui St Honolulu, HI 96817
33	1099	Kamehameha Homes	1541 Haka Dr Honolulu, HI 96817
34	1012	Makua Alii	1541 Kalakaua Ave Honolulu, HI 96826
37	1004	Lanakila Homes	600 Wailoa St Hilo, HI 96720
43	1032	Kaimalino	74-5060 Kealakaa St Kailua-Kona 96740

43	1053	Hale Hookipa	81-1038 Nani Kupuna Pl Kealakekua, HI 96750
44	1057	Waimaha-Sunflower	85-186 McArthur St Waianae, HI 96792
44	1091	Kau`iokalani	85-658 Farrington Hwy Waianae, HI 96792
45	1030	Ko`olau Village	45-1027 Kamau Pl Kaneohe, HI 96744
49	1050	Kupuna Home O`Waialua	67-088 Goodale Ave Waialua, HI 96791
49	1015	Wahiawa Terrace	337 Palm St Wahiawa, HI 96786

New Activities: Other Capital Grant Programs

For all activities that the PHA plans to undertake in the current Fiscal Year, provide a description of the activity in the space provided.

University of Hawaii Broadband Project

The HPHA will participate in a University of Hawaii (UH) pilot project to provide free broadband infrastructure and service at all low-income public housing properties. This project is part of UH's Capital Projects Fund request to the United States Treasury to improve digital equity and literacy within the State of Hawaii. The project is expected to begin in late 2023/early 2024.

Water Conservation Pilot Project

The HPHA and the Honolulu Board of Water Supply (BWS) will enter into a Memorandum of Agreement to conduct a water conservation pilot project at Kamehameha Homes. The HPHA and BWS will conduct walkthroughs of the property, assess the efficiency of fixtures and equipment, and identify potential upgrades within select units and common areas. The pilot project will also assess irrigated areas and irrigation equipment in order to identify potential opportunities for equipment upgrades and landscape conversion areas. BWS will bare all costs associated with the pilot project. The HPHA and BWS will meet periodically to determine the efficacy of the implemented water conservation measures.

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.

Goal 1: Increase the Availability and Accessibility of Housing Assistance

Description

The HPHA will look to provide more low-income families with the housing assistance they need through the programs and services it already operates. Despite the ever-present concern of federal funding shortfalls, the HPHA must ensure it operates efficiently and cost-effectively in order to accomplish this goal. Increasing the accessibility of affordable housing

assistance includes the removal of barriers to access and ensuring equitable outcomes for vulnerable groups.

Objective 1.a. Maximize the amount of assistance the agency can provide with the resources currently available to it.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA assisted 846 families through a “lease in place” preference meant to eliminate the need for applicants to risk COVID-19 exposure when searching for housing. After establishing Emergency Administrative Rules, Housing Choice Vouchers were provided to eligible applicants who were already in an existing lease agreement.

Objective 1.c. Overcome barriers to fair housing within HPHA programs and services.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA's Compliance Office worked with the EMG Corporation to address barriers to accessibility at HPHA properties. Site assessments for mobility and visual/hearing accessibility were completed at all federal and state public housing properties, management offices, and administrative offices. The Title II Transition Plan was approved by the HPHA Board of Directors in October 2019. Trainings on ADA-compliance standards were provided to all HPHA staff.
- The HPHA completed the construction/rehabilitation of 44 units for mobility-impaired households and 17 units for sensory-impaired households. As of June 30, 2024, the HPHA's public housing inventory includes 382 accessible units (8.73%) for mobility-impaired households and 195 accessible units (4.46%) for sensory-impaired households.

Goal 2: Improve the Quality of Existing Housing Programs

Description The HPHA will improve the quality of each program and service it administers. Streamlining procedures and fixing inefficiencies benefit staff and program participants alike. Performing regular reviews of existing procedures, identifying and addressing bottlenecks, measuring results, and gathering constructive feedback from the people we serve all helps to ensure the HPHA is adhering to its mission and that its efforts are having the desired impact.

Objective 2.b. Improve living environments and quality of life for public housing participants.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA established a multi-skilled worker program to promptly repair and maintain public housing dwelling units. This program allows the HPHA to address damaged, vacant units quicker and more efficiently.
- The HPHA adopted revised Administrative Rules to prohibit smoking at all public housing properties. All tenants are now provided a revised lease addendum which outlines the agency's “No Smoking” enforcement.

- The HPHA completed lead risk assessments, with XFR testing, at all public housing properties built before 1978. Work to abate or encapsulate all lead paint hazards is ongoing. In 2022, the HPHA drafted Lead Based Paint Hazards Plan which contains internal guidance and procedures for staff to follow upon the discovery of a lead paint hazard.

Objective 2.c. Improve general administrative proficiency and reduce administrative burden.

During FYs 20-24, the HPHA accomplished the following:

- HPHA staff are now utilizing mobile electronic technologies when conducting pre-inspections prior to REAC.

Objective 2.d. Increase customer satisfaction for program participants and landlords.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA implemented an online HCV application and waitlist portal. The portal allows applicants to check on the status of their applications and update personal information electronically.
- The HPHA implemented online banking services to allow public housing residents to pay their rent electronically.
- The HPHA adopted a policy to pay HCV landlords via electronic deposit into their bank accounts.
- The HPHA established a state-funded "landlord incentive program" that provided a \$500 gift card to assist landlords with addressing non-life-threatening Housing Quality Standard inspection deficiencies.

Misc. Other Accomplishments and Progress.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA administered the Aloha Cares Emergency Feeding Program (ACEFP). This purpose of this program was to prevent the spread of COVID-19 at public housing properties by providing meals and access to food to public housing households affected by the pandemic. From July to October 2020, the ACEFP served approximately 500,000 meals to elderly, disabled, and infected households.
- On January 27, 2022, the HPHA received an award letter from HUD notifying the agency of its selection as an MTW expansion agency as part of the Landlord Incentives Cohort. On August 24, 2022, the HPHA's MTW ACC Amendment was fully executed by HUD.

Goal 3: Promote Greater Economic Self-Sufficiency for Program Participants

Description The HPHA aims to provide its program participants with the tools and resources they need to achieve their personal financial goals. Through an offering of support services, employment training and placement, and financial literacy education, the HPHA hopes to help low-income families and individuals break the cycle of poverty.

Objective 3.a. Increase access to employment opportunities for program participants.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA established a Tenant Hire Program which allows residents to apply for designated positions within the agency. Program participants obtain on-the-job training, acquire new skill sets pertinent to office work, and can apply for other state civil service positions.

Objective 3.b. Explore partnerships with other state/local agencies and community-based organizations to provide additional services and/or housing assistance.

During FYs 20-24, the HPHA accomplished the following:

- The HPHA entered into a Memorandum of Agreement with the State Department of Human Services, Child Welfare Services Branch to administer Foster Youth to Independence Vouchers.
- The HPHA established an agreement with the State Department of Human Services which allows HPHA staff to access and verify welfare information in order to reduce incidents of fraud.
- The HPHA collaborated with the State Department of Health, State Executive Office on Aging, City and County of Honolulu Department of Community Services Elderly Affairs Division, American Association of Retired Persons (AARP), Hawaii Public Health Institute, Project Vision, Hawaii Pacific Health Medical Group, Kaiser Permanente, Queens Medical Center, 5 Minute Pharmacy, Pharmicare, Times Pharmacy, Papa Ola Lokahi, Kamehameha Schools, and other non-profit health groups to conduct safe and convenient COVID-19 vaccination and booster shot clinics at public housing properties. Approximately 4,000 vaccinations and booster shots were administered.

Goal 4: Develop and Increase Affordable Housing Opportunities

Description The State of Hawaii continues to face a severe affordable housing crisis. With thousands of people struggling to remain housed, the HPHA can help to address this problem by expanding its housing portfolio and the amount of assistance it can provide. The HPHA will accomplish this goal by constructing new affordable units, rehabilitating obsolete properties, and applying for other funding sources.

	Ka Lei Momi Project In January 2023, the HPHA issued a request for qualifications (RFQ) for a master developer to take a lead role in transforming a portion of its federal public housing portfolio. The RFQ identified nine project sites which the HPHA hopes to redevelop into mixed-income, mixed-use communities that increase the State's overall affordable housing stock. With the Ka Lei Momi Project, the HPHA has set a goal of delivering an additional 10,000 housing units. This includes a one-for-one replacement of all public housing units. The Ka Lei Momi redevelopment is expected to be completed in multiple phases, roughly two years each, over the course of 10 years. This timeline is contingent upon permit approvals, market forces, and the availability of funding and adequate financing. In July 2023, the HPHA selected Highridge Costa Development Co. as the master developer for the project. The HPHA, in partnership with Highridge Costa, will explore the utilization of different repositioning and conversion tools in order to pursue the mixed-finance redevelopment of each property. The HPHA intends to utilize project-based vouchers at each redevelopment site to ensure greater housing affordability. The HPHA is prioritizing the development of Mayor Wright Homes (AMP 32, 364 units), Kapaa (AMP 38, 36 units), and Lanakila Homes (AMP 37). For these three projects, the HPHA plans to submit an application for Low-Income Housing Tax Credits (LIHTC) and Hula Mae Bond financing with the Hawaii Housing Finance Development Corporation (HHFDC). The HPHA will aim to begin construction in FY 25. Kuhio Homes and Kuhio Park Terrace Low Rises AMP 40 Projects 1007 and 1010 The HPHA anticipates construction will commence on Phase 1 of the redevelopment of the Kuhio Low-Rises and Kuhio Homes in FY 25. The City & County of Honolulu (City) has approved the HPHA's land-use entitlements, and a financing application has been submitted to HHFDC. A draft relocation plan and Section 18 has been prepared in consultation with potentially impacted residents. The development team is also coordinating with the Governor's Office in finalizing the environmental assessment needed to comply with the historical preservation requirements set forth under Section 106 of the National Historic Preservation Act (NEPA). In August 2023, building permit plans were submitted by the project architect to the City Department of Planning and Permitting. In October 2023, the project was awarded \$92.9 million in private activity bonds from the City. The HPHA aims to be ready for financial closing and receive HHFDC financing approval, all building permit approvals, NEPA EA acceptance, and Section 18 approval prior to July 1, 2024.
B.4	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. The HPHA's CFP 5-Year Action Plan for FY 2023 to FY 2027 was approved in EPIC on June 1, 2023. Please see Attachment H: CFP 5-Year Action Plan for FYs 2023 to 2027.
B.5	Most Recent Fiscal Year Audit. (a) Were there any findings in the most recent FY Audit? Y N ☐ ☒ (b) If yes, please describe.

C.	Other Document and/or Certification Requirements.
C.1	Resident Advisory Board (RAB) Comments. (a) Did the RAB(s) have comments to the PHA Plan? Y N ☒ ☐ (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. Please see Attachment I: RAB Comments.
C.2	Certification by State or Local Officials. 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. Please see Attachment J: Certification by State or Local Official.
C.3	Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. 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. Please see Attachment K: Civil Rights Certification. Please see Attachment L: Certifications of Compliance with PHA Plan and Related Regulations.
C.4	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. (a) Did the public challenge any elements of the Plan? Y N ☐ ☒ If yes, include Challenged Elements. Please see Attachment M: Public Testimony.
C.5	Troubled PHA. (a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place? Y N N/A ☐ ☒ ☐ (b) If yes, please describe:

D.	Affirmatively Furthering Fair Housing (AFFH).
D.1	Affirmatively Furthering Fair Housing. (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.) 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.
	Fair Housing Goal:
	<u>Describe fair housing strategies and actions to achieve the goal.</u>
	Fair Housing Goal:
	<u>Describe fair housing strategies and actions to achieve the goal.</u>
	Fair Housing Goal:
	<u>Describe fair housing strategies and actions to achieve the goal.</u>

Instructions for Preparation of Form HUD-50075-ST Annual PHA Plan for Standard and Troubled PHAs

A. **PHA Information.** All PHAs must complete this section. (24 CFR §903.4)

- A.1** Include the full **PHA Name, PHA Code, PHA Type, PHA Fiscal Year Beginning (MM/YYYY), PHA Inventory, Number of Public Housing Units and or Housing Choice Vouchers (HCVs), PHA Plan Submission Type,** and the **Availability of Information,** specific location(s) of all information relevant to the public hearing and proposed PHA Plan. (24 CFR §903.23(4)(e))

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table. (24 CFR §943.128(a))

B. **Plan Elements.** All PHAs must complete this section.

B.1 **Revision of Existing PHA Plan Elements.** PHAs must:

Identify specifically which plan elements listed below that have been revised by the PHA. To specify which elements have been revised, mark the “yes” box. If an element has not been revised, mark “no.” (24 CFR §903.7)

☐ **Statement of Housing Needs and Strategy for Addressing Housing Needs.** Provide a statement addressing the housing needs of low-income, very low-income and extremely low-income families and a brief description of the PHA’s strategy for addressing the housing needs of families who reside in the jurisdiction served by the PHA and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The statement must identify the housing needs of (i) families with incomes below 30 percent of area median income (extremely low-income); (ii) elderly families, (iii) households with individuals with disabilities, and households of various races and ethnic groups residing in the jurisdiction or on the public housing and Section 8 tenant-based assistance waiting lists based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The statement of housing needs shall be based on information provided by the applicable Consolidated Plan, information provided by HUD, and generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. Once the PHA has submitted an Assessment of Fair Housing (AFH), which includes an assessment of disproportionate housing needs in accordance with 24 CFR §5.154(d)(2)(iv), information on households with individuals with disabilities and households of various races and ethnic groups residing in the jurisdiction or on the waiting lists no longer needs to be included in the Statement of Housing Needs and Strategy for Addressing Housing Needs. (24 CFR §903.7(a))

The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. (24 CFR §903.7(a)(2)(i)) Provide a description of the ways in which the PHA intends, to the maximum extent practicable, to address those housing needs in the upcoming year and the PHA’s reasons for choosing its strategy. (24 CFR §903.7(a)(2)(ii))

☐ **Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.** PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b)) Describe the PHA’s admissions policy for deconcentration of poverty and income mixing of lower-income families in public housing. The Deconcentration Policy must describe the PHA’s policy for bringing higher income tenants into lower income developments and lower income tenants into higher income developments. The deconcentration requirements apply to general occupancy and family public housing developments. Refer to 24 CFR §903.2(b)(2) for developments not subject to deconcentration of poverty and income mixing requirements. (24 CFR §903.7(b)) Describe the PHA’s procedures for maintain waiting lists for admission to public housing and address any site-based waiting lists. (24 CFR §903.7(b)). A statement of the PHA’s policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV. (24 CFR §903.7(b)) Describe the unit assignment policies for public housing. (24 CFR §903.7(b))

☐ **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA’s anticipated resources, such as PHA operating, capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources. (24 CFR §903.7(c))

☐ **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. (24 CFR §903.7(d))

☐ **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA. (24 CFR §903.7(e))

☐ **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. (24 CFR §903.7(f))

☐ **Homeownership Programs.** A description of any Section 5h, Section 32, Section 8y, or HOPE I public housing or Housing Choice Voucher (HCV) homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. (24 CFR §903.7(k))

☐ **Community Service and Self Sufficiency Programs.** Describe how the PHA will comply with the requirements of (24 CFR §903.7(l)). Provide a description of: 1) Any programs relating to services and amenities provided or offered to assisted families; and 2) Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs subject to Section 3 of the Housing and Urban Development Act of 1968 (24 CFR Part 135) and FSS. (24 CFR §903.7(l))

☐ **Safety and Crime Prevention (VAWA).** Describe the PHA’s plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must provide development-by-development or jurisdiction wide-basis: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination

between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities. (24 CFR §903.7(m)) A description of: 1) Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; 2) Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and 3) Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families. (24 CFR §903.7(m)(5))

☐ **Pet Policy.** Describe the PHA's policies and requirements pertaining to the ownership of pets in public housing. (24 CFR §903.7(n))

☐ **Asset Management.** State how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (24 CFR §903.7(q))

☐ **Substantial Deviation.** PHA must provide its criteria for determining a "substantial deviation" to its 5-Year Plan. (24 CFR §903.7(r)(2)(i))

☐ **Significant Amendment/Modification.** PHA must provide its criteria for determining a "Significant Amendment or Modification" to its 5-Year and Annual Plan. For modifications resulting from the Rental Assistance Demonstration (RAD) program, refer to the 'Sample PHA Plan Amendment' found in Notice PIH-2012-32 REV-3, successor RAD Implementation Notices, or other RAD Notices.

If any boxes are marked "yes", describe the revision(s) to those element(s) in the space provided.

PHAs must submit a Deconcentration Policy for Field Office review. For additional guidance on what a PHA must do to deconcentrate poverty in its development and comply with fair housing requirements, see 24 CFR 903.2. (24 CFR §903.23(b))

B.2 New Activities. If the PHA intends to undertake any new activities related to these elements in the current Fiscal Year, mark "yes" for those elements, and describe the activities to be undertaken in the space provided. If the PHA does not plan to undertake these activities, mark "no."

☐ **HOPE VI or Choice Neighborhoods.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Choice Neighborhoods; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI or Choice Neighborhoods is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6. (Notice PIH 2011-47)

☐ **Mixed Finance Modernization or Development.** 1) A description of any housing (including project number (if known) and unit count) for which the PHA will apply for Mixed Finance Modernization or Development; and 2) A timetable for the submission of applications or proposals. The application and approval process for Mixed Finance Modernization or Development is a separate process. See guidance on HUD's website at: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/hope6/mfph#4

☐ **Demolition and/or Disposition.** With respect to public housing only, describe any public housing development(s), or portion of a public housing development projects, owned by the PHA and subject to ACCs (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition approval under section 18 of the 1937 Act (42 U.S.C. 1437p); and (2) A timetable for the demolition or disposition. This statement must be submitted to the extent that approved and/or pending demolition and/or disposition has changed as described in the PHA's last Annual and/or 5-Year PHA Plan submission. The application and approval process for demolition and/or disposition is a separate process. Approval of the PHA Plan does not constitute approval of these activities. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm. (24 CFR §903.7(h))

☐ **Designated Housing for Elderly and Disabled Families.** Describe any public housing projects owned, assisted or operated by the PHA (or portions thereof), in the upcoming fiscal year, that the PHA has continually operated as, has designated, or will apply for designation for occupancy by elderly and/or disabled families only. Include the following information: 1) development name and number; 2) designation type; 3) application status; 4) date the designation was approved, submitted, or planned for submission, 5) the number of units affected and; 6) expiration date of the designation of any HUD approved plan. **Note:** The application and approval process for such designations is separate from the PHA Plan process, and PHA Plan approval does not constitute HUD approval of any designation. (24 CFR §903.7(i)(C))

☐ **Conversion of Public Housing under the Voluntary or Mandatory Conversion programs.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA is required to convert or plans to voluntarily convert to tenant-based assistance; 2) An analysis of the projects or buildings required to be converted; and 3) A statement of the amount of assistance received to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: <http://www.hud.gov/offices/pih/centers/sac/conversion.cfm>. (24 CFR §903.7(j))

☐ **Conversion of Public Housing under the Rental Assistance Demonstration (RAD) program.** Describe any public housing building(s) (including project number and unit count) owned by the PHA that the PHA plans to voluntarily convert to Project-Based Rental Assistance or Project-Based Vouchers under RAD. See additional guidance on HUD's website at: [Notice PIH 2012-32 REV-3, successor RAD Implementation Notices, and other RAD notices.](#)

☐ **Occupancy by Over-Income Families.** A PHA that owns or operates fewer than two hundred fifty (250) public housing units, may lease a unit in a public housing development to an over-income family (a family whose annual income exceeds the limit for a low income family at the time of initial occupancy), if all the following conditions are satisfied: (1) There are no eligible low income families on the PHA waiting list or applying for public housing assistance when the unit is leased to an over-income family; (2) The PHA has publicized availability of the unit for rental to eligible low income families, including publishing public notice of such availability in a newspaper of general circulation in the jurisdiction at least thirty days before offering the unit to an over-income family; (3) The over-income family rents the unit on a month-to-month basis for a rent that is not less than the PHA's cost to operate the unit; (4) The lease to the over-income family provides that the family agrees to vacate the unit when needed for rental to an eligible family; and (5) The PHA gives the over-income family at least thirty days' notice to vacate the unit when the unit is needed for rental to an eligible family. The PHA may incorporate information on occupancy by over-income families into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD's website at: [Notice PIH 2011-7.](#) (24 CFR 960.503) (24 CFR 903.7(b))

☐ **Occupancy by Police Officers.** The PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents. A “police officer” means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify. The PHA may incorporate information on occupancy by police officers into its PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. See additional guidance on HUD’s website at: [Notice PIH 2011-7](#). (24 CFR 960.505) (24 CFR 903.7(b))

☐ **Non-Smoking Policies.** The PHA may implement non-smoking policies in its public housing program and incorporate this into its PHA Plan statement of operation and management and the rules and standards that will apply to its projects. See additional guidance on HUD’s website at: [Notice PIH 2009-21 and Notice PIH-2017-03](#). (24 CFR §903.7(e))

☐ **Project-Based Vouchers.** Describe any plans to use Housing Choice Vouchers (HCVs) for new project-based vouchers, which must comply with PBV goals, civil rights requirements, Housing Quality Standards (HQS) and deconcentration standards, as stated in 983.57(b)(1) and set forth in the PHA Plan statement of deconcentration and other policies that govern eligibility, selection, and admissions. If using project-based vouchers, provide the projected number of project-based units and general locations, and describe how project-basing would be consistent with the PHA Plan (24 CFR §903.7(b)).

☐ **Units with Approved Vacancies for Modernization.** The PHA must include a statement related to units with approved vacancies that are undergoing modernization in accordance with [24 CFR §990.145\(a\)\(1\)](#).

☐ **Other Capital Grant Programs** (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

For all activities that the PHA plans to undertake in the current Fiscal Year, provide a description of the activity in the space provided.

B.3 Progress Report. For all Annual Plans following submission of the first Annual Plan, a PHA must include a brief statement of the PHA’s progress in meeting the mission and goals described in the 5-Year PHA Plan. (24 CFR §903.7(r)(1))

B.4 Capital Improvements. PHAs that receive funding from the Capital Fund Program (CFP) must complete this section (24 CFR §903.7(g)). To comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan in EPIC and the date that it was approved. PHAs can reference the form by including the following language in the Capital Improvement section of the appropriate Annual or Streamlined PHA Plan Template: “See Capital Fund 5 Year Action Plan in EPIC approved by HUD on XX/XX/XXXX.”

B.5 Most Recent Fiscal Year Audit. If the results of the most recent fiscal year audit for the PHA included any findings, mark “yes” and describe those findings in the space provided. (24 CFR §903.7(p))

C. Other Document and/or Certification Requirements.

C.1 Resident Advisory Board (RAB) comments. If the RAB had comments on the annual plan, mark “yes,” submit the 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 §903.13(c), 24 CFR §903.19)

C.2 Certification by State or Local Officials. Form HUD-50077-SL, *Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan*, must be submitted by the PHA as an electronic attachment to the PHA Plan. (24 CFR §903.15). Note: A PHA may request to change its fiscal year to better coordinate its planning with planning done under the Consolidated Plan process by State or local officials as applicable.

C.3 Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan. Provide a certification that the following plan elements have been revised, provided to the RAB for comment before implementation, approved by the PHA board, and made available for review and inspection by the public. This requirement is satisfied by completing and submitting form HUD-50077 ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed*. Form HUD-50077-ST-HCV-HP, *PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed* must be submitted by the PHA as an electronic attachment to the PHA Plan. This includes all certifications relating to Civil Rights and related regulations. A PHA will be considered in compliance with the certification requirement to affirmatively further fair housing if the PHA fulfills the requirements of §§ 903.7(o)(1) and 903.15(d) and: (i) examines its programs or proposed programs; (ii) identifies any fair housing issues and contributing factors within those programs, in accordance with 24 CFR 5.154 or 24 CFR 5.160(a)(3) as applicable; (iii) specifies actions and strategies designed to address contributing factors, related fair housing issues, and goals in the applicable Assessment of Fair Housing consistent with 24 CFR 5.154 in a reasonable manner in view of the resources available; (iv) works with jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement; (v) operates programs in a manner consistent with any applicable consolidated plan under 24 CFR part 91, and with any order or agreement, to comply with the authorities specified in paragraph (o)(1) of this section; (vi) complies with any contribution or consultation requirement with respect to any applicable AFH, in accordance with 24 CFR 5.150 through 5.180; (vii) maintains records reflecting these analyses, actions, and the results of these actions; and (viii) takes steps acceptable to HUD to remedy known fair housing or civil rights violations, impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction’s initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction. (24 CFR §903.7(o)).

C.4 Challenged Elements. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.

C.5 Troubled PHA. If the PHA is designated troubled, and has a current MOA, improvement plan, or recovery plan in place, mark “yes,” and describe that plan. Include dates in the description and most recent revisions of these documents as attachments. If the PHA is troubled, but does not have any of these items, mark “no.” If the PHA is not troubled, mark “N/A.” (24 CFR §903.9)

D. Affirmatively Furthering Fair Housing (AFFH).

D.1 Affirmatively Furthering Fair Housing. The PHA will use the answer blocks in item D.1 to provide a statement of its strategies and actions to implement each fair housing goal outlined in its accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5) that states, in relevant part: “To implement goals and priorities in an AFH, strategies and actions shall be included in program participants’ ... PHA Plans (including any plans incorporated therein) ... Strategies and actions must affirmatively further fair housing ...” Use the chart provided to specify each fair housing goal from the PHA’s AFH for which the PHA is the responsible program participant – whether the AFH was prepared solely by the PHA, jointly with one or more other PHAs, or in collaboration with a state or local jurisdiction – and specify the fair housing strategies and actions to be implemented by the PHA during the period covered by this PHA Plan. If there are more than three fair housing goals, add answer blocks as necessary.

Until such time as the PHA is required to submit an AFH, the PHA will not have to complete section D., nevertheless , the PHA will address its obligation to affirmatively further fair housing in part by fulfilling the requirements at 24 CFR 903.7(o)(3) enacted prior to August 17, 2015, which means that it examines its own 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 maintain records reflecting these analyses and actions. Furthermore, under Section 5A(d)(15) of the U.S. Housing Act of 1937, as amended, a PHA must submit a civil rights certification with its Annual PHA Plan, which is described at 24 CFR 903.7(o)(1) except for qualified PHAs who submit the Form HUD-50077-CR as a standalone document.

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 and Annual PHA Plan.

Public reporting burden for this information collection is estimated to average 7.52 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.

Annual PHA Plan for FY 25

Attachment A

AMP Office Address List

**Asset Management Project Offices
Address List**

Hardcopies of the Annual PHA Plan shall be made available at the main office of each Asset Management Project (AMP). The address of each AMP main office is listed below:

AMP No. 30

99-132 Kohomua St
Aiea, HI 96701

AMP No. 32 and 33

521 N Kukui St
Honolulu, HI 96817

AMP No. 35

1220 Aala St
Honolulu, HI 96817

AMP No. 38

4726 Malu Rd
Kapaa, HI 96746

AMP No. 40

1532 Linapuni St
Honolulu, HI 96819

AMP No. 43

78-6725 Makolea St
Kailua-Kona, HI 96740

AMP No. 45

45-1027 Kamau Pl, #10E
Kaneohe, HI 96744

AMP No. 49

310 N Cane St
Wahiawa, HI 96786

HPHA Administrative Office

1002 N School St
Honolulu, HI 96817

AMP No. 31

2250 Kalena Dr
Honolulu, HI 96819

AMP No. 34

1545 Kalakaua Ave
Honolulu, HI 96826

AMP No. 37

600 Wailoa St
Hilo, HI 96720

AMP No. 39

2015 Holowai Pl
Wailuku, HI 96793

AMP No. 42

1001 N School St
Honolulu, HI 96817

AMP No. 44

85-172 McArthur St
Waianae, HI 96792

AMP No. 46

65-1191 Opelo Rd
Kamuela, HI 96743

AMP No. 50

2129 Ahe St, #18E
Honolulu, HI 96816

Annual PHA Plan for FY 25

Attachment B

Deconcentration Policy

DECONCENTRATION POLICY

ACOP, Chapter 4, Section J

It is the intent of the PHA to promote adequate and affordable housing, economic opportunity and a suitable living environment free of discrimination. Tenant selection and assignment for federal public housing shall be made without regard to race, color, religion, ancestry/national origin, sex familial status, physical or mental disability, marital status age, or HIV infection. To improve community quality of life and economic vitality, the PHA will implement measures to provide for deconcentration of poverty and income-mixing. The PHA will bring higher income tenants into lower income developments and lower income tenants into higher income developments. Additionally, the PHA will support measures to raise the income of households that currently reside in federal public housing. All measures and incentives that are undertaken to accomplish deconcentration and income-mixing will be uniformly applied.

The PHA's admission policy is designed to provide for deconcentration of poverty and income-mixing by bringing higher income tenants into lower income projects and lower income tenants into higher income projects.

Gross annual income is used for income limits at admission and for income-mixing purposes. Skipping of a family on the waiting list specifically to reach another family with a lower or higher income is not to be considered an adverse action to the family. Such skipping will be uniformly applied until the target threshold is met.

The PHA will gather data and analyze, at least annually, the tenant characteristics of its public housing stock, including information regarding tenant incomes, to assist in the PHA's deconcentration efforts.

The PHA will use the gathered tenant incomes information in its assessment of its public housing developments to determine the appropriate designation to be assigned to the project for the purpose of assisting the PHA in its deconcentration goals.

If the PHA's annual review of tenant incomes indicates that there has been a significant change in the tenant income characteristics of a particular project, the PHA will evaluate the changes to determine whether, based on the PHA methodology of choice, the project needs to be redesignated as a higher or lower income project or whether the PHA has met the deconcentration goals and the project needs no particular designation.

Deconcentration and Income-Mixing Goals

Admission policies related to the deconcentration efforts of the PHA do not impose specific quotas. Therefore, the PHA will not set specific quotas, but will strive to achieve deconcentration and income-mixing in its developments.

The PHA's income-mixing goal is a long-range goal and may not be achieved in the first year of implementation. The PHA will use its annual analysis of its public housing stock and tenant incomes to provide benchmarks for the PHA.

The PHA will add additional sites to its deconcentration goals each year until it has met its desired goal for all of its developments.

Project Designation Methodology

The PHA will determine and compare tenant incomes at the developments listed in this Chapter. Upon analyzing its findings the PHA will apply the policies, measures and incentives listed in this Chapter to bring higher income families into lower income developments and lower income families into higher income developments.

The PHA's goal is to have eligible families having higher incomes occupy dwelling units in projects predominantly occupied by eligible families having lower incomes, and eligible families having lower incomes occupy dwelling units in projects predominantly occupied by eligible families having higher incomes.

Families having lower incomes include very low- and extremely low-income families.

When selecting applicant families and assigning transfers for a designated project the PHA will determine whether the selection of the family will contribute to the PHA's deconcentration goals.

The PHA will not select families for a particular project if the selection will have a negative effect on the PHA's deconcentration goals. However, if there are insufficient families on the waiting list or transfer list, under no circumstances will a unit remain vacant longer than necessary.

Steps for Implementation (24 C.F.R. 903.2)

Step 1: Determine the average income of all families residing in all covered developments.

\$16,514.27

Step 2: Determine the average income of all families residing in each covered development, per unit size.

Development	Average Income
30	\$ 20,446.45
31	\$ 20,873.68
32	\$ 17,721.79
33	\$ 18,133.28
34	\$ 12,475.36
35	\$ 12,034.74
37	\$ 15,476.56
38	\$ 16,091.32
39	\$ 18,016.43
40	\$ 22,043.94
43	\$ 14,017.28
44	\$ 17,274.68
45	\$ 21,174.75
46	\$ 14,442.20
49	\$ 15,376.18
50	\$ 19,117.00

Step 3: Determine whether each covered development falls above, within or below the Established Income Range. The Established Income Range is from 85 to 115 percent (inclusive) of the average family income. The established income range is \$17,577.62 to \$23,781.48.

Project Number	Average Gross Inc.	EIR
AMP 30	\$ 20,446.45	Above
AMP 31	\$ 20,873.68	Above
AMP 32	\$ 17,721.79	Within
AMP 33	\$ 18,133.28	Within
AMP 34	\$ 12,475.36	Below
AMP 35	\$ 12,034.74	Below
AMP 37	\$ 15,476.56	Within
AMP 38	\$ 16,091.32	Within
AMP 39	\$ 18,016.43	Within
AMP 40	\$ 22,043.94	Above
AMP 43	\$ 14,017.28	Below
AMP 44	\$ 17,274.68	Within
AMP 45	\$ 21,174.75	Above
AMP 46	\$ 14,442.20	Within
AMP 49	\$ 15,376.18	Within
AMP 50	\$ 19,117.00	Above

Step 4: For covered developments with average incomes outside the Established Income Range, explain and justify how the income profile for these developments remain consistent with the statutory goals of deconcentrating poverty and furthering income-mixing, and the local goals and strategies contained in the Annual PHA Plan.

- Development 34: This development contains many elderly residents on fixed incomes which do not increase with inflation.
- Development 35: This development contains many elderly residents on fixed incomes which do not increase with inflation.
- Development 43: This development contains many elderly residents and families on fixed-incomes which do not increase with inflation.

Step 5: The PHA will offer certain incentives to higher income families willing to move into lower income projects. The PHA will not take any adverse action against any higher income family declining an offer by the PHA to move into a lower income project.

In addition to maintaining its public housing stock in a manner that is safe, clean, well landscaped and attractive, the PHA may offer the following incentives for higher income families moving into lower income projects:

- (A) *Incentives designed to encourage families with incomes below the Established Income Range to accept units in developments with incomes above the Established Income Range, or vice versa, including rent incentives, affirmative marketing plans, or added amenities;*
- (B) *Target investment and capital improvements toward developments with an average income below the Established Income Range to encourage applicant families whose income is above the Established Income Range to accept units in those developments;*
- (C) *Establish a preference for admission of working families in developments below the Established Income Range;*
- (D) *Skip a family on the waiting list to reach another family in an effort to further the goals of the PHA's deconcentration policy;*
- (E) *Provide such other strategies as permitted by statute and determined by the PHA in consultation with the residents and the community, through the PHA Annual Plan process, to be responsive to the local context and the PHA's strategic objectives.*

Annual PHA Plan for FY 25

Attachment C

MTW Supplement for FY 25

MTW Supplement to the Annual PHA Plan	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 Moving to Work (MTW) Supplement to the Annual PHA Plan informs HUD, families served by the PHA, and members of the public, about the MTW Waivers and associated activities that the MTW agency seeks to implement in the coming Fiscal Year and updates the status of MTW activities that have been previously approved. It also provides information about Safe Harbor Waivers, Agency-Specific Waivers, compliance with MTW statutory requirements, and evaluations. The MTW Supplement does not replace the PHA Plan. MTW agencies must continue to submit the applicable PHA Plan. MTW agencies that are not required to submit annual PHA Plans under the Housing and Economic Recovery Act of 2008 (HERA) must submit the MTW Supplement annually, in addition to holding public hearings, obtaining board approval, and consulting with Resident Advisory Boards (RABs) and tenant associations, as applicable, on planned MTW activities.

Applicability. Form HUD-50075-MTW is to be completed annually by all MTW agencies brought onto the MTW Demonstration Program pursuant to Section 239 of the Fiscal Year 2016 Appropriations Act, P.L. 114-113 (2016 MTW Expansion Statute) or legacy MTW agencies¹ that chose to follow the requirements of the MTW Operations Notice.

Definitions. All terms used in this MTW Supplement are consistent with the definitions stated in the MTW Operations Notice, including:

- (1) **Local, Non-Traditional Activities (LNT)** – Those MTW activities that use MTW funding flexibility outside of the Housing Choice Voucher (HCV) and public housing programs established in Sections 8 and 9 of the U.S. Housing Act of 1937.
- (2) **Safe Harbors** – The additional parameters or requirements, beyond those specified in the MTW activity description itself found in the MTW Operations Notice, following each activity description, that the MTW agency must follow in implementing MTW activities.
- (3) **Substantially the Same Requirement** – A statutory MTW requirement that MTW agencies must continue to assist substantially the same total number of eligible low-income families as would have been served absent the MTW demonstration.

A.	PHA Information.
PHA Name: <u>Hawaii Public Housing Authority</u> PHA Code: <u>HI001</u> MTW Supplement for PHA Fiscal Year Beginning: (MM/DD/YYYY): <u>07/01/2024</u> PHA Program Type: ☐ Public Housing (PH) only ☐ Housing Choice Voucher (HCV) only ☒ Combined MTW Cohort Number: <u>3</u> MTW Supplement Submission Type: ☒ Annual Submission ☐ Amended Annual Submission	

B.	Narrative.
MTW Supplement Narrative. The narrative provides the MTW agency with an opportunity to explain to the public, including the families that it serves, its MTW plans for the fiscal year and its short and long-term goals. The MTW agency should provide a description of how it seeks to further the three MTW statutory objectives during the coming Fiscal Year. Those three MTW statutory objectives are: (1) to reduce cost and achieve greater cost effectiveness in federal expenditures; (2) to give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient; and (3) to increase housing choices for low-income families. The Hawaii Public Housing Authority's (HPHA) long-term goal is to use its Moving to Work (MTW) designation to become a more proactive, innovative agency that can identify, develop, and implement housing policies that achieve the statutory objectives of the MTW Demonstration Program.	

¹ Legacy MTW Agencies are agencies that were designated as MTW as of December 15, 2015.

The HPHA was designated an MTW expansion agency as part of the landlord incentive cohort in January 2022. The HPHA's Landlord Incentive Program (LIP) was established later that year following the enactment of Act 287, Session Laws of Hawaii 2022. The Act provided State funding for vacancy loss payments, signing bonus payments, and tenant-caused damage reimbursements. The goal of the LIP is to incentivize greater landlord participation in the HPHA's voucher programs, thereby increasing housing choice for low-income families. In our MTW Supplement for FY 2023, the HPHA requested and received HUD's approval to continue the provision of vacancy loss and signing bonus payments using MTW funds.

The HPHA amended its MTW Supplement for FY 24 to request MTW Waiver 3.b. to perform biennial reexaminations of families participating in our Housing Choice Voucher (HCV) Program. The goal of this activity is to improve family self-sufficiency by incentivizing working members to increase their income during a new two-year reexamination cycle. The activity is also meant to reduce administrative burden on staff and residents as well as generate cost savings for the agency. The Amended MTW Supplement for FY 2024 was approved by HUD on March 29, 2024. In accordance with subsequent guidance provided by the HUD Honolulu Field Office, the HPHA will only apply this activity to regularly scheduled reexaminations with an effective date on or after May 1, 2024. The HPHA has amended its Administrative Plan and Chapter 17-2031, Hawaii Administrative Rules (HAR), to be able to carry out this activity. The HPHA is currently updating the software used for reexaminations in preparation for implementation of the activity. The anticipated start date of the activity is Q3 of 2024. Before implementation, the HPHA will notify all participating families of the change to their reexamination cycles.

In this MTW Supplement for FY 25, the HPHA is requesting MTW Waiver 4.b. to provide tenant-caused damage reimbursements using our MTW funding flexibilities now that State funds are no longer available. The LIP Administrative Rules have already been adopted. The HPHA will be able to immediately start this activity upon approval of this waiver.

The HPHA is also requesting MTW Waiver 3.a. to be able to perform biennial reexaminations in the Low-Income Public Housing (LIPH) Program. The HPHA hopes to achieve greater cost efficiency within the LIPH Program by reducing the administrative burden associated with processing annual reexaminations. The second goal for this activity is to incentive working families to raise their incomes, thereby increasing self-sufficiency. The HPHA will adopt amendments to its Admissions and Occupancy Policy (ACOP) and Chapter 17-2028, HAR, to implement biennial reexaminations in conjunction with amendments to implement HOTMA Sections 102 and 104.

Finally, the HPHA is requesting MTW Waiver 2.a. which would allow the HPHA to be able to set its payment standards between 90% and 120% of the applicable Small Area Fair Market Rents (SAFMR). The first goal of this activity is to increase rental assistance provided in neighborhoods where a significant percentage of assisted families are rent burdened. The second goal of this activity is to promote the deconcentration of poverty by increasing housing choice for low-income families in high-opportunity neighborhoods. As part of this activity, the HPHA will be able to provide a disabled family an exception payment standard up to 120% of the applicable SAFMR as a reasonable accommodation.

Activities Currently Implemented

- **HPHA Activity 23-01:** Front-End Vacancy Loss Payments (Cohort Waiver² 4.2.);
- **HPHA Activity 23-03:** Vacancy Loss Payments (MTW Waiver 4.a.); and
- **HPHA Activity 23-04:** Signing Bonus Payments (MTW Waiver 4.c.).

Activities Pending Implementation

- **HPHA Activity 23-02:** Waiver of Mandatory Initial Inspection (Cohort Waiver² 4.1.); and
- **HPHA Activity 24-05:** Biennial Reexaminations for HCV (MTW Waiver 3.b.).

Waivers Requested for FY 25

- **HPHA Activity 25-06:** Damage Reimbursement Payments (MTW Waiver 4.b.);
- **HPHA Activity 25-07:** Biennial Reexaminations for Public Housing (MTW Waiver 3.a.); and

² Cohort-specific waivers are not reported on in the MTW module of HUD's Housing Information Portal.

- **HPHA Activity 25-08:** Increased Payment Standards (MTW Waiver 2.a.).

C. MTW Waivers and Associated Activities.

Currently Implementing:

HPHA Activity 23-03: Vacancy Loss Payments (MTW Waiver 4.a.)	
Core Questions:	
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The HPHA provides a landlord an incentive payment equal to one month's rent for a dwelling unit vacancy if the landlord rents to another voucher holder. Payment is only made after the landlord enters into a new HAP contract with the HPHA. A landlord may not receive an incentive payment if the preceding vacancy was caused by (1) a failure to comply with federal or State nondiscrimination laws, (2) a violation of the landlord-tenant code set forth in Chapter 521, Hawaii Revised Statutes, or (3) any breach of the terms and conditions of the previous HAP contract. The goal of this activity is to increase and retain landlord participation in the HCV Program, thereby increasing housing choice for low-income families and decreasing the average dwelling unit search time for voucher holders.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	☐ Cost effectiveness ☐ Self-sufficiency ☒ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☐ Decreased revenue ☒ Increased expenditures ☐ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☐ The MTW activity applies to all assisted households ☒ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☐ New admissions (i.e., applicants) only ☐ Currently assisted households only ☒ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types ☐ Other – another specifically defined target population or populations
Location. Does the MTW activity apply to all HCV tenant-based units and properties with project-based vouchers?	For HCV activities: ☒ The MTW activity applies to all tenant-based units

	☐ The MTW activity applies to all properties with project-based vouchers ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☐ Yes ☒ No ☐ Already provided
Does the MTW activity require an impact analysis?	☐ Yes ☒ No ☐ Already provided
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	In December 2022, the HPHA hired a full-time Landlord Liaison to operate the Landlord Incentive Program (LIP). The HPHA held multiple meetings with community stakeholders, current tenants, landlords, and advocacy groups to solicit feedback on each LIP activity. Staff also created training and informational materials that were published online and distributed to current and potential landlords. Amendments to include this activity in the LIP Administrative Rules were adopted in March 2023. The HPHA began offering this incentive payment in June 2023.
Custom Questions:	
Does this policy apply to certain types of units or to all units all HCV units or only certain types of units (for example, accessible units, units in a low-poverty neighborhood, or units/landlords new to the HCV program)?	☒ To all units ☐ Certain types of units only
What is the maximum payment that can be made to a landlord under this policy?	A landlord may not receive an amount in excess of one month's rent for a dwelling unit. There is no limit on how many times a landlord may qualify for vacancy loss payments, so long as the dwelling unit is rented to another voucher holder immediately following the vacancy of another participating family.
How many payments were issued under this policy in the most recently completed PHA fiscal year?	0
What is the total dollar value of payments issued under this policy in the most recently completed PHA fiscal year?	\$0.00

HPHA Activity 23-04: Signing Bonus Payments (MTW Waiver 4.c.)	
Core Questions:	
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The HPHA provides a signing bonus to landlords who rent their dwelling units to a voucher holder for the first time. equal to one month's rent. The signing bonus is equal to one month's rent for the dwelling unit. Payment is only

	made after the landlord enters into a new HAP contract with the HPHA. The dwelling unit must be located in a “high opportunity area” or in “areas located where vouchers are difficult to use” to qualify. Landlords may only receive one signing bonus per dwelling unit. If there is a change in the ownership of an assisted dwelling unit, the new landlord may qualify for a signing bonus. The goal of this activity is to increase landlord participation in the HCV Program, thereby increasing housing choice for low-income families and decreasing the average dwelling unit search time for voucher holders.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	☐ Cost effectiveness ☐ Self-sufficiency ☒ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☐ Decreased revenue ☒ Increased expenditures ☐ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☐ The MTW activity applies to all assisted households ☒ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☒ New admissions (i.e., applicants) only ☐ Currently assisted households only ☐ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types ☐ Other – another specifically defined target population or populations
Location. Does the MTW activity apply to all HCV tenant-based units and properties with project-based vouchers?	For HCV activities: ☒ The MTW activity applies to all tenant-based units ☐ The MTW activity applies to all properties with project-based vouchers ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☐ Yes ☒ No ☐ Already provided
Does the MTW activity require an impact analysis?	☐ Yes ☒ No ☐ Already provided

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	In December 2022, the HPHA hired a full-time Landlord Liaison to operate the Landlord Incentive Program (LIP). The HPHA held multiple meetings with community stakeholders, current tenants, landlords, and advocacy groups to solicit feedback on each LIP activity. Staff also created training and informational materials that were published online and distributed to current and potential landlords. Amendments to include this activity in the LIP Administrative Rules were adopted in March 2023. The HPHA began offering this incentive payment in June 2023.
Custom Questions:	
Does this policy apply to certain types of units or to all units all HCV units or only certain types of units (for example, accessible units, units in a low-poverty neighborhood, or units/landlords new to the HCV program)?	☐ To all units ☒ Certain types of units only What type of units does this policy apply to? ☐ Accessible units ☒ Units in particular types of areas or neighborhoods. Please describe these areas briefly: Signing bonus payments are available to new landlords with dwelling units in "high opportunity areas" or in "areas located where vouchers are difficult to use" (§§8-10, HAR). Currently, both terms are defined as "the island of Oahu." ☐ Units/landlords new to the HCV program ☐ Other. Please describe briefly:
What is the maximum payment that can be made to a landlord under this policy?	Up to one month's rent. A landlord may qualify for this payment only once for each newly enrolled dwelling unit.
How many payments were issued under this policy in the most recently completed PHA fiscal year?	3
What is the total dollar value of payments issued under this policy in the most recently completed PHA fiscal year?	\$7,994.00.

Pending Implementation:

HPHA Activity 24-05:	Biennial Reexaminations for HCV (MTW Waiver 3.b.)
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The HPHA will conduct regularly scheduled reexaminations of HCV families biennially (i.e., every other year). This activity was approved as part of the HPHA's Amended MTW Supplement for FY 2024. The HPHA's Board of Directors approved amendments to the Administrative Plan to allow for biennial reexaminations in April 2024. Similar provisions were included in Chapter 17-2031, Hawaii Administrative Rules (HAR), which governs the HPHA's voucher programs. These changes were made effective in June 2024 following approval by the Governor and their filing with the Lieutenant Governor's Office. The HPHA is currently working with Emphasys

	(software vendor) to update the software used to process reexaminations. Once the activity is ready to be implemented, the HPHA will begin transitioning families to the biennial reexamination schedule as their next annual reexaminations come up. Per the HPHA's correspondence with the HUD Honolulu Field Office on June 7, 2024, the HPHA will only apply this activity to reexaminations with effective dates on or after May 1, 2024. As families transition to the new schedule, the HPHA will also begin using the updated Release of Information (HUD-9886-A) which shall be valid until a family member revokes their consent or leaves the HCV Program. In accordance with the Administrative Plan, the HPHA will mitigate fraud and abuse by generating and reviewing Income Discrepancy Reports in EIV on a monthly basis, discuss program compliance and integrity issues during briefing sessions with tenants, and place key warnings about the penalties of fraud on HPHA forms and form letters. The HPHA will also regularly remind tenants that corrective action will be taken if income is hidden or concealed during the income determination process. The first goal of this activity is to promote program cost-effectiveness by alleviating the administrative burden associated with an annual reexamination cycle. The second goal is to incentivize families to increase their income between biennial reexaminations, thereby increasing self-sufficiency.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	(Check at least one) ☒ Cost effectiveness ☒ Self-sufficiency ☐ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☐ Decreased revenue ☐ Increased expenditures ☒ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☒ The MTW activity applies to all assisted households ☐ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☐ New admissions (i.e., applicants) only ☒ Currently assisted households only ☐ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types
Location. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV.	For HCV activities: ☒ The MTW activity applies to all tenant-based units

For HCV activities: Does the MTW activity apply to all HCV tenant-based units and properties with project-based vouchers?	☒ The MTW activity applies to all properties with project-based vouchers ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☒ Yes ☐ No ☐ Already provided See Attachment A: Hardship Policy.
Does the hardship policy apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload hardship policy once when said policy applies to multiple MTW activities.)	☐ Yes ☒ No
Has the MTW agency modified the hardship policy since the last submission of the MTW Supplement?	☐ Yes ☒ No
How many hardship requests have been received associated with this activity in the most recently completed PHA fiscal year?	0
Does the MTW activity require an impact analysis?	☒ Yes ☐ No ☐ Already provided See Attachment B: Impact Analyses.
Does the impact analysis apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload impact analysis once when said impact analysis applies to multiple MTW activities.)	☒ Yes ☐ No The Impact Analysis also applies to HPHA Activity 25-08 (MTW Waiver 2.a.).
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	N/A. This activity is still pending implementation. See Narrative section above.
Custom Questions:	
What is the recertification schedule?	☒ Once every two years ☐ Once every three years ☐ Other. Please describe:
How many interim recertifications per year may a household request?	☐ 0 ☐ 1 ☒ 2 or more

Please describe briefly how the MTW agency plans to address changes in family/household circumstances under the alternative reexamination schedule.	The HPHA will not change its current interim reexamination policy or limit the number of interim adjustments a family may request. All families will still be required to report any change to income or household composition that occurs between biennial reexaminations. If a change to income or household composition occurs, the HPHA shall determine whether an interim reexamination is needed based upon the PHA policies established in the Administrative Plan and Chapter 17-2031, HAR. The HPHA will perform an interim reexamination for any reported decrease in income. For changes which increase income that are reported timely (i.e., within 10 days of the change becoming effective), the HPHA will not process an interim reexamination. For changes which increase annual income that are NOT reported timely, the HPHA will process an interim reexamination and increase rent retroactive to the first day of the month after the change occurred. Changes to household composition will also require a reexamination. Upon implementation of HOTMA Sections 102 and 104, the HPHA will enforce the new mandatory interim reexamination policies. The HPHA will process non-interim reexamination transactions for any changes to family or household composition which do not cause adjusted income to rise or fall beyond the thresholds established by the HPHA and/or HUD. With regard to the discretionary interim reexamination policies PHAs may adopt under HOTMA, the HPHA intends to update its Administrative Plan and Chapter 17-2031, HAR, to (1) apply earned income increases to the adjusted income increase threshold if a previous interim reexamination takes place; and (2) conduct an interim reexamination for all adjusted income decreases. The proposed discretionary policies are subject to change if further analysis shows they could have a detrimental effect on program operations, efficiency, or finances. All future interim reexamination policies will be provided to the HPHA's Board of Directors, the Resident Advisory Board, and the general public prior to their final approval and implementation.
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Requested Waivers for FY 25:

HPHA Activity 25-06: Damage Reimbursement Payments (MTW Waiver 4.b.)	
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The HPHA will provide reimbursement payments to landlords for tenant-caused damages in an amount not to exceed the lesser of the cost of repairs or two months of contract rent. The reimbursement will only be provided for expenses that exceed the assisted family's security deposit. Additionally, the reimbursement will only be made after a new HAP contract is executed for the dwelling unit. The HPHA has already amended its Administrative Plan and the LIP Administrative Rules to be able to provide damage reimbursement payments.

	Landlords are required to submit receipts, invoices, and other documentation that shows the nature, extent, and cost of repairs. The HPHA reserves the right to require an initial inspection of damages and a follow-up inspection after repairs are complete. This activity is meant to assuage landlord concerns about renting to Section 8 voucher holders. If successful, this activity will help the HPHA be able to recruit and retain more landlords, thereby increasing housing choice for low-income families.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	☐ Cost effectiveness ☐ Self-sufficiency ☒ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☐ Decreased revenue ☒ Increased expenditures ☐ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☒ The MTW activity applies to all assisted households ☐ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☐ New admissions (i.e., applicants) only ☒ Currently assisted households only ☐ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types
Location. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV. For HCV activities: Does the MTW activity apply to all HCV tenant-based units and properties with project-based vouchers?	For HCV activities: ☒ The MTW activity applies to all tenant-based units ☐ The MTW activity applies to all properties with project-based vouchers ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☐ Yes ☒ No ☐ Already provided
Does the MTW activity require an impact analysis?	☐ Yes ☒ No ☐ Already provided

Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	N/A. This activity will be implemented in FY 2025.
Custom Questions:	
Does this policy apply to certain types of units or to all units all HCV units or only certain types of units (for example, accessible units, units in a low-poverty neighborhood, or units/landlords new to the HCV program)?	☒ To all units ☐ Certain types of units only
What is the maximum payment that can be made to a landlord under this policy?	The lesser of the cost of repairs or two months of contract rent, but no more than \$3,000 total.
How many payments were issued under this policy in the most recently completed PHA fiscal year?	N/A. This activity will be implemented during FY 25.
What is the total dollar value of payments issued under this policy in the most recently completed PHA fiscal year?	N/A. This activity will be implemented during FY 25.

HPHA Activity 25-07: Biennial Reexaminations for Public Housing (MTW Waiver 3.a.)	
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The HPHA will conduct regularly scheduled reexaminations of public housing households biennially (i.e., every other year). The HPHA will NOT perform biennial reexaminations for families who are determined to be over-income, pursuant to 24 CFR §960.507 and Section 103 of HOTMA. Before implementing this activity, the HPHA must amend its Admissions and Continued Occupancy Policy (ACOP) and Chapter 17-2028, Hawaii Administrative Rules (HAR). The HPHA must also work with Emphasys (software vendor) to update the software used to process reexaminations. Updates to the HAR generally take four months to complete. In the coming months, the HPHA will also need to update Chapter 17-2028, HAR, to implement new policies set forth in HOTMA Sections 102 and 104. The HPHA is planning to implement all HOTMA income and asset policies on the implementation deadline (i.e., currently January 1, 2025). Based on our current projected timeline, proposed amendments to the ACOP and Chapter 17-2028, HAR, will be submitted to the Board of Directors in August 2024. Once these steps are complete, the HPHA will begin transitioning families to a biennial reexamination schedule as their next annual reexaminations come up. As families transition to the new schedule, the HPHA will begin using the updated Release of Information (HUD-9886-A) which is valid until a family member revokes their consent or leaves the Program. The HPHA will mitigate fraud and abuse by generating and reviewing Income Discrepancy Reports in EIV on a monthly basis, discuss program compliance and integrity issues during briefing sessions with residents, and place key warnings about the penalties of fraud on HPHA forms and form letters. The HPHA will also regularly remind tenants

	that corrective action will be taken if income is hidden or concealed during the income determination process. The first goal of this activity is to promote program cost-effectiveness by alleviating the administrative burden associated with an annual reexamination cycle. The second goal is to incentivize families to increase their income between biennial reexaminations, thereby increasing self-sufficiency.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	☒ Cost effectiveness ☒ Self-sufficiency ☐ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☒ Decreased revenue ☐ Increased expenditures ☐ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☒ The MTW activity applies to all assisted households ☐ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☐ New admissions (i.e., applicants) only ☒ Currently assisted households only ☐ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types
Location. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV. For PH activities: Does the MTW activity apply to all public housing developments?	For PH activities: ☒ The MTW activity applies to all developments ☐ The MTW activity applies to specific developments
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☒ Yes ☐ No ☐ Already provided See Attachment A: Hardship Policy.
Does the hardship policy apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload hardship policy once when said policy applies to multiple MTW activities.)	☐ Yes ☒ No
Has the MTW agency modified the hardship policy since the last submission of the MTW Supplement?	☐ Yes ☒ No
How many hardship requests have been received associated with this activity in the most recently completed PHA fiscal year?	0
Does the MTW activity require an impact analysis?	☒ Yes

	☐ No ☐ Already provided See Attachment B: Impact Analyses.
Does the impact analysis apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload impact analysis once when said impact analysis applies to multiple MTW activities.)	☐ Yes ☒ No
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	N/A. This activity will be implemented in FY 2025.
Custom Questions:	
What is the recertification schedule?	☒ Once every two years ☐ Once every three years ☐ Other. Please describe:
How many interim recertifications per year may a household request?	☐ 0 ☐ 1 ☒ 2 or more
Please describe briefly how the MTW agency plans to address changes in family/household circumstances under the alternative reexamination schedule.	The HPHA will not change its current interim reexamination policy or limit the number of interim adjustments a family may request. All families will still be required to report any change to income or household composition that occurs between biennial reexaminations. If a change to income or household composition occurs, the HPHA shall determine whether an interim reexamination is needed based upon the PHA policies established in the ACOP and Chapter 17-2028, HAR. The HPHA will perform an interim reexamination for all reported changes which decrease annual income. The HPHA will perform an interim reexamination for all changes which increase annual income by \$2,400 or more (i.e., \$200 or more per month). Changes to household composition will also require a reexamination. Upon implementation of HOTMA Sections 102 and 104, the HPHA will enforce the new mandatory interim reexamination policies. The HPHA will process non-interim reexamination transactions for any changes to family or household composition which do not cause adjusted income to rise or fall beyond the thresholds established by the HPHA and/or HUD. With regard to the discretionary interim reexamination policies PHAs may adopt under HOTMA, the HPHA intends to update its ACOP and Chapter 17-2028, HAR, to (1) not apply earned income increases to the adjusted income increase threshold in all circumstances; and (2) conduct an interim reexamination for all adjusted income decreases. The proposed discretionary policies are subject to change if further analysis shows they could have a detrimental effect on program operations, efficiency, or finances. All future interim reexamination policies will be provided to the HPHA's Board of Directors, the Resident Advisory Board, and the general public for review prior to their final approval and implementation.

HPHA Activity 25-08:	Increased Payment Standards (MTW Waiver 2.a.)
Narrative. Describe the MTW activity, the MTW agency's goal(s) for the MTW activity, and, if applicable, how the MTW activity contributes to a larger initiative.	The payment standards for a zip code may be set between 90% to 120% of the applicable SAFMR. This activity will be used to deconcentrate poverty by increasing housing choice in high-opportunity neighborhoods as well as provide a deeper level of subsidy in areas of our jurisdiction with high rates of rent-burdened families. Additionally, having the flexibility to set higher payment standards for dwelling units with more bedrooms can reduce search times and increase the voucher success rate for larger-sized families. A payment standard will not be raised above the normal upper bound of 110% of SAFMR if doing so would significantly impact the financial sustainability of the HCV Program. Any dwelling unit rented by a voucher holder in a zip code with an exception standard must still meet rent reasonableness requirements as compared to units of a similar size and with similar amenities. This activity may also alleviate some of the negative externalities of a biennial reexamination schedule. If in the second year of the reexamination cycle the gross rent (i.e., landlord rent plus utility allowance) for a dwelling unit exceeds the payment standard (i.e., landlord requests an increase in rent that is reasonable), the monthly HAP will be capped by the payment standard effective at a family's last biennial reexamination. By setting a higher payment standard, the HPHA can provide our assisted families greater protection from housing insecurity should market rents have rapidly increased or the family suffers a dramatic loss of income.
MTW Statutory Objectives. Which of the MTW statutory objectives does this MTW activity serve?	☐ Cost effectiveness ☐ Self-sufficiency ☒ Housing choice
Cost implications. What are the cost implications of this MTW activity? Pick the best description of the cost implications based on what you know today.	☐ Neutral (no cost implications) ☐ Increased revenue ☐ Decreased revenue ☒ Increased expenditures ☐ Decreased expenditures
Different policy by household status/family types/sites? Does the MTW activity under this waiver apply to all assisted households or only to a subset or subsets of assisted households?	☒ The MTW activity applies to all assisted households ☐ The MTW activity applies only to a subset or subsets of assisted households
Household Status. Does the MTW activity apply only to new admissions, only to currently assisted households, or to both new admissions and currently assisted households?	☐ New admissions (i.e., applicants) only ☐ Currently assisted households only ☒ New admissions and currently assisted households
Family Types. Does the MTW activity apply to all family types or only to selected family types?	☒ The MTW activity applies to all family types ☐ The MTW activity applies only to selected family types

Location. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV. For HCV activities: Does the MTW activity apply to all HCV tenant-based units and properties with project-based vouchers?	For HCV activities: ☒ The MTW activity applies to all tenant-based units ☐ The MTW activity applies to all properties with project-based vouchers ☐ The MTW activity applies to specific tenant-based units and/or properties with project-based vouchers
Does the MTW agency need a Safe Harbor Waiver to implement this MTW activity as described?	☐ Yes ☒ No
Does this MTW activity require a hardship policy?	☒ Yes ☐ No ☐ Already provided See Attachment A: Hardship Policy.
Does the hardship policy apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload hardship policy once when said policy applies to multiple MTW activities.)	☐ Yes ☒ No
Has the MTW agency modified the hardship policy since the last submission of the MTW Supplement?	☐ Yes ☒ No
How many hardship requests have been received associated with this activity in the most recently completed PHA fiscal year?	0
Does the MTW activity require an impact analysis?	☐ Yes ☐ No ☒ Already provided
Does the impact analysis apply to more than this MTW activity? If yes, then please list all of the applicable MTW activities. (Only upload impact analysis once when said impact analysis applies to multiple MTW activities.)	☒ Yes ☐ No The Impact Analysis also applies to HPHA Activity 24-05 (MTW Waiver 3.b.).
Based on the Fiscal Year goals listed in the activity's previous Fiscal Year's narrative, provide a description about what has been accomplished or changed during the implementation.	N/A. This activity will be implemented in FY 2025.
Custom Questions:	
Please explain the payment standards by ZIP or "grouped" ZIP codes.	After publication of the updated SAFMRs each year, zip codes are arranged in ascending order by median rent value from most to least expensive. The allowable range is then calculated for each bedroom size in each zip code. Under this activity, the lower bound will always be set at 90% of SAFMR. The upper bound will be set at 110% of SAFMR; the HPHA will only use an upper bound of 120% of SAFMR if there are a significant number of assisted families residing in the zip code who are rent burdened. Zip codes are then separated into 10 to 15 payment standard tiers. Each payment standard tier is comprised of zip codes with similar average rent values. Groupings may be further refined by merging one tier with few zip codes and a neighboring tier with a similar average rent range.

Alternatively, a tier with ranges that widely vary may be split based on the median rent value within the group. Additional factors are taken into consideration, such as local submarket conditions, trends, and projections, as well as current voucher utilization within each zip code. Once tiers are set, a proposed payment standard is used to calculate the percentage of SAFMR for each bedroom size in each zip code. The proposed payment standard is then adjusted upward or downward to ensure it fits within the allowable range for each zip code in the tier.

D. Safe Harbor Waivers.

Safe Harbor Waivers seeking HUD Approval:

The MTW Operations Notice describes a simplified process for MTW agencies to implement MTW activities outside of the safe harbors described in Appendix I. For each Safe Harbor Waiver request, a document that includes the following information must be provided: (a) the name and number of the MTW Waiver and associated activity for which the MTW agency is seeking to expand the safe harbor, (b) the specific safe harbor and its implementing regulation, (c) the proposed MTW activity the MTW agency wishes to implement via this Safe Harbor Waiver, (d) a description of the local issue and why such an expansion is needed to implement the MTW activity, (e) an impact analysis, (f) a description of the hardship policy for the MTW activity, if applicable, and (g) a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

Will the MTW agency submit request for approval of a Safe Harbor Waiver this year?

- ☐ Yes
☒ No

E. Agency-Specific Waivers.

Agency-Specific Waivers for HUD Approval:

The MTW demonstration program is intended to foster innovation and HUD encourages MTW agencies, in consultation with their residents and stakeholders, to be creative in their approach to solving affordable housing issues facing their local communities. For this reason, flexibilities beyond those provided for in Appendix I may be needed. Agency-Specific Waivers may be requested if an MTW agency wishes to implement additional activities, or waive a statutory and/or regulatory requirement not included in Appendix I.

In order to pursue an Agency-Specific Waiver, an MTW agency must include an Agency-Specific Waiver request, an impact analysis, and a hardship policy (as applicable), and respond to all of the mandatory core questions as applicable.

For each Agency-Specific Waiver(s) request, please upload supporting documentation, that includes: a) a full description of the activity, including what the agency is proposing to waive (i.e., statute, regulation, and/or Operations Notice), b) how the initiative achieves one or more of the 3 MTW statutory objectives, c) a description of which population groups and household types that will be impacted by this activity, d) any cost implications associated with the activity, e) an implementation timeline for the initiative, f) an impact analysis, g) a description of the hardship policy for the initiative, and h) a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

Will the MTW agency submit a request for approval of an Agency-Specific Waiver this year?

- ☐ Yes
☒ No

Agency-Specific Waiver(s) for which HUD Approval has been Received:

For each previously approved Agency-Specific Waiver(s), a set of questions will populate.

Does the MTW agency have any approved Agency-Specific Waivers?

- ☐ Yes
☒ No

F. Public Housing Operating Subsidy Grant Reporting.

Please provide the public housing Operating Subsidy grant information in the table below for Operating Subsidy grants appropriated in each Federal Fiscal Year the PHA is designated an MTW PHA.

Federal Fiscal Year (FFY)	Total Operating Subsidy Authorized Amount	How Much PHA Disbursed by the 9/30 Reporting Period	Remaining Not Yet Disbursed	Deadline
2021	\$29,585,170	\$29,585,170	\$0	9/30/2029
2022	\$27,406,287	\$27,406,287	\$0	9/30/2030
2023	\$34,131,336	\$23,798,218	\$10,333,118	9/30/2031

G.1 MTW Statutory Requirements.

75% Very Low Income – Local, Non-Traditional.

HUD will verify compliance with the statutory requirement that at least 75% of the households assisted by the MTW agency are very low-income for MTW public housing units and MTW HCVs through HUD systems. The MTW PHA must provide data for the actual families housed upon admission during the PHA's most recently completed Fiscal Year for its Local, Non-Traditional program households.

Income Level	Number of Local, Non-Traditional Households Admitted in the Fiscal Year*
80%-50% Area Median Income	0
49%-30% Area Median Income	0
Below 30% Area Median Income	0
Total Local, Non-Traditional Households	0

*Local, non-traditional income data must be provided in the MTW Supplement form until such time that it can be submitted in IMS-PIC or other HUD system.

G.2 Establishing Reasonable Rent Policy.

Question	Input options and instructions
Has the MTW agency established a rent reform policy to encourage employment and self-sufficiency?	☐ Yes ☒ No

G.3 Substantially the Same (STS) – Local, Non-Traditional.

Questions	Input options and instructions
Please provide the total number of unit months that families were housed in a local, non-traditional rental subsidy for the prior full calendar year.	<u>0</u> # of unit months
Please provide the total number of unit months that families were housed in a local, non-traditional housing development program for the prior full calendar year.	<u>0</u> # of unit months
How many units, developed under the local, non-traditional housing development activity, were available for occupancy during the prior full calendar year (by bedroom size)?	Please include only those units that serve households at or below 80% of AMI in the table provided.

PROPERTY NAME/ADDRESS	0/1 BR	2 BR	3 BR	4 BR	5 BR	6+ BR	TOTAL UNITS	POPULATION TYPE*	# of Section 504 Accessible (Mobility)**	# of Section 504 Accessible (Hearing/Vision)	Was this Property Made Available for Initial Occupancy during the Prior Full Calendar Year?	What was the Total Amount of MTW Funds Invested into the Property?
Name/Address	#	#	#	#	#	#	#	Type (below)	#	#	Y/N	\$
Name/Address	#	#	#	#	#	#	#	Type (below)	#	#	Y/N	\$
Name/Address	#	#	#	#	#	#	#	Type (below)	#	#	Y/N	\$
Totals	#	#	#	#	#	#	#		#	#		

* User will select one of the following from the “Population Type” dropdown box: General, Elderly, Disabled, Elderly/Disabled, Other

If the “Population Type” of is Other is selected, please state the Property Name/Address, and describe the population type. [Text box]

** The federal accessibility standard under HUD’s Section 504 regulation is the Uniform Federal Accessibility Standards (UFAS) for purposes of Section 504 compliance. HUD recipients may alternatively 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”) for purposes of Section 504 compliance, <https://www.govinfo.gov/content/pkg/FR-2014-05-23/pdf/2014-11844.pdf>. This would also include adaptable units as defined by HUD’s Section 504 regulation (See 24 CFR § 8.3 and § 8.22).

G.4	Comparable Mix (by Family Size) – Local, Non-Traditional.
In order to demonstrate that the MTW statutory requirement of “maintaining a comparable mix of families (by family size) are served, as would have been provided had the amounts not been used under the demonstration” is being achieved, the MTW agency will provide information for its most recently completed Fiscal Year in the following table.	
Local, non-traditional family size data must be provided in the MTW Supplement form until such time that it can be submitted in IMS-PIC or other HUD system.	

Family Size:	Occupied Number of Local, Non-Traditional units by Household Size
1 Person	#
2 Person	#
3 Person	#
4 Person	#
5 Person	#
6+ Person	#
Totals	#

G.5	Housing Quality Standards.
Certification is included in MTW Certifications of Compliance for HCV and local, non-traditional program. The public housing program is monitored through physical inspections performed by the Real Estate Assessment Center (REAC).	

H.	Public Comments.		
Question		Input options and instructions	
Please provide copy of all comments received by the public, Resident Advisory Board, and tenant associations.		Upload Attachment Please see Attachment C: RAB Comments. Please see Attachment D: Public Testimony.	
Please attach a narrative describing the MTW agency's analysis of the comments and any decisions made based on these comments.		Upload Attachment Please see Attachment C: RAB Comments. Please see Attachment D: Public Testimony.	
If applicable, was an additional public hearing held for an Agency-Specific Waiver and/or Safe Harbor waiver?		☐ Yes ☐ No ☒ N/A	
If yes, please attach the comments received along with the MTW agency's description of how comments were considered.		Upload Attachment	

I.	Evaluations.		
Please list any ongoing and completed evaluations of the MTW agency's MTW policies, that the PHA is aware of, including the information requested in the table below. In the box "title and short description," please write the title of the evaluation and a brief description of the focus of the evaluation.			
Question		Input options and instructions	
Does the PHA have an agency-sponsored evaluation?		☐ Yes ☒ No	
Table I.1 - Evaluations of MTW Policies			
Title and short description	Evaluator name and contact information	Time period	Reports available

J	MTW Certifications of Compliance.
The MTW agency must execute the MTW Certifications of Compliance form and submit as part of the MTW Supplement submission to HUD. Certification is provided below.	

MTW CERTIFICATIONS OF COMPLIANCE

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF PUBLIC AND INDIAN HOUSING

Certifications of Compliance with Regulations: Board Resolution to Accompany the MTW Supplement to the Annual PHA Plan

Acting on behalf of the Board of Commissioners of the Moving to Work Public Housing Agency (MTW PHA) listed below, as its Chairperson or other authorized MTW PHA official if there is no Board of Commissioners, I approve the submission of the MTW Supplement to the Annual PHA Plan for the MTW PHA Fiscal Year beginning (07/01/2024), hereinafter referred to as "the MTW Supplement", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the MTW Supplement and implementation thereof:

- (1) The PHA made the proposed MTW Supplement 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 MTW Supplement and invited public comment.
- (2) The MTW PHA took into consideration public and resident comments (including those of its Resident Advisory Board(s) or tenant associations, as applicable) before approval of the MTW Supplement by the Board of Commissioners or Board of Directors in order to incorporate any public comments into the annual MTW Supplement.
- (3) The MTW PHA certifies that the Board of Directors has reviewed and approved the budget for the Capital Fund Program grants contained in the Capital Fund Program Annual Statement/Performance and Evaluation Report, form HUD-50075.1 (or successor form as required by HUD).
- (4) The MTW PHA will carry out the MTW Supplement 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), and title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) all regulations implementing these authorities; and other applicable Federal, State, and local civil rights laws.
- (5) The MTW Supplement is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
- (6) The MTW Supplement 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 to Fair Housing Choice, for the MTW PHA's jurisdiction and a description of the manner in which the MTW Supplement is consistent with the applicable Consolidated Plan.
- (7) The MTW PHA will affirmatively further fair housing, which means that it will: (i) take meaningful actions to further the goals identified by the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR 5.150-5.180 and 903.15; (ii) take no action that is materially inconsistent with its obligation to affirmatively further fair housing; and (iii) address fair housing issues and contributing factors in its programs, in accordance with 24 CFR 903.7(o)(3) and 903.15(d). Note: Until the PHA is required to submit an AFH, and that AFH has been accepted by HUD, the PHA must follow the certification requirements of 24 CFR 903.7(o) in effect prior to August 17, 2015. Under these requirements, the PHA will be considered in compliance with the certification requirements of 24 CFR 903.7(o)(1)-(3) and 903.15(d) if it: (i) examines its programs or proposed programs; (ii) identifies any impediments to fair housing choice within those programs; (iii) addresses those impediments in a reasonable fashion in view of the resources available; (iv) works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and (v) maintains records reflecting these analyses and actions.
- (8) The MTW PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975 and HUD's implementing regulations at 24 C.F.R. Part 146.
- (9) In accordance with 24 CFR 5.105(a)(2), HUD's Equal Access Rule, the MTW PHA will not make a determination of eligibility for housing based on sexual orientation, gender identity, 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.
- (10) The MTW 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.
- (11) The MTW 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.
- (12) The MTW PHA will comply with requirements with regard to a drug free workplace required by 24 CFR Part 24, Subpart F.
- (13) The MTW PHA will comply with requirements with regard to compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms if required by this Part, and with restrictions on payments to influence Federal Transactions, in accordance with the Byrd Amendment.
- (14) The MTW 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.

- (15) The MTW PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
- (16) The MTW PHA will provide HUD or the responsible entity any documentation needed to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58. Regardless of who acts as the responsible entity, the MTW PHA will maintain documentation that verifies compliance with environmental requirements pursuant to 24 Part 58 and 24 CFR Part 50 and will make this documentation available to HUD upon its request.
- (17) With respect to public housing and applicable local, non-traditional development the MTW 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.
- (18) The MTW PHA will keep records in accordance with 2 CFR 200.333-200.337 and facilitate an effective audit to determine compliance with program requirements.
- (19) The MTW PHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
- (20) The MTW PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200.
- (21) The MTW PHA must fulfill its responsibilities to comply with and ensure enforcement of housing quality standards as required in PIH Notice 2011-45, or successor notice, for any local, non-traditional program units. The MTW PHA must fulfill its responsibilities to comply with and ensure enforcement of Housing Quality Standards, as defined in 24 CFR Part 982, for any Housing Choice Voucher units under administration.
- (22) The MTW PHA will undertake only activities and programs covered by the Moving to Work Operations Notice in a manner consistent with its MTW Supplement and will utilize covered grant funds only for activities that are approvable under the Moving to Work Operations Notice and included in its MTW Supplement. MTW Waivers activities being implemented by the agency must fall within the safe harbors outlined in Appendix I of the Moving to Work Operations Notice and/or HUD approved Agency-Specific or Safe Harbor Waivers.
- (23) All attachments to the MTW Supplement have been and will continue to be available at all times and all locations that the MTW Supplement is available for public inspection. All required supporting documents have been made available for public inspection along with the MTW Supplement and additional requirements at the primary business office of the PHA and at all other times and locations identified by the MTW PHA in its MTW Supplement and will continue to be made available at least at the primary business office of the MTW PHA.

Hawaii Public Housing Authority

MTW PHA NAME

HI001

MTW PHA NUMBER/HA CODE

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).

Robert J. Hall

NAME OF AUTHORIZED OFFICIAL

Chairperson

TITLE

SIGNATURE

DATE

*** Must be signed by either the Chairperson or Secretary of the Board of the MTW PHA's legislative body. This certification cannot be signed by an employee unless authorized by the MTW PHA Board to do so. If this document is not signed by the Chairperson or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.**

TABLE 1. GUIDE

- Core questions - An "X" in this column means that these are the set of core questions that are relevant for every waiver/activity.
- Custom questions - An "X" in this column means that these are questions that are specific to a particular activity. Not every activity will have custom questions.
- Safe Harbor - An "X" in this column means that the activity as described in Appendix 1 of the Operations Notice includes a set of Safe Harbor provisions.
- Impact Analysis - An "X" in this column means that the activity as described in Appendix 1 of the Operations Notice requires the PHA to conduct an impact analysis. This impact analysis must be submitted to HUD via the MTW Supplement; thus, the Supplement should include some statement regarding the requirement and an opportunity for the PHA to upload the impact analysis. The Operations Notice also states that an updated impact analysis must be attached to the MTW Supplement in each subsequent year.
- Hardship Policy - An "X" in this column means that the activity as described in Appendix 1 of the Operations Notice requires the PHA to establish a hardship policy. The hardship policy must be submitted to HUD via the MTW Supplement; thus, the Supplement should include some statement regarding the requirement and an opportunity for the PHA to upload the hardship policy. PHA must still grant reasonable accommodation requests related to all activities even if the hardship policy is not in place.

TABLE 1. MTW ACTIVITIES QUESTIONS FOR THE MTW SUPPLEMENT

Section/Question	Core Questions	Custom Questions	Safe Harbor	Impact Analysis	Hardship Policy
1. Tenant Rent Policies					
a. Tiered Rent (PH)	X	X	X		
b. Tiered Rent (HCV)	X	X	X		
c. Stepped Rent (PH)	X	X	X	X	X
d. Stepped Rent (HCV)	X	X	X	X	X
e. Minimum Rent (PH)	X	X	X	X	X
f. Minimum Rent (HCV)	X	X	X	X	X
g. Total Tenant Payment as a Percentage of Gross Income (PH)	X	X	X	X	X
h. Total Tenant Payment as a Percentage of Gross Income (HCV)	X	X	X	X	X
i. Alternative Utility Allowance (PH)	X	X	X		
j. Alternative Utility Allowance (HCV)	X	X	X		
k. Fixed Rents (PH)	X	X	X		
l. Fixed Subsidy (HCV)	X	X	X		
m. Utility Reimbursements (PH)	X				
n. Utility Reimbursements (HCV)	X				
o. Initial Rent Burden (HCV)	X	X	X	X	
p. Imputed Income (PH)	X	X	X	X	X
q. Imputed Income (HCV)	X	X	X	X	X
r. Elimination of Deduction(s) (PH)	X	X		X	X
s. Elimination of Deduction(s) (HCV)	X	X		X	X
t. Standard Deductions (PH)	X	X			
u. Standard Deductions (HCV)	X	X			
v. Alternative Income Inclusions/Exclusions (PH)	X	X			
w. Alternative Income Inclusions/Exclusions (HCV)	X	X			
2. Payment Standards and Rent Reasonableness					
a. Payment Standards- Small Area Fair Market Rents (HCV)	X	X	X	X	X
b. Payment Standards- Fair Market Rents (HCV)	X	X	X	X	X
c. Rent Reasonableness – Process (HCV)	X	X			
d. Rent Reasonableness – Third-Party Requirement (HCV)	X	X			

Section/Question	Core Questions	Custom Questions	Safe Harbor	Impact Analysis	Hardship Policy
3. Reexaminations					
a. Alternative Reexamination Schedule for Households (PH)	X	X	X	X	X
b. Alternative Reexamination Schedule for Households (HCV)	X	X	X	X	X
c. Self-Certification of Assets (PH)	X	X	X		
d. Self-Certification of Assets (HCV)	X	X	X		
4. Landlord Leasing Incentives					
a. Vacancy Loss (HCV-Tenant-based Assistance)	X	X	X		
b. Damage Claims (HCV-Tenant-based Assistance)	X	X	X		
c. Other Landlord Incentives (HCV-Tenant-based Assistance)	X	X	X		
5. Housing Quality Standards (HQS)					
a. Pre-Qualifying Unit Inspections (HCV)	X	X	X		
b. Reasonable Penalty Payments for Landlords (HCV)	X	X	X		
c. Third-Party Requirement (HCV)	X	X			
d. Alternative Inspection Schedule (HCV)	X		X		
6. Short-Term Assistance					
a. Short-Term Assistance (PH)	X	X	X		
b. Short-Term Assistance (HCV)	X	X	X		
7. Term-Limited Assistance					
Term-Limited Assistance (PH)	X	X	X	X	X
Term-Limited Assistance	X	X	X	X	X
8. Increase Elderly Age (PH & HCV)	X	X	X		
9. Project-Based Voucher Program Flexibilities					
a. Increase PBV Program Cap (HCV)	X	X	X		
b. Increase PBV Project Cap (HCV)	X		X		
c. Elimination of PBV Selection Process for PHA-owned Projects Without Improvement, Development, or Replacement (HCV)	X				
d. Alternative PBV Selection Process (HCV)	X				
e. Alternative PBV Unit Types (Shared Housing and Manufactured Housing) (HCV)	X	X			
f. Increase PBV HAP Contract Length (HCV)	X		X		
g. Increase PBV Rent to Owner (HCV)	X				
h. Limit Portability for PBV Units (HCV)	X				
10. Family Self-Sufficiency Program with MTW Flexibility					
a. Waive Operating a Required FSS Program (PH & HCV)	X		X		
b. Alternative Structure for Establishing Program Coordinating Committee (PH & HCV)	X	X	X		
c. Alternative Family Selection Procedures (PH & HCV)	X	X	X		
d. Modify or Eliminate the Contract of Participation (PH & HCV)	X	X	X		

Section/Question	Core Questions	Custom Questions	Safe Harbor	Impact Analysis	Hardship Policy
e. Policies for Addressing Increases in Family Income (PH & HCV)	X	X	X		
11. MTW Self-Sufficiency Program					
a. Alternative Family Selection Procedures (PH & HCV)	X	X	X		
b. Policies for Addressing Increases in Family Income (PH & HCV)	X	X	X		
12. Work Requirement					
a. Work Requirement (PH)	X	X	X	X	X
b. Work Requirement (HCV)	X	X	X	X	X
13. Use of Public Housing as an Incentive for Economic Progress (PH)	X		X		
14. Moving on Policy					
a. Waive Initial HQS Inspection Requirement (HCV)	X		X		
b. Allow Income Calculations from Partner Agencies (PH & HCV)	X		X		
c. Aligning Tenant Rents and Utility Payments Between Partner Agencies (PH & HCV)	X		X		
15. Acquisition without Prior HUD Approval (PH)	X	X			
16. Deconcentration of Poverty in Public Housing Policy (PH)	X				
17. Local, Non-Traditional Activities					
a. Rental Subsidy Programs	X	X	X		
b. Service Provision	X	X	X		
c. Housing Development Programs	X	X	X		

Instructions for Preparation of Form HUD-50075-MTW, MTW Supplement to the Annual PHA Plan

The instructions below detail how to complete the MTW Supplement. These instructions will not appear in the fillable form.

Note about file uploads: PHAs can upload PDF, Word, or Excel documents. Files should be named with the following naming convention: PHA code, Fiscal Year (FY), and short name for the policy/item. Some examples would be CA789FY21RentHardship for a rent hardship policy, CA789FY21ImpactAnalysis for an impact analysis that is applicable to multiple MTW activities, and CA789FY21MTWCertofCompliance for the MTW Certifications of Compliance.

A. PHA Information. All PHAs must complete this section.

A.1 Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/DD/YYYY), **MTW Cohort Number**, and **MTW Supplement Submission Type**.

B. Narrative. All MTW agencies must complete this section.

B.1 MTW Supplement Narrative.

Provide a written description of how the MTW agency seeks to address the three statutory objectives during the coming year. Those three statutory objectives are: (1) to reduce cost and achieve greater cost effectiveness in federal expenditures; (2) to give incentives to families with children whose heads of household are either working, seeking work, or are participating in job training, educational or other programs that assist in obtaining employment and becoming economically self-sufficient; (3) and to increase housing choices for low-income families.

The narrative provides the PHA an opportunity to explain to the public, and the families that it serves, its MTW plans and goals for the coming Fiscal Year.

C. MTW Waivers.

Core Questions. All MTW activities found in Section C require responses to the same common questions.

Narrative. Describe the activity, the agency's goals for this activity, and, if applicable, how this activity contributes to a larger initiative.

Statutory Objective. Indicate which of the MTW statutory objectives this activity serves; each activity may serve one or more objectives. The three statutory objectives are housing choice, self-sufficiency, and cost effectiveness. Check all that apply.

Cost Implications. State the cost implications of each activity. Choose the best description of the cost implications based on what is known at the time of completing the MTW Supplement. Indicate which categories best describe the cost implications of the activity from among the following choices: neutral (no cost implications), increased revenue, decreased revenue, increased costs, decreased costs. Check all that apply. For instance, an activity may increase revenue, increase costs, and therefore be cost neutral. Alternatively, an activity may simply increase costs.

Different versions. Indicate whether there will be different policies for different household statuses, family types, or locations (public housing developments or HCV properties). If [Yes] is checked, questions will pop up which allow the MTW agency to explain which household statuses, family types, and/or locations will be affected. If [No] is checked, the respondent will move on to the next question. The agency will be able to indicate if a policy is different for one or more of these areas.

For example, if an MTW agency chooses to apply a Tenant Rent Policy to only non-elderly, non-disabled families, and not to the elderly or disabled, then it would check [Yes] and then receive the subsequent items that allow the agency to indicate what types of households and family types are affected by the activity.

Household status. MTW Agency's must indicate what type of household to which the activity applies. Household types means the following types: new admissions only, currently assisted households only, or new admissions and currently assisted households.

Family Types: Family types mean the following: non-elderly, non-disabled families; elderly families; disabled families; or other specifically defined target populations.

Location. The MTW agency indicates if the activity is or will be implemented at all or only at certain locations. Depending on if responses are being provided for a public housing (PH) or HCV activity, the agency will either see questions applicable to PH or HCV. For PH, the questions will be about developments and for HCV the questions will be about tenant-based units and properties with project-based vouchers. The agency must check the applicable response for all or specific. If the response is for specific locations, then the agency will be asked to provide the details.

PHAs may develop one comprehensive hardship policy to cover all MTW activities requiring a hardship policy, which would only need to be uploaded once.

Safe Harbor Waiver. PHAs must indicate if a Safe Harbor Waiver is needed to implement this policy as described. If yes, then the MTW Agency is asked the following: what is the status of the Safe Harbor Waiver Request? PHAs must indicate if the waiver request is being submitted for review with this submission of the MTW Supplement (see Section D), or if the waiver was previously approved. If the latter is checked (the waiver was previously approved), then the PHA must describe the extent to which the Safe Harbor Waiver is supporting the PHA's goal in implementing this activity.

Hardship policy. The MTW Operations Notice requires agencies to adopt written policies for determining when a requirement or provision of the MTW activity constitutes a financial or other hardship for the family. If applicable for the activity, please upload the hardship policy associated with this activity. Hardship policies may be applicable to multiple MTW Activities. Only upload Hardship Policy once if said Hardship Policy applies to multiple Activities. Reference Table 1 for specificity on when a hardship policy is required.

Modification of hardship policy. PHAs must indicate if the hardship policy has been modified since the last submission of the MTW Supplement. PHAs must check yes or no. If yes, then the respondent is asked: why has the MTW agency modified the hardship policy? The PHA will use the provided text box to describe the modifications.

Number of hardship requests. PHAs must indicate the number of hardship requests that have been received for each applicable activity in the most recently completed PHA fiscal year.

PHAs are legally required to provide reasonable accommodations to their MTW requirements, provisions, or policies, or any component of those requirements, provisions, and policies, following the same standards and processes that generally apply to reasonable accommodations.

Impact analysis. The MTW Operations Notice requires agencies to analyze and put into writing the various impacts of the MTW activity if it is required for the MTW activity. Please upload the impact analysis that has been prepared related to this activity, if applicable. An impact analysis may be applicable to multiple MTW Activities. Only upload Impact Analysis once if said Impact Analysis applies to multiple Activities. Reference Table 1 for specificity on when an impact analysis is required.

Description of accomplishments or changes in implementation. Provide a description, based on the Fiscal Year goals as listed in the activity's previous Fiscal Year's narrative, about what has been accomplished or changed during the implementation.

Discontinuation of activity. If the PHA selects "Will be Discontinued in the Submission Year" or "Was Discontinued in a previous Submission Year" in the screener, a question will be displayed that asks for an explanation as to why the activity was discontinued or will be discontinued. The PHA should explain why the activity was or will be discontinued. If the activity has already been discontinued, the PHA should include the final outcomes and lessons learned. If the activity was discontinued in a previous submission year, the PHA should state which year the activity was discontinued in.

Custom Questions. Some MTW activities require responses to custom questions that are specific only to that activity. Some MTW activities contain no custom questions. Respondents must answer each of the custom questions, which will only appear if the PHA is opting to implement the MTW activity in the coming Fiscal Year.

Information for how to answer each custom question is included in the 'input options and instructions' column for each MTW activity.

D. Safe Harbor Waivers

D.1: Safe Harbor Waivers seeking HUD Approval. The MTW Operations Notice describes a simplified process for MTW agencies to implement MTW activities outside of the safe harbors described in Appendix I For each Safe Harbor Waiver request, a

document that includes the following must be provided: a) the name and activity number of the MTW Waiver for which the PHA is seeking to expand the safe harbor, b) the specific safe harbor and its implementing regulation, c) the proposed policy the PHA wishes to implement via this waiver, d) a description of the local issue and why such an expansion is needed to implement the activity, e) an impact analysis, f) a description of the hardship policy for the initiative, and g) a copy of all comments received at the public hearing a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

E. Agency-Specific Waivers.

E.1: Agency-Specific Waivers Submitted for HUD Approval. The MTW demonstration program is intended to foster innovation and HUD encourages MTW agencies, in consultation with their residents and stakeholders, to be creative in their approach to solving affordable housing issues facing their local communities. For this reason, flexibilities beyond those provided for in Appendix I may be needed. Agency-Specific Waivers may be requested if an MTW agency wishes to implement additional activities, waive a statutory or regulatory requirement not included in Appendix I.

In order to pursue an Agency-Specific Waiver, an MTW agency must include an Agency-Specific Waiver request, an impact analysis, and a hardship policy (as applicable).

For each Agency-Specific Waiver(s) request, please provide a title and upload supporting documentation, that includes: a) a full description of the activity, including what the agency is proposing to waive (i.e., statute, regulation, and/or Operations Notice), b) how the initiative achieves one or more of the 3 MTW statutory objectives, c) a description of which population groups and household types that will be impacted by this activity, d) any cost implications associated with the activity, e) an implementation timeline for the initiative; f) an impact analysis, g) a description of the hardship policy for the initiative, and h) a copy of all comments received at the public hearing along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

A PHA planning to pursue an Agency-Specific Waiver is encouraged to read Section 4.c. of the MTW Operations Notice prior to filling out this section of the MTW Supplement.

E.2: Agency-Specific Waiver(s) for which HUD Approval has been Received. For each previously approved Agency-Specific Waiver(s), a set of questions will populate. Does the agency have any approved agency-specific waivers? If yes, the title previously provided in Section E.1 will prepopulate and ask if there has been a change in how the Agency-Specific Waivers is being implemented from when it was originally approved or if it has been discontinued. For changes, the PHA will need to provide a description of what has changed. If it has been discontinued, the PHA will need to provide a description about the final outcomes and lessons learned, as well as whether a final impact analysis was prepared at the time of discontinuation if one was previously required.

F. Public Housing Operating Subsidy Grant Reporting.

F.1: Public Housing Operating Subsidy Grant Reporting. PHAs must fill out this table if it receives public housing Operating Subsidy grant funding from HUD. Only public housing Operating Subsidy grant funding awarded in the year the PHA is designated an MTW agency and beyond must be reported in this table. Additional rows must be added for Federal Fiscal Years beyond 2023, as applicable.

The federal account closing law applies to time-limited funds appropriated by Congress during the annual appropriations act process. For the public housing Operating Fund, PHAs must expend federal funds no more than five (5) years after the period of availability for obligation expires. After this 5-year period, the account closes, and the funds are no longer available for any purpose. For public housing Operating Subsidy grant funding, the period of availability for obligation ends at the end of the second Federal Fiscal Year (i.e., the period of availability for obligation of FY 2021 funds ends 9/30/2022). Pursuant to the account closing law, PHAs must expend all Operating Subsidy grant amounts within five years of this date (i.e., for FY 2021 funds, the account will close, and funds will no longer be legally available for any purpose on 9/30/2027).

G. MTW Statutory Requirements.

General. HUD will verify compliance with the statutory requirements G.1, G.3, and G.4 for public housing units and HCV units through HUD systems. In addition, agencies are to report compliance with the same requirements for Local, Non-Traditional Households in the tables provided in this section. Once HUD systems are capable of capturing this data then this will no longer need to be reported through the MTW Supplement.

G.1: 75% Very Low Income. All PHAs must fill out the table in G.1. The MTW PHA must provide data for the actual families housed upon admission during the PHA's most recently completed Fiscal Year for its local, non-traditional program households. For instance, a PHA submitting its MTW Supplement to the FY2020 Annual PHA Plan should include its Fiscal Year (FY) 2018 local, non-traditional data since this is the most recently completed Fiscal year. Only local, non-traditional new admissions should be included in the table. If a PHA houses no local, non-traditional households, then zeros must be inputted into the table.

HUD will verify compliance with the statutory requirement that at least 75% of the households assisted by the MTW PHA are very low income for public housing and HCV programs through existing HUD systems.

G.2: Establishing Reasonable Rent Policy. All PHAs must fill out section G.2. Per the MTW Operations Notice, all activities falling under the Tenant Rent Policies category (Section C.1 of the MTW Supplement) or the Alternative Reexamination Schedule category (Section C.3 of the MTW Supplement), detailed in the Appendix of the MTW Operations Notice, meet the definition of a reasonable rent policy.

MTW agencies are reminded that the Rent Determination section of the PHA Plan should be reflective of MTW reasonable rent policies where applicable. From the PHA Plan: "Rent Determination. A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units, including applicable public housing flat rents, minimum rents, voucher family rent contributions, and payment standard policies. ([24 CFR §903.7\(d\)](#)).

G.3: Substantially the Same (STS). All PHAs must fill out section G.3. The number of local, non-traditional families served must be provided by month for the most recently completed Calendar Year. If a PHA houses no local, non-traditional families, then zeros must be inputted into the table. The additional information on Local, Non-Traditional development units must be provided for each development.

HUD will verify compliance with the STS statutory requirement for public housing and HCV programs through existing HUD systems.

G.4: Comparable Mix (by Family Size). All PHAs must fill out section G.4. In order to demonstrate that the statutory objective of "maintaining a comparable mix of families (by family size) are served, as would have been provided had the amounts not been used under the demonstration" is being achieved, the PHA will provide family size (i.e., not bedroom size) data in the table for the most recently completed Fiscal Year. For instance, a PHA submitting its MTW Supplement to the FY2021 Annual PHA Plan should include its FY 2019 local, non-traditional data since this is the most recently completed Fiscal Year. If a PHA houses no local, non-traditional household, then zeros must be inputted into the table.

HUD will verify compliance with the comparable mix statutory requirement for public housing and HCV programs through existing HUD systems.

G.5: Housing Quality Standards. PHAs are not required to enter any information into section G.5. This statutory requirement is certified to in the MTW Certifications of Compliance form for the HCV and local, non-traditional housing programs. The public housing program is monitored by HUD through the Public Housing Assessment System (PHAS) Physical Subsystem, or successor, despite the MTW PHA being exempt from an overall designation.

H. Public Comments

H.1: Public Comments. All PHAs are required, per the Annual PHA Plan regulations, to go through a public process prior to submitting the MTW Supplement to HUD. The MTW agency must consider, in consultation with the Resident Advisory Board (RAB) and tenant association, as applicable, all of the comments received at the public hearing. The comments received by the public, RABs, and tenant associations must be submitted by the MTW agency, along with the MTW agency's description of how the comments were considered, as a required attachment to the MTW Supplement.

As described above, PHAs must submit comments and responses for all Safe Harbor and Agency-Specific Waivers, which are to be held in an additional public meeting.

The public comment process must include the Supplement and all uploaded attachments.

I. Evaluations.

I.1: Evaluations. The MTW agency should fill in Table I.1, listing each evaluation of the MTW policies and providing contact information for the evaluator, the time period of the evaluation, and the names of available reports. The MTW agency should list

internal evaluations that result in reports that could be shared upon request but may leave off evaluations meant for internal use only. The MTW agency should list all third-party evaluations, as applicable.

J. MTW Certifications of Compliance.

J.1: MTW Certifications of Compliance Form. The format for submission of the required MTW Certifications of Compliance is provided in this Form MTW Supplement. The preamble to the MTW Certifications of Compliance directs the MTW PHA to fill in the beginning of the Fiscal Year for which the certification is being made. This should be provided as the first day of the Fiscal Year to be covered by the Annual PHA Plan (for example, a FY2021 Annual PHA Plan for an MTW PHA with a Fiscal Year of January 1 – December 31, this would be January 1, 2021).

The MTW Certifications of Compliance must be signed by either the Chairperson or Secretary of the Board of the MTW PHA's legislative body. This certification cannot be signed by an employee unless authorized by the MTW PHA Board to do so. If this document is not signed by the Chairperson or Secretary, documentation such as the by-laws or authorizing board resolution must accompany this certification.

The MTW Certifications of Compliance must be submitted to HUD as part of the MTW Supplement for each annual submission and each revised annual submission.

Public reporting burden for this information collection is estimated to average 6.5 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. The information collected is required to obtain or retain benefits. The information collected will not be held confidential.

Annual PHA Plan for FY 25

Attachment D

Federal Public Housing Projects Address List

**Federal Public Housing Projects
Address List**

The Hawaii Public Housing Authority (HPHA) is providing notice that it may, at any time during the fiscal year, submit an application to the U.S. Department of Housing and Urban Development, Special Applications Center to demolish and/or dispose of public housing units or other properties from its public housing inventory for any of the following reasons:

- There is evidence of substantial physical issues with a project's building(s) or dwelling unit(s) (e.g., critical structural issues, deficiencies in major systems, deterioration due to prolonged deferred maintenance, etc.) that are not cost-effective to repair. This includes damages to a project that were caused by natural or human-caused disasters and other acts of God;
- There is evidence that a project's location causes obsolescence or presents serious obstacles to maintain dwelling units as healthy and safe housing (e.g., environmental factors, proximity to a highway/factory makes a project no longer suited for residential use, etc.);
- There are other factors and conditions which impact the marketability, usefulness, or management of dwelling units and seriously impede operations for residential use;
- De Minimis demolition;
- Continued operation is infeasible because of a lack of demand for dwelling units;
- To improve the efficiency and effectiveness of on-site or off-site development;
- As part of a RAD-Section 18 blend;
- To remove scattered-site dwelling units that are unsustainable to operate and/or maintain; or
- To remove a non-dwelling buildings or vacant land that exceeds the needs of a project.

This attachment lists the addresses of all federal public housing properties in the HPHA's public housing inventory.

NAME	ADDRESS	CITY	ZIP	TOTAL UNITS	UNIT TYPE (BDR SIZE)					
					0	1	2	3	4	5
Asset Management Project 30										
Hale Laulima	1184 Waimano Home Rd	Pearl City	96782	36	0	0	20	16	0	0
Pu`uwai Momi	99-132 Kohomua St	Aiea	96701	260	0	48	86	88	38	0
Salt Lake	2907 Ala Ilima St	Honolulu	96818	28	0	0	28	0	0	0
Waipahu I	94-111 Pupuole Pl	Waipahu	96797	19	0	0	13	6	0	0
Waipahu II	94-111 Pupupuhi St	Waipahu	96797	20	0	0	16	4	0	0
Asset Management Project 31										
Kalihi Valley Homes	2250 Kalena Dr	Honolulu	96819	373	0	52	60	123	112	26
Asset Management Project 32										
Mayor Wright Homes	521 N Kukui St	Honolulu	96817	364	0	24	114	168	50	8
Asset Management Project 33										
Ka`ahumanu Homes	Alokele & Kaiwiula St	Honolulu	96817	152	0	0	116	36	0	0
Kamehameha Homes	1541 Haka Dr	Honolulu	96817	221	0	62	123	36	0	0
Asset Management Project 34										
Kalakaua Homes	1545 Kalakaua Ave	Honolulu	96826	221	0	127	58	36	0	0
Makua Alii (E)	1541 Kalakaua Ave	Honolulu	96826	211	0	210	0	1	0	0
Paoakalani (E)	1583 Kalakaua Ave	Honolulu	96826	151	90	60	0	1	0	0
Asset Management Project 35										
Kalanihuia (E)	1220 Aala St	Honolulu	96817	151	60	90	0	1	0	0
Makamae (E)	21 S Kuakini St	Honolulu	96813	124	108	16	0	0	0	0
Punchbowl Homes (E)	730 Captain Cook Ave	Honolulu	96813	156	0	96	60	0	0	0
Pumehana(E)	1212 Kinau St	Honolulu	96814	139	98	40	1	0	0	0
Spencer House	1035 Spencer St	Honolulu	96822	17	0	0	1	16	0	0

Asset Management Project 37										
Hale Aloha O Puna (E)	16-189 Pili Mua St	Keaau	96749	30	18	12	0	0	0	0
Hale Olaloa (E)	144 Kamana St	Hilo	96720	50	30	20	0	0	0	0
Kauhale O Hanakahi	19 Pamala St	Hilo	96720	20	0	0	0	20	0	0
Lanakila Homes I	600 Wailoa St	Hilo	96720	36	0	0	12	18	6	0
Lanakila Homes II	600 Wailoa St	Hilo	96720	44	0	4	16	18	6	0
Lanakila Homes IIIA	600 Wailoa St	Hilo	96720	20	0	4	12	4	0	0
Lanakila Homes IIIB	600 Wailoa St	Hilo	96720	16	0	4	8	4	0	0
Lanakila Homes IV	600 Wailoa St	Hilo	96720	48	0	2	18	20	8	0
Pahala (E)	96-1169 Kou St	Pahala	96777	24	16	8	0	0	0	0
Pomaikai Homes (E)	929 Ululani St	Hilo	96720	20	10	10	0	0	0	0
Punahele Homes	Lokahi Pl	Hilo	96720	30	0	0	30	0	0	0
Asset Management Project 38										
`Ele`ele Homes	Ahe St	Eleele	96705	24	0	2	6	10	6	0
Hale Ho`olulu (E)	4264 Ala Muku Pl	Kilauea	96754	12	8	4	0	0	0	0
Hale Ho`onanea (E) (Port Allen)	4401 Waialo Rd	Eleele	96705	40	24	16	0	0	0	0
Hale Nana Kai O Kea (E)	4850 Kawaihau Rd	Kapaa	96746	38	20	18	0	0	0	0
Home Nani (E)	Moana & Laau Rd	Waimea	96796	14	10	4	0	0	0	0
Hui O Hanamaulu	Laukona St	Hanamaulu	96715	46	0	6	12	16	12	0
Kalaheo	Puu Rd	Kalaheo	96741	8	0	0	2	4	2	0
Kapa`a	4726 Malu Rd	Kapaa	96746	36	0	6	8	12	10	0
Kawailehua - Federal	5230 Paanau Rd	Koloa	96756	25	0	0	0	25	0	0
Kekaha Ha'aheo	8238 Iwipolena Rd	Kekaha	96752	78	0	42	12	24	0	0
Asset Management Project 39										
Kahale Mua - Federal	PO Box 30	Maunaloa	96770	25	0	0	0	25	0	0
Kahekili Terrace [A & B]	2015 Holowai Pl	Wailuku	96793	82	0	12	22	36	12	0
Makani Kai Hale	35 Koapaka Ln	Waiehu	96793	25	0	0	0	25	0	0
Makani Kai Hale II	35 Koapaka Ln	Waiehu	96793	4	0	0	0	4	0	0

Asset Management Project 40										
Kuhio Homes	Ahonui St	Honolulu	96819	134	0	20	32	37	37	8
Kuhio Park Terrace Lowrise	Ahonui St & Linapuni St	Honolulu	96819	40	0	0	0	0	40	0
Asset Management Project 43										
Hale Ho`okipa (E)	81-1038 Nani Kupuna Place	Kealakekua	96750	32	20	12	0	0	0	0
Ka Hale Kahaluu	78-6725 Makolea St	Kailua-Kona	96740	50	0	8	12	22	8	0
Kaimalino	74-5060 Kealakaa St	Kailua-Kona	96740	40	0	10	14	14	2	0
Kealakehe	74-991 Manawale'a St	Kailua-Kona	96740	48	0	16	16	16	0	0
Nani Olu (E)	81-1011 Nani Kupuna Pl	Kealakekua	96750	32	0	32	0	0	0	0
Asset Management Project 44										
Kau`iokalani	85-658 Farrington Hwy	Waianae	96792	50	0	0	0	50	0	0
Maili I	Maliona St	Waianae	96792	20	0	0	7	13	0	0
Maili II	Keliikipi St	Waianae	96792	24	0	0	12	0	12	0
Nanakuli Homes	Lualei Pl & Farrington Hwy	Waianae	96792	36	0	0	0	36	0	0
Waimaha-Sunflower	85-186 McArthur St	Waianae	96792	130	0	52	46	32	0	0
Asset Management Project 45										
Ho`okipa Kahalu`u	47-330 Ahuimanu Rd	Kaneohe	96744	56	0	8	32	16	0	0
Kaneohe Apartments	45-507 & 45-513 Pahia Rd	Kaneohe	96744	24	0	5	19	0	0	0
Kauhale O'hana	41-1260 Kalaniana'ole Hwy	Waimanalo	96795	25	0	0	0	25	0	0
Ko`olau Village	45-1027 Kamau Pl	Kaneohe	96744	80	0	8	24	36	12	0
Waimanalo Homes	Humuniki St & Humuna Pl	Waimanalo	96795	19	0	0	5	11	3	0
Waimanalo Homes II	Humuniki St & Humuna Pl	Waimanalo	96795	22	0	0	14	7	1	0
Asset Management Project 46										
Hale Hau`oli (E)	45-540 Koniaka Pl	Honokaa	96727	40	24	16	0	0	0	0
Ke Kumu `Eko	68-3385 Ke Kumu Pl	Waikoloa	96738	20	0	0	0	20	0	0
Noelani I	65-1189 Opelo Rd	Kamuela	96743	19	0	7	12	0	0	0
Noelani II	65-1191 Opelo Rd	Kamuela	96743	24	0	0	0	24	0	0

Asset Management Project 49										
Kauhale Nani	310 North Cane St	Wahiawa	96786	50	0	14	16	20	0	0
Kupuna Home O'Waialua (E)	67-088 Goodale Ave	Waialua	96791	40	24	16	0	0	0	0
Wahiawa Terrace	337 Palm St	Wahiawa	96786	60	0	13	16	23	8	0
Asset Management Project 50										
Palolo Valley Homes	2107 Ahe St	Honolulu	96816	118	0	8	34	40	32	4

Annual PHA Plan for FY 25

Attachment E

Notice PIH 2019-23

ATTACHMENT K - PROJECT BASED VOUCHER REQUIREMENTS

(Language Inserted from PIH-2019-23 (HA), Rev-4, Section 1.6.C and 1.6.D)

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 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

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.

4. 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

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.

- 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.

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.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, 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.

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.

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

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

- ii. 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.
- iii. 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.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 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:

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.

- 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.
 - 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.

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.

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.

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.

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).

Annual PHA Plan for FY 25

Attachment F

Notice PIH 2016-17



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

Special Attention of:	Notice	H 2016-17 PIH 2016-17 (HA)
Public Housing Agencies		
Public Housing Hub Office Directors		
Public Housing Program Center Directors	Issued:	November 10, 2016
Multifamily HUB Directors		
Multifamily Program Center Directors	Effective:	November 10, 2016
Regional and Field Office Directors		
Regional Administrators	Expires:	This Notice remains in effect until amended, superseded, or rescinded
Performance Based Contract Administrators		
RAD Transaction Managers	Supplements:	PIH Notice 2012-32 (HA) REV-2
Regional Relocation Specialists		
	Supersedes:	H 2014-09/PIH 2014-17

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.

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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	• 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	• 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	• 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	• 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	• 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	• 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

- o Date of the GIN
- o Date of the CHAP
- o Date of NOIA
- o Date of RAD Notice of Relocation
- o Date of URA Notice of Relocation Eligibility
- o Date of most recent consent to voluntary permanent relocation⁹¹
- o Date of relocation away from the Converting Project or Covered Project
- o Dates of any intermediate relocation moves
- o 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:
 - o The type of move (e.g., the types identified in Section 6.4, above)
 - o The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
 - o The address and unit size of any temporary relocation housing
 - o Whether alternative housing options were offered consistent with Section 6.10, below
 - o Any material terms of any selected alternative housing options
 - o 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.

Annual PHA Plan for FY 25

Attachment G

Notice PIH 2014-17



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

ASSISTANT SECRETARY FOR HOUSING-
FEDERAL HOUSING COMMISSIONER

Special Attention of:

Public Housing Agencies
Public Housing Hub Office Directors
Public Housing Program Center Directors
Regional Directors
Field Office Directors
RAD Transaction Managers

Notice H 2014-09

PIH 2014-17

Issued: July 14, 2014

This notice remains in effect until amended,
superseded, or rescinded.

Cross Reference: PIH Notice 2012-32 (HA)
REV 1

Subject: Relocation Requirements under the Rental Assistance Demonstration (RAD) Program, Public Housing in the First Component

1. Purpose

This Notice provides public housing agencies (PHAs)¹ and their partners with information and resources on applicable program and relocation assistance requirements when planning for or implementing resident moves as a result of a **Rental Assistance Demonstration (RAD)** conversion² under the first component of the demonstration.³ This Notice provides guidance on RAD relocation requirements and requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA), as they relate to the public housing conversion process under the first component.⁴

¹ This Notice always uses the term “PHA” to refer to the owner of the project prior to and after the RAD conversion, even though, in some cases, the owner of the converted RAD project may be another public entity, a non-profit organization, or other owner (e.g., low-income housing tax credit owner). In addition, this Notice uses “PHA” to refer to the “displacing agency,” a URA term that means 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, may require substituting in a reference to a party that is more appropriate for a specific project.

² 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.

³ The “first component” of RAD allows public housing and Moderate Rehabilitation properties to convert assistance; the “second component” refers to conversion of Rent Supplement, Rental Assistance Payment, and Moderate Rehabilitation properties upon contract expiration or termination.

⁴ Relocation concerns and URA requirements apply to both components of RAD. This notice provides guidance only as to the first component.

Relocation assistance provided pursuant to public housing and RAD requirements is broader than URA relocation assistance requirements. Not all specific situations requiring relocation under RAD may trigger URA assistance requirements. In addition, whereas all qualifying residents⁵ of a converting public housing project are eligible for relocation assistance under RAD, some residents or household members may not meet the statutory and regulatory requirements for eligibility under URA. This Notice supersedes PIH Notice 2012-32 (HA), REV-1, with respect to relocation matters. This Notice also specifically addresses when relocation may begin (see Section 9 below). As necessary, the Department will issue additional guidance on relocation issues and requirements as they relate to RAD.

2. Background

RAD allows public housing properties to convert assistance to long-term project-based Section 8 contracts. In many cases, a RAD project may require relocation of residents when properties undergo repairs, are demolished and rebuilt, or when the assistance is transferred to another site. PIH Notice 2012-32 REV-1 (see also FR Notice 5630-N-05, 78 FR 39759-39763 (July 2, 2013)) details RAD program requirements.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA) is a federal law that establishes minimum standards for federally-funded programs and projects 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 of real property.⁶ The URA will apply to acquisitions of real property and relocation of persons from real property that occurs as a direct result of acquisition, rehabilitation, or demolition for a project that involves conversion of assistance to Project-Based Voucher (PBV) or Project-Based Rental Assistance (PBRA) programs under RAD.

Additionally, all relocation conducted as part of a RAD conversion and all relocation assistance provided under URA must be consistent with applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973.

Because each RAD proposal varies in its scope, this Notice may not address each PHA's specific circumstances. RAD PHAs and participants should carefully review the regulations, notices, and guidance material referenced in this Notice. Any questions related to the applicability of these requirements should be referred to the RAD Transaction Managers (TM) or may be emailed to rad@hud.gov.

3. Applicable Legal Authorities

⁵ The term "resident" as used in this Notice refers to eligible resident families of public housing residing in a property applying for participation in RAD or a property that undergoes a conversion of assistance through RAD.

⁶ 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.

- RAD: Consolidated and Further Continuing Appropriations Act of 2012 (Public Law 112-55, approved November 18, 2011), with the implementing PIH Notice 2012-32, REV-1
- URA statute and implementing regulations: 49 CFR part 24
- FHEO: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Fair Housing Act
- Section 104(d) of the Housing and Community Development Act of 1974, statute and implementing regulations (if CDBG and/or HOME funds are used): 24 CFR part 42, subpart C

4. Relocation Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a project converting under RAD, PHAs must undertake a planning process in conformance with URA in order to minimize the adverse impact of relocation (49 CFR 24.205(a)).

While a written Relocation Plan is not a requirement under RAD or URA, the Department strongly encourages PHAs to prepare a written Relocation Plan, both to establish their relocation process and to communicate this process consistently and effectively to all relevant stakeholders. Appendix 1 contains recommended elements of a Relocation Plan.

The following presents a general sequencing of relocation planning activities within the RAD milestones:

Stage	Activities
1. Prior to submission of RAD application	• Determine potential need for relocation • Meet with residents to discuss plans, communicate right to return, and solicit feedback • Provide <i>General Information Notice</i> (GIN) to residents • Survey residents to prepare Relocation Plan and relocation process cost estimate
2. After receipt of the Commitment to Enter into a HAP Contract (CHAP) Award	• Prepare Significant Amendment to PHA Plan • Assess and refine need for relocation • Develop a Relocation Plan (See Appendix 1 for recommended content) • Identify relocation housing options
3. Preparing Financing Plan (due to RAD Transaction Manager no later than 180 days following	• Budget for relocation expenses • Submit FHEO Accessibility & Relocation checklist (PHAs may submit Relocation Plan along with checklist)

Stage	Activities
CHAP award)	
4. Receipt of RAD Conversion Commitment (RCC)	• The date of issuance of the HUD RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 CFR 24.2(a)(15)) • Provide residents with appropriate notice informing them if they will be relocated and any associated relocation assistance • Meet with residents to describe approved conversion plans and discuss required relocation
5. Closing/RAD conversion	• Generally, resident relocation should not begin until after the date of closing/conversion of assistance under RAD • PHAs must adhere to notification requirements (described in Paragraph 8 of this Notice): generally, a minimum of 30 days for residents to be temporarily relocated for up to a year, and 90 days for permanent relocation • PHAs seeking to move residents prior to closing must receive prior approval from HUD as described in Paragraph 9 of this Notice

5. **Resident Right to Return**

RAD program rules prohibit the permanent involuntary relocation of residents as a result of conversion. Residents that are temporarily relocated retain the right to return to the project once it has been completed and is in decent, safe, and sanitary conditions.⁷ The period during which residents may need to be temporarily relocated is determined by the period of rehabilitation or construction, which will be specific to each project.

If proposed plans for a project would preclude a resident from returning to the RAD project, the resident must be given an opportunity to comment and/or object to such plans. If the resident objects to such plans, the PHA must alter the project plans to accommodate the resident in the converted project. If a resident agrees to such plans, the PHA must secure informed, written consent from the resident to receive permanent relocation assistance and payments consistent with URA and acknowledge that acceptance of such assistance terminates the resident’s right to return to the project. In obtaining this consent, PHAs must inform residents of their right to return, potential relocation, and temporary and permanent housing options at least 30 days before residents must make a decision. The PHA cannot employ any tactics to pressure residents into

⁷ Where the transfer of assistance to a new site is approved, residents of the converting project will have the right to reside in an assisted unit at the new site once rehabilitation or new construction is complete.

relinquishing their right to return or accepting permanent relocation assistance and payments.⁸ A PHA may not terminate a resident's lease if it fails to obtain this consent.

PHAs must keep documentation of such information provided to residents and such consent by residents. While HUD does not require PHAs to submit documentation of obtaining this consent, PHAs and participants must properly brief residents on their housing and relocation options and must keep auditable written records of such consultation and decisions. HUD may request this documentation during a review of the FHEO Relocation and Accessibility Checklist or if relocation concerns arise.

Examples of project plans that may preclude a resident from returning to the converted RAD project include, but are not limited to:

- Changes in bedroom distribution (i.e. when larger units will be replaced with smaller units such that current residents would become under-housed or when smaller units will be replaced with larger units such that current residents would become over-housed);
- Where a PHA is reducing the number of assisted units at a property by a de minimis amount⁹, but those units are occupied by assisted residents; or
- The reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery.

In all scenarios where residents voluntarily accept permanent relocation to accommodate project plans, these residents are eligible for permanent relocation assistance and payments under URA. If a resident accepts permanent relocation assistance, the resident surrenders his or her right to return to the completed project.

6. Relocation Assistance

Under RAD, relocation assistance may vary depending on the length of time relocation is required.¹⁰

- a. In instances when the PHA anticipates that a resident will be relocated for more than a year, the PHA must offer the resident the choice of:
 - Permanent relocation assistance and payments at URA levels; or
 - Temporary relocation assistance, including temporary housing, while the resident retains his or her right to return and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation.

⁸ Persons with disabilities returning to the RAD project may not be turned away or placed on a waiting list due to a lack of accessible units. Their accessibility needs must be accommodated.

⁹ A reduction in total number of assisted units at RAD project of 5% or less. (Section 1.5.B of PIH 2012-32 REV-1)

¹⁰ Some residents may not qualify for relocation assistance under URA. A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 CFR 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378.

The PHA must give the resident no less than 30 days to decide between permanent and temporary relocation assistance. If the resident elects to permanently relocate with assistance at URA levels, the PHA must inform the resident that his or her acceptance of permanent relocation assistance terminates the resident's right to return to the completed RAD project.

- b. In instances when a resident elects temporary relocation assistance and reoccupies a unit in the completed project within one year, the resident need not be offered permanent relocation assistance pursuant to URA.

Great care must be exercised to ensure that residents are treated fairly and equitably. If a resident is required to relocate temporarily in connection with the project, his or her 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 and increased housing costs during the temporary relocation.

- c. In the event that a resident elects to receive temporary relocation assistance and the temporary relocation exceeds one year, the resident becomes eligible for all permanent relocation assistance and payments under URA. (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 shall give the resident the opportunity to choose to remain temporarily relocated for an agreed-to period (based on new information about when they can return to the completed RAD unit), or choose to permanently relocate with URA assistance.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA. If the resident elects to permanently relocate with URA assistance, the PHA must inform the person that the person's acceptance of URA relocation assistance to permanently relocate will terminate the person's right to return to the completed RAD project. Conversely, unless and until the resident elects to be permanently relocated, the resident may remain temporarily relocated with a right to return to the completed project.

7. Initiation of Negotiations (ION) Date

Eligibility for URA relocation assistance is generally effective on the date of initiation of negotiations (ION) (49 CFR 24.2(a)(15)). For RAD projects, the ION date is the date of the issuance of the RAD Conversion Commitment (RCC).

8. Resident Notification

When a project converting under RAD will include relocation of residents, notice must be provided to those resident households. For each notice listed below, one notice shall be given to each resident household. The purpose of these notifications is to ensure that residents are

informed of their potential rights and the relocation assistance available to them. During initial meetings with residents about RAD and in subsequent communications with residents related to relocation, the PHA should inform residents that if they choose to move after receiving a written GIN, but prior to receiving a RAD Notice of Relocation, they may jeopardize their eligibility for relocation assistance. However, PHAs should note that a resident move undertaken as a direct result of the project may still require relocation assistance and the resident may be eligible to receive permanent relocation assistance under the URA even though the PHA has not yet issued notices.

a. *General Information Notice* (49 CFR 24.203(a) & Handbook 1378, Paragraph 2-3(B))

As soon as feasible in the planning process, the PHA must provide each resident with a written GIN (see sample in Appendix 2) to provide a general description of the project, the activities planned, and the relocation assistance that may become available. URA regulations state that the GIN should be provided *as soon as feasible*. Under RAD, PHAs must provide GINs during the initial RAD resident meetings, before submitting a RAD application. GINs 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 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 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 at least 90 days advance written notice, and inform any person to be displaced from a dwelling that 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 CFR 24.208(h) for additional information); and
- Describe the resident's right to appeal the PHA's determination as to a person's eligibility for URA assistance.

b. *RAD Notice of Relocation*

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide notice of such relocation (RAD Notice of Relocation). The PHA shall issue this notice upon the PHA's receipt of the RCC from HUD, which is the ION date.

If residents will not be relocated, notice of relocation is not required, but the PHA should

notify them that they are not being relocated.¹¹

The RAD Notice of Relocation must conform to the following requirements:

- The notice must state the anticipated duration of the resident's relocation.
- PHAs must provide this notice a minimum of 30 days prior to relocation to residents who will be temporarily relocated.¹² Longer notice may be appropriate for persons who will be relocated for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.
- Residents whose temporary relocation is anticipated to exceed one year must be informed that they will have no less than 30 days to elect temporary or permanent relocation as described in Section 6 of this Notice. When timing is critical for project completion, the 30-day decision period can run concurrently with the 30-day notice period for temporary relocation and with the 90-day period for permanent relocation if the PHA makes available comparable replacement dwellings consistent with 24.204(a).
- Residents who will be permanently relocated must receive written notice a minimum of 90 days prior to relocation. This 90-day time period may only begin once the PHA has made available at least one comparable replacement dwelling consistent with 49 CFR 24.204(a).¹³
- 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 explain the reasonable terms and conditions under which the resident may continue to lease and occupy a unit in the completed project.
- The notice must state that the PHA will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move. These expenses include, but are not limited to, moving expenses and increased housing costs (rent, utilities, etc.).

c. Notice of Intent to Acquire (49 CFR 24.203(d))

¹¹ HUD policy generally requires a "notice of non-displacement" in certain instances; the RAD program does not require this notice. Although the scope of this notice is limited to guidance for projects requiring relocation, PHAs should note, however, that there may be notification requirements for projects that do not involve relocation. The RAD conversion will terminate the resident's public housing lease and commence a PBV or PBRA lease, even when there is no relocation required. In such instances, state law may impose certain notification requirements. In addition, public housing regulations generally require 30 days' notice prior to lease termination. PHAs are encouraged to review public housing requirements set forth in 24 CFR parts 5 and 966.

¹² HUD may approve shorter notice periods based on an urgent need due to danger, health, or safety issues or if the person will be temporarily relocated for only a short period.

¹³ 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.

For RAD projects involving acquisition, residents may be provided with a notice of intent to acquire (“*Notice of Intent to Acquire*”) prior to the ION date with HUD’s prior approval. Once the Notice of Intent to Acquire is provided, a resident’s eligibility for relocation assistance and payments is established. Therefore, the RAD Notice of Relocation must be provided in conjunction with or after the Notice of Intent to Acquire. A RAD Notice of Relocation would not otherwise be sent prior to the ION date.

Since residents who accept permanent relocation must receive 90 days advanced written notice prior to being required to move, providing residents the Notice of Intent to Acquire and RAD Notice of Relocation prior to the ION date may be necessary to provide sufficient notice of relocation to a resident in instances where there may not be 90 days between the issuance of the RCC (ION date) and the anticipated closing date. This allows the PHA to issue the notice earlier so that relocation may begin upon closing. This allows program participants to conduct orderly relocation upon closing, minimize adverse impacts on displaced persons, and to expedite project advancement and completion.¹⁴

- d. *URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year* (49 CFR 24.203(b) & Handbook 1378, Paragraph 2-3(C))

After a resident has been temporarily relocated for one year, the PHA must provide a notice of relocation eligibility in accordance with URA requirements (“*Notice of Relocation Eligibility*”). This notice is not required if the resident has already accepted permanent relocation assistance.

The Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 CFR Part 24, to HUD Handbook 1378 and to the following requirements:

- The PHA must provide updated information as to when it is anticipated that the resident will be able to return to the completed project.
- The resident may choose to remain temporarily relocated based upon such updated information or may choose to accept permanent URA relocation assistance in lieu of exercising the right to return.
- If the resident chooses to accept permanent URA relocation assistance and such assistance requires that the resident move, the URA requires such resident to receive 90 days advance written notice of the earliest date they will be required to move (i.e., 90-Day Notice, 49 CFR 24.203(c)). The PHA should be mindful that the 90-day time period may only begin once the PHA has made available at least one “comparable replacement dwellings” as set forth in 49 CFR 24.204(a).

9. Initiation of Relocation

¹⁴ PHAs and program participants should note that, in most instances, it will be most appropriate for the acquiring entity to send this notice.

Unless otherwise approved by HUD, relocation may not begin until the date of closing of the RAD transaction and recordation of the RAD Use Agreement. PHAs must provide residents being temporarily relocated at least 30 days advance written notice of the required move. PHAs must give residents being permanently relocated at least 90 days advance written notice of the required move. This means PHAs are advised to plan carefully to account for this 30-day or 90-day notice period to ensure the closing is not delayed.

However, HUD is aware that, in rare cases, some project plans necessitate relocation prior to closing. With prior HUD approval, for projects involving acquisition, PHAs may relocate residents prior to the closing date subject to public housing requirements (see 24 CFR part 5 and 24 CFR 966). PHAs must contact their assigned RAD transaction manager (TM) to discuss plans as early as possible in the process to ensure compliance with all RAD and URA requirements.

If relocation prior to closing is desired, PHAs should submit to the TM the following information, as early as possible in the process:

- A written request for relocation prior to closing. The request must include justification of why the early relocation is necessary for the viability of the RAD transaction. Justification may include the presence of outside financing, such as Low Income Housing Tax Credit (LIHTC) awards, if the PHA can show that early relocation is necessary to meet critical LIHTC deadlines.
- FHEO Accessibility and Relocation Checklist.
- Evidence of intent to comply with public housing requirements, as applicable. Generally, public housing regulations require public housing residents to receive 30 days' notice prior to relocation and that such notice either be published in the PHA's admissions and continued occupancy policies (ACOP) or published elsewhere at least 30 days prior to receipt of such notice (24 CFR parts 5 and 966).

When seeking to relocate residents prior to closing, submission of this request as early as possible is preferred, prior to the 180-day Financing Plan milestone if possible (with Financing Plan submission following the request).

HUD reserves the right to request additional follow-up information, including a Relocation Plan and related budget, prior to approving such requests. PHAs must receive written HUD approval before beginning relocation of residents prior to closing.

Early planning and submission of the Financing Plan and FHEO checklist to HUD will ensure the PHA has built in the 30- or 90-day notice period prior to initiating relocation.

10. Fair Housing and Civil Rights Requirements

PHAs must comply with all applicable fair housing and civil rights laws, including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, when conducting relocation planning and providing relocation assistance. Further, communication must be provided in a manner that is effective for persons

with disabilities (24 CFR 8.6) and for person who are Limited English Proficient (see 72 FR 2732). This section discusses some of the PHA's obligations under these laws and regulations. However, the applicability of civil rights laws is not limited to the activities discussed in this section. PHAs conducting relocation activities should familiarize themselves with applicable civil rights statutes, regulations, and guidance, including but not limited to, those listed at the end of this section.

- **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 CFR 8.6), and as applicable, the Americans with Disabilities Act; and for persons who are limited English proficient (*see* 72 Fed Reg 2732). This includes ensuring that training materials are in appropriate alternative formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters.
- **Accessible Meeting Facilities for Persons with Disabilities:** When holding public meetings, PHAs must give priority to methods that provide physical access to individuals with disabilities, i.e., holding the meetings, workshops, and briefings or any other type of meeting in an accessible location, in accordance with the regulations implementing Section 504 of the Rehabilitation Act of 1973 and Titles II and III of 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, in which case the PHA must take any action that would not result in such an alteration or such 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, in-home briefing. 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 nondisabled person to the fullest extent possible (28 CFR part 35, appendix B).
- **Meaningful Access for Persons with Limited English Proficiency (LEP):** PHAs must provide meaningful access to programs and activities for persons who have a limited ability to read, speak, or understand English. Any person with LEP who will be temporarily relocated or permanently displaced must have meaningful access to any public meetings regarding the project. In addition, any information provided to residents including, but not limited to, any notices required under the URA, should be provided in the appropriate language to persons with LEP. Generally, PHAs will be responsible for providing oral interpreters at meetings, including ensuring their competence, and covering any associated translation and interpretation costs.
- URA requires that PHAs provide persons who are unable to read or understand the notices, such as persons with disabilities or persons with LEP, with appropriate translation and counseling to ensure that they understand their rights and responsibilities and the assistance available to them (49 CFR 24.5). URA also requires that each notice indicate the name and telephone number of a person to contact with questions or for other

needed help (49 CFR 24.5). This notice should include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable (24 CFR 8.6(a)(2)).

- **Comparable Housing for Persons with Disabilities:** PHAs should identify the accessibility needs of residents to be relocated by consulting existing information (e.g., tenant 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). For guidance on providing relocation assistance to persons with disabilities, see Exhibit 3-1 in HUD Handbook 1378.
- **Advisory Services:** PHAs should determine the advisory services that will be necessary to ensure a successful relocation program consistent with 49 CFR 24.205(c). Such advisory services may include housing counseling that should be facilitated to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 CFR 24.205(c)). Advisory counseling must also inform residents of their fair housing rights and be carried out in 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 CFR 24.205(c)(1)). In addition, PHAs should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800669-9777 (Voice) or 1-800-927-9275 (TDD) or at <http://www.hud.gov>.

Fair Housing References:

- Section 504 of the Rehabilitation Act of 1973
 - Regulations: 24 CFR part 8
 - Fair Housing Act Regulations: 24 CFR part 100
 - Title VI of the Civil Rights Act of 1964
 - Regulations: 24 CFR part 1
 - Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) (72 FR 2732)
 - Exhibit 3-1 Compliance with Section 504 of the Rehabilitation Act in HUD Handbook 1378 (Tenant Assistance Relocation and Real Property Acquisition)
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11. Other Requirements

a. Public Housing Program Compliance

PHAs should note that public housing resident provisions related to occupancy and termination, including grievances and related hearings, will remain in effect until the execution of the new PBV or PBRA Housing Assistance Payment (HAP) contract.

b. Evictions for Cause

If the PHA determines that a resident was evicted in accordance with applicable state and local law for serious or repeated violation of material terms of the lease, and the eviction was not undertaken for the purpose of evading the obligation to make available URA payments and other assistance, the resident is not entitled to relocation payments and assistance under the URA (49 CFR 24.206).

Jemine A. Bryon
General Deputy Assistant Secretary
for Public and Indian Housing

Carol J. Galante, Assistant Secretary for
Housing-Federal Housing Commissioner

APPENDICES

Appendix 1

Recommended Relocation Plan Contents

Appendix 2

Sample RAD General Information Notice (GIN)

Appendix 3

Sample RAD Notice of Relocation (for relocation anticipated for a year or less)

Appendix 4

Sample RAD Notice of Relocation (for relocation anticipated for more than a year)

Appendix 5

Sample Notice of Eligibility for URA Relocation Assistance (for residents who have been temporarily relocated for more than a year)

Appendix 1: RECOMMENDED RELOCATION PLAN CONTENTS

While written Relocation Plans are not required under RAD or URA, the Department strongly encourages PHAs to document their relocation planning process and procedures in a written Relocation Plan. The following provides suggested content for Relocation Plans.

I. Project Summary

The Relocation Plan should provide a general description of and purpose for the project (e.g., year built, location, number of units, configuration, occupancy information, and funding sources).

The basic components of a plan include:

- A general description of the project and the site, including acquisition, demolition, rehabilitation, and construction activities and funding sources;
- A detailed discussion of the specific steps to be taken to minimize the adverse impacts of relocation, including when transferring the assistance to a new site;
- Information on occupancy (including the number of residents, residential owner-occupants and non-residential occupants, if any, to be permanently or temporarily relocated);
- Information on relocation needs and costs (including the number of residents who plan to relocate with Section 8 assistance);
- General moving assistance information;
- Temporary move assistance (including information on the duration of temporary moves);
- Permanent move assistance; and
- Appeals process.

II. Resident Return and Re-occupancy Policies

For residents that will be temporarily relocated, the plan should include the criteria that will be used to determine the priority for residents to re-occupy units at the project after rehabilitation, demolition, and/or construction is completed. For example, if units will come online in stages, the plan should outline how the PHA will determine when each resident will return to the project. PHAs should ensure that any written return or re-occupancy policy is compliant with related RAD requirements, such as the right-to-return policy and the “no re-screening upon conversion” policy, as described in the RAD Notice.

III. Summary of Moving Costs

The plan should include a summary of moving costs, identified by move types, including the following:

Temporary Moves

- Number of and cost amount for two-way moves (i.e., a move to another unit and then a return move) within the same building/complex.
- Number of and cost amount for two-way moves to a unit not in the same building/complex, carried out by the PHA.
- Number of and cost amount for two-way moves to a unit not in the same building/complex not carried out by the PHA.

Permanent Moves

- Number of and cost amount for one-time moves into another unit in the same building/complex.¹⁵
- Number of and cost amount for one permanent move to a unit not within the same building/complex, carried out by the PHA.
PHAs should note that if a residential move is carried out by the PHA at no cost to the resident, this per-household estimate must include the required dislocation allowance (currently \$100). The URA Fixed Residential Moving Cost Schedule lists the most current dislocation allowance:
http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm
- Number of and cost amount for one permanent move to a unit not within the same building/complex that is not carried out by the PHA.

IV. Temporary Relocation Assistance

The PHA will assist residents who are required to move temporarily. At the Initiation of Negotiations (ION), the PHA will send a RAD Notice of Relocation to residents who will be relocated. Appendices 3 and 4 of this Notice contain sample RAD Notices of Relocation to be provided to residents that will be temporarily relocated.

The plan should detail the temporary relocation assistance the PHA will provide for residents (Paragraph 2-7 of HUD Handbook 1378). This assistance includes:

- Temporary Housing - The PHA will provide temporary housing that is decent, safe, and sanitary on a nondiscriminatory basis for residents who are relocated temporarily. The PHA will also pay for reasonable increased housing costs that the resident incurs in connection with the temporary relocation.

NOTE: If a resident's relocation exceeds one year, the PHA must then issue a *Notice of Relocation Eligibility* (49 CFR 24.203(b)) to the resident and offer the resident permanent

¹⁵ A resident who moved to another unit in the same building/complex may be considered a displaced person under URA if the resident moves from the building/complex permanently and was not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move within the same building/complex and/or if other conditions of the move within the building/complex were not reasonable.

relocation assistance and payments at URA levels. The PHA must provide this notice to affected residents as soon as the temporary relocation exceeds one year.

- **Packing and Moving Assistance** - Since most residents prefer to pack their own personal possessions and items of value, they should be provided packing instructions, boxes, markers, and tape for the move. If assistance in packing is needed, the PHA should provide the resident with information on how to request this assistance. The PHA is responsible for covering all reasonable moving expenses incurred in connection with temporarily relocating a resident. The PHA may reimburse the resident's out-of-pocket moving expenses and/or directly carry out the move.
- **Payment for Temporary Relocation Moving Expenses** - The plan should also indicate how the PHA intends to provide or reimburse for moving services and expenses. The PHA can choose to do one or more of the following:
 - Undertake the moves itself, using force account labor or a moving company; – Use PHA's contractor or moving company;
 - Carry out moves with employees of the PHA;
 - Reimburse residents for all actual and reasonable moving costs.

NOTE: The PHA will not make fixed payments since such payments may not be representative of actual reasonable costs incurred. However, in order for a resident to be sure of full reimbursement, the resident should submit a moving cost estimate to the PHA for approval prior to the move unless the PHA is directly carrying out the move and the resident will not incur any reasonable out-of-pocket moving expenses. Failure to do so may result in the resident not being fully reimbursed.

- **Utility Costs** - The PHA is responsible for covering the expenses relating to disconnection and reconnection of necessary utilities. If the resident has telephone, cable service or Internet access, the PHA is responsible for covering the expenses involved in transferring existing service. The PHA may also pay utility deposits, if required at the temporary relocation housing (HUD Handbook 1378, paragraph 2-7(A)(3)). If a resident is temporarily relocating from a public housing unit to a non-public housing unit, the resident must be reimbursed for reasonable increases in utility costs even if the PHA utility allowance is lower than the actual costs to the resident.

V. Permanent Relocation Assistance

Based on the local housing resources available, the PHA should identify the replacement housing options that will be available to meet the housing needs of residents to be permanently relocated. Replacement housing options for residents that meet the definition of a "displaced person" (49 CFR 24.2(a)(9)) under the URA include, but are not limited to:

- Other Public Housing;
- Section 8 Project-Based Voucher unit;
- Section 8 Housing Choice Voucher unit;
- Homeownership housing;

- Private-market rental housing (affordable, non-subsidized).¹⁶

The plan should describe each type of replacement housing projected to be available, including:

1. Number of units, by bedroom size, expected to be available, and discussion of whether available units will meet dwelling requirements of relocated residents;
2. General area or location of unit(s);
3. Criteria for receiving relocation assistance; and
4. Any other information that might benefit residents in their consideration of housing choices.

The plan should include a description of the permanent relocation assistance the PHA will provide to residents. This assistance includes:

- Availability of Comparable Replacement Housing – Under URA, no displaced resident will be required to move unless at least one comparable replacement dwelling (49 CFR 24.2(a)(6)) is made available at least 90 days before the required move (49 CFR 24.203(c)). Comparable replacement dwellings must contain the accessibility features needed by displaced persons with disabilities (49 CFR 24.2(a)(8)(vii); 49 CFR part 24, Appendix A, §24.2(a)(8)(vii)). If the comparable replacement dwelling is not subsidized housing, the PHA should contact the RAD staff for advice on replacement housing payment requirements.
- Referral to Housing Not Located in an Area of Minority Concentration - Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings that are within their financial means and not located in areas of minority concentration (49 CFR 24.205(c)(2)(ii)(D)). However, this policy does not require a PHA to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling unit.
- Permanent Relocation Moving Expenses from Public Housing to Public Housing - The PHA may choose one of the following options for covering the expenses involved in moving public housing residents that are relocated into other public housing:
 - Undertake the move itself, using force account labor or a moving company. Residents should incur no moving costs under this option, but if such expenses are incurred, the PHA is responsible for reimbursing the resident for any such actual and reasonable expenses. In such case, the resident is also entitled to a dislocation allowance (currently \$100). The URA Fixed Residential Moving Cost Schedule lists the current dislocation allowance and is available at:
http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm

¹⁶ Every effort should be made to find another subsidized unit as replacement housing for a resident relocating from subsidized housing so that the resident will continue receiving the housing subsidy as long as it is needed.

NOTE: Residents who prefer to pack their own personal possessions and items of value may be provided packing instructions, boxes, markers, and tape for their move. If a resident needs assistance in packing, they should contact the PHA. It is the responsibility of the PHA to pack and move all of their belongings and household goods, if so desired.

☐ Allow the resident to elect one of the following choices:

- 1) The PHA will reimburse the resident for the cost of all actual reasonable and necessary moving and related expenses (49 CFR 24.301), such as:
 - Transportation of the resident and personal property. This may include reimbursement at the current mileage rate for personally owned vehicles that need to be moved. Transportation costs for a distance beyond 50 miles are not eligible, unless the PHA determines that relocation beyond 50 miles is justified.
 - Packing, crating, uncrating, and unpacking of personal property.
 - Storage of personal property for a period not to exceed 12 months, unless the PHA determines that a longer period is necessary.
 - Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
 - Insurance for the replacement value of the property in connection with the move and necessary storage.
 - 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.
- 2) The PHA will pay directly to the resident the applicable and current fixed moving cost payment according to the URA Fixed Residential Moving Cost Schedule (49 CFR 24.302), available at:
http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm

☐ Permanent Relocation Moving Expenses for All Other Moves – Under URA, residents who are permanently displaced, except for those residents displaced from public housing and moving to other public housing, are entitled to the assistance described in the brochure *Relocation Assistance To Residents Displaced From Their Homes*, available in English at http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16280.doc and in Spanish at http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_16281.doc. Residents may choose moving assistance from one of the following two options.

- 1) The PHA will reimburse the resident for the cost of all actual reasonable moving and related expenses (49 CFR 24.301).
- 2) The PHA will pay directly to the resident the applicable and current fixed moving cost payment according to the URA Fixed Residential Moving Cost Schedule (49

CFR 24.302), available at:

[http://www.fhwa.dot.gov/real estate/practitioners/uniform act/relocation/moving cost schedule.cfm](http://www.fhwa.dot.gov/real%20estate/practitioners/uniform%20act/relocation/moving%20cost%20schedule.cfm).

- Replacement Housing Payment - In addition to covering moving expenses, displaced residents may be entitled to a replacement housing payment (RHP). This payment is intended to cover the increase, if any, in monthly housing costs for a 42-month period.

When calculating the RHP, the PHA must consider the comparable replacement housing unit offered to the resident. Since the PHA is not required to pay an RHP amount that exceeds the amount of RHP calculated for the offered comparable replacement dwelling, residents are cautioned to work closely with the PHA prior to their move.

- Accessible Housing for Persons with Disabilities - Under the URA, persons with disabilities who will be permanently displaced must be relocated to a replacement dwelling that contains the accessibility features they need (49 CFR 24.2(a)(8)(vii); 49 CFR Appendix A, 24.2(a)(8)(vii)). A person with disabilities who has been relocated must be offered a comparable replacement dwelling unit that contains accessible features comparable to the housing from which the tenant has been displaced or relocated. This is so even if the tenant has paid for the acquisition and/or installation of accessible features in the housing from which he or she has been relocated; in such instances, the recipient must ensure that the replacement housing contains comparable accessible features or provide relocation assistance to the tenant in an amount that covers the cost of acquiring and/or installing comparable accessible features. Under the URA, an agency may use project funds to remove architectural barriers for displaced owners and tenants with disabilities or take other last resort housing measures if comparable replacement dwelling units are not available within the monetary limits prescribed under the URA regulations (49 CFR 24.404(c)(vii); HUD Handbook 1378, Paragraph 3-8).

VI. Relocation Budget

Based on the results of the planning process, the PHA 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.)

NOTE: This physical move cost total should be based on the move scenarios anticipated

or projected by the resident survey.

- 4) The cost estimated to pay for projected increases in monthly housing costs for temporary relocation.
- 5) The cost estimated to pay for the replacement housing payment (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. (The PHA should state where these costs are indicated in the application, or attach any other information required by HUD, to support these costs.)

VII. Appeal Process

If a resident disagrees with the PHA'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, the resident may file a written appeal to the PHA. The Relocation Plan should describe the specific appeal procedures to be followed consistent with 49 CFR 24.10 (and 24 CFR 42.390 if section 104(d) is involved). At a minimum, the resident will have 60 days to file an appeal with the PHA after receiving written notification of a claim or ineligibility determination.

VIII. Certification

The plan should contain a certification of compliance with the URA and, if applicable, section 104(d).

Technical Assistance

The PHA should direct questions on this Notice's relocation assistance requirements to their RAD Transaction Manager or [email rad@hud.gov](mailto:email_rad@hud.gov).

Appendix 2: SAMPLE RAD GENERAL INFORMATION NOTICE (GIN)

PHA LETTERHEAD

RENTAL ASSISTANCE DEMONSTRATION (RAD) GENERAL INFORMATION NOTICE (GIN)

[Date]

Dear [Resident Name],

The property you currently occupy is being proposed for participation in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. At this time, we expect that [the proposed acquisition, rehabilitation or demolition, may require you to be relocated (temporarily or permanently) from your unit]. We will provide further details to you as plans develop. **This notice does not mean that you need to leave the property at this time. This is not a notice of eligibility for relocation assistance.** The remainder of this letter only applies to situations where you will need to be relocated from your unit.

This notice serves to inform you of your potential rights under the RAD program and a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). If the proposed RAD project receives HUD approval and if you are displaced permanently as a result, you may become eligible for relocation assistance and payments under the URA, including:

- 1) Relocation advisory services that include referrals to replacement properties, help in filing payment claims and other necessary assistance to help you successfully relocate;
- 2) At least 90 days' advance written notice of the date you will be required to move;
- 3) Payment for moving expenses; and
- 4) Payments to enable you to rent a similar replacement home.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an immigrant lawfully present in the United States.

As a resident of a property participating in RAD, you have the right to return to the project after the project is complete. You will be able to lease and occupy a unit in the converted project when rehabilitation is complete.

If you are permanently displaced from your home, you will not be required to move until you are given at least 90-day advance written notice of any required move and at least one comparable replacement dwelling has been made available to you. If you are temporarily relocated and your temporary relocation lasts more than one year, you will be contacted and offered permanent relocation assistance as a displaced person under the URA. This assistance would be in addition

to any assistance you may receive in connection with temporary relocation and will not be reduced by the amount of any temporary relocation assistance you have already received.

If you are required to relocate from the property in the future, you will be informed in writing. [PHA] will inform you of what assistance and payments you are eligible for if you will be relocated because of RAD and how you will receive these payments. If you become a displaced person, you will be provided reasonable assistance necessary to complete and file any required claim to receive a relocation payment. If you feel that your eligibility for assistance is not properly considered, you will also have the right to appeal a determination on your eligibility for relocation assistance.

You should continue to pay your rent and meet any other requirements specified in your lease. If you fail to do so, [PHA] may have cause for your eviction. If you choose to move, or if you are evicted, prior to receiving a formal notice of relocation eligibility, you may become ineligible to receive relocation assistance. It is very important for you to contact us before making any moving plans.

You will be contacted soon so that we can provide you with more information about the proposed project. If the project is approved, we will make every effort to accommodate your needs. In the meantime, if you have any questions about our plans, please contact: [Name, Title, Address, Phone, Email Address]. This letter is important to you and should be retained.

Sincerely,

[Name]

[Title]

NOTES:

1. Files must indicate how this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378)
2. This is a sample GIN. PHAs should revise it to reflect project-specific circumstances.
3. PHAs may provide residents with HUD brochure “Relocation Assistance To Residents Displaced From Their Homes” available at:
<http://www.hud.gov/offices/cpd/library/relocation/publications/1042.pdf>.

Appendix 3: SAMPLE RAD NOTICE OF RELOCATION (For relocation anticipated for a year or less)

**THIS IS A GUIDE FORM.
REVISE TO REFLECT THE PROJECT-SPECIFIC CIRCUMSTANCES.**

PHA Letterhead

(date)

Dear [*Resident Name*],

The property you currently occupy is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. On [*date*], the [*Public Housing Authority*] (PHA) notified you of proposed plans to [acquire/ rehabilitate/demolish] the property you currently occupy at [*address*]. On [*date*], HUD issued the RAD Conversion Commitment (RCC) and committed federal financial assistance to the project. [*In instances where a Notice of Intent to Acquire is applicable and this notice is being sent before the RCC is issued, in lieu of the previous sentence noting the RCC issuance date, insert: [Name of entity acquiring the property] (Displacing Agency) intends to acquire the property you currently occupy. This is a Notice of Intent to Acquire.*]

In order for PHA to complete the project, you will need to be relocated for [*anticipated duration of relocation*]. Upon completion of the project, you will be able to lease and occupy your present unit or another decent, safe and sanitary unit in the completed project under reasonable terms and conditions. You are eligible for relocation payments and assistance.

However, **you do not need to move now.** This notice informs you that a decent, safe, and sanitary dwelling unit, listed below, has been made available to you and you will be required to move by [*insert date at least 30 days after the date of this notice*].

If your temporary relocation exceeds one year and you qualify as a "displaced person" under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), you may be eligible for further relocation assistance and payments under URA.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

The relocation assistance to which you are entitled includes:

- ☐ **Payment for Moving Expenses.** You are entitled to be reimbursed for all reasonable out-of-pocket expenses incurred in connection with any temporary

move. *[PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 4 of this Notice.]*

- ☐ The location of your temporary replacement unit is *[address]*. This temporary housing has been determined to be decent, safe and sanitary.
- ☐ *[List appropriate relocation advisory services and any other services and assistance provided.]*

If you disagree with this determination, you may file a written appeal to the PHA in accordance with 49 CFR 24.10.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact *[Name, Title, Address, Phone, Email Address]* before you make any moving plans. He/she will assist you with your move to a temporary unit and help ensure that you preserve your eligibility for any relocation payments to which you may be entitled.

Remember, do not move or commit to the purchase or lease of a replacement home before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

Print name:

Title:

NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)

Appendix 4: SAMPLE RAD NOTICE OF RELOCATION (For relocation anticipated for more than a year)

**THIS IS A GUIDE FORM.
REVISE TO REFLECT THE PROJECT-SPECIFIC CIRCUMSTANCES.**

PHA Letterhead

(date)

Dear [*Resident Name*],

The property you currently occupy is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. On [*date*], the [*Public Housing Authority*] (PHA), notified you of proposed plans to [acquire/ rehabilitate/demolish] the property you currently occupy at [*address*]. On [*date*], HUD issued the RAD Conversion Commitment (RCC) and committed federal financial assistance to the project. [*In instances where a Notice of Intent to Acquire is applicable and this notice is being sent before the RCC is issued, in lieu of the previous sentence noting the RCC issuance date, insert: [Name of entity acquiring the property] (Displacing Agency) intends to acquire the property you currently occupy. This is a Notice of Intent to Acquire.*]

In order for PHA to complete the project, you will need to be relocated for [*anticipated duration of relocation*]. Upon completion of the project, you will be able to lease and occupy your present unit or another decent, safe and sanitary unit in the completed project under reasonable terms and conditions. You are eligible for relocation assistance and payments. Because we expect your relocation to exceed one year, you have the choice to either:

- Receive temporary relocation assistance and return to a unit in the RAD project once it is complete; or
- Receive permanent relocation assistance and payments consistent with the URA instead of returning to the completed RAD project.

You must inform us of your choice within 30 days.

However, **you do not need to move now.** If you choose temporary relocation assistance, you will not be required to move sooner than 30 days after you receive notice that a temporary unit is available for you. If you choose permanent relocation assistance, you will not be required to move sooner than 90 days after you receive written notice that at least one comparable replacement unit is available to you in accordance with 49 CFR 24.204(a). [*Note to PHA: These time periods may start running as of the date of this Notice if the notice of relocation includes such information on the temporary and/or comparable replacement dwelling options, as applicable. In such circumstance, add applicable sentences to adequately notify the resident. For example: This notice informs you that a temporary unit, listed below, has been made available to you and, if you choose this option, you will be required to move by [date no sooner than 30 days after notice]. This notice informs you*

that a comparable unit, listed below, has been made available to you and, if you choose this option, you will be required to move by [*date no sooner than 90 days after notice*].]

If you choose temporary relocation, your relocation exceeds one year and you qualify as a “displaced person” under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), you may become eligible for further relocation assistance and payments under URA.

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

If you choose to receive temporary relocation assistance, this assistance will include:

- Payment for Moving Expenses. You are entitled to be reimbursed for all reasonable out-of-pocket expenses incurred in connection with any temporary move. [*PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 4 of this Notice.*]
- The location of your temporary replacement unit is [*address*]. This temporary housing has been determined to be decent, safe and sanitary.
- [*List appropriate relocation advisory services and any other services and assistance provided.*]

If you elect to receive permanent relocation assistance, this assistance will include:

- Relocation Advisory Services. You are entitled to receive current and continuing information on available comparable replacement units and other assistance to help you find another home and prepare to move.
- Payment for Moving Expenses. [*PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 5 of this Notice.*]
- Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement unit, (2) the monthly rent and cost of utility services for your present unit, and (3) 30% of your average monthly gross household income. This payment is calculated on the difference between the old and new housing costs for a one-month period and multiplied by 42.
- [*PHA: list here any permanent relocation assistance offered, such as a Housing Choice Voucher.*]

- ☐ Listed below are three comparable replacement units that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement units.

	Address	Rent & Utility Costs	Contact Info
1.			
2.			
3.			

We believe that the unit located at [address] is most representative of your original unit in the converting RAD project. The monthly rent and the estimated average monthly cost of utilities for this unit is [\$ amount] and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this unit is not comparable to your original unit. We can explain our basis for selecting this unit as most representative of your original unit and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately [\$ (42 x monthly amount)], if you rent the unit identified above as the most comparable to your current home or rent another unit of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable unit, your replacement housing payment will be based on the actual cost of that unit. All replacement housing payments must be paid in installments. Your payment will be paid in [#] installments.

You may choose to purchase (rather than rent) a decent, safe and sanitary replacement home. If you do, you would be eligible for a down-payment assistance payment which is equal to your maximum replacement housing payment, [\$amount.] *[PHAs should note that, at the agency's discretion, a down-payment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1)).]* Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe and sanitary before any replacement housing payments are made.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact [Name, Title, Address, Phone, Email Address] before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for all relocation payments to which you may be entitled.

Remember, do not move or commit to the purchase or lease of a replacement home before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

Print name:

Title:

Enclosure/s

NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)

Appendix 5: SAMPLE NOTICE OF ELIGIBILITY FOR URA RELOCATION ASSISTANCE (For residents who have been temporarily relocated for more than a year)

***THIS IS A GUIDE FORM.
IT SHOULD BE REVISED TO REFLECT THE CIRCUMSTANCES.***

PHA Letterhead

(date)

Dear *[Resident]*:

The property you formerly occupied at *[address]* is participating in the Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) program. You have been temporarily relocated from that property since *[date.]* Your temporary relocation has exceeded one year.

It has been determined that you qualify as a "displaced person" according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). You are eligible for relocation assistance and payments under the URA.

You may choose to remain temporarily relocated and return to a unit in the RAD project once it is completed. It is currently estimated that you may return to the RAD project by *[date]*. If you choose to remain temporarily relocated, you will stay at your current location until the RAD project is completed.

Alternatively, you may choose permanent relocation assistance and payments for which you are eligible, as listed below. If you choose permanent relocation assistance, you give up your right to return to the completed RAD project. However, **you do not need to move now.** If you choose permanent relocation assistance instead of exercising your right to return to the completed RAD project, you will not be required to move sooner than 90 days from the date that at least one comparable replacement unit has been made available to you. *[Alternatively: You will not be required to move sooner than 90 days from the date of this notice, which informs you of a comparable replacement unit that has been made available for you].*

This is your Notice of Eligibility for relocation assistance.

The effective date of your eligibility is *[insert date that relocation exceeds one year.]*

NOTE: Aliens not lawfully present in the United States are not eligible for URA relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined at 49 CFR 24.208(h). All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

Enclosed is a brochure entitled, "Relocation Assistance to Tenants Displaced From Their Homes." Please read the brochure carefully. It explains your rights and provides additional information on eligibility for relocation payments and what you must do in order to receive these payments.

The relocation assistance to which you are entitled includes:

- Relocation Advisory Services. You are entitled to receive current and continuing information on available comparable replacement units and other assistance to help you find another home and prepare to move.
- Payment for Moving Expenses. *[PHA should list the form of payment for moving expenses selected in accordance with Appendix 1, Section 5 of this Notice.]* This is in addition to any amounts received to reimburse for any reasonable out-of-pocket expenses incurred in connection with the temporary move.
- Replacement Housing Payment. You may be eligible for a replacement housing payment to rent or buy a replacement home. The payment is based on several factors including: (1) the monthly rent and cost of utility services for a comparable replacement unit, (2) the monthly rent and cost of utility services for your present home, and (3) for low-income persons, 30 percent of your average monthly gross household income. This payment is calculated on the difference between the old and new housing costs for a one-month period and multiplied by 42.
- *[PHA list here any other relocation assistance offered the resident, such as Housing Choice Voucher.]*

Listed below are three comparable replacement units that you may wish to consider for your replacement home. If you would like, we can arrange transportation for you to inspect these and other replacement units.

	Address	Rent & Utility Costs	Contact Info
1.			
2.			
3.			

We believe that the unit located at *[address]* is most representative of the original unit you occupied in the converting RAD project. The monthly rent and the estimated average monthly cost of utilities for this unit is \$*[amount]* and it will be used to calculate your maximum replacement housing payment. Please contact us immediately if you believe this unit is not comparable to your original unit. We can explain our basis for selecting this unit as most representative of your original unit and discuss your concerns.

Based on the information you have provided about your income and the rent and utilities you now pay, you may be eligible for a maximum replacement housing payment of approximately \$ [42 x \$Amount], if you rent the unit identified above as the most comparable to your current home or rent another unit of equal cost.

Replacement housing payments are not adjusted to reflect future rent increases or changes in income. This is the maximum amount that you would be eligible to receive. If you rent a decent, safe and sanitary home where the monthly rent and average estimated utility costs are less than the comparable unit, your replacement housing payment will be based on the actual cost of that unit. All replacement housing payments must be paid in installments. Your payment will be paid in [#] installments.

Should you choose to purchase (rather than rent) a decent, safe and sanitary replacement home, you would be eligible for a downpayment assistance payment which is equal to your maximum replacement housing payment, [\$ amount] *[PHAs should note that, at the agency's discretion, a downpayment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. (See 49 CFR 24.402(c)(1)).]* Let us know if you are interested in purchasing a replacement home and we will help you locate such housing.

Please note that all replacement housing must be inspected in order to ensure it is decent, safe, and sanitary before any replacement housing payments are made.

If you have any questions about this notice and your eligibility for relocation assistance and payments, please contact [Name, Title, Address, Phone, Email Address] before you make any moving plans. He/she will assist you with your move to a new home and help ensure that you preserve your eligibility for any applicable relocation payments.

Remember, do not move or commit to the purchase or lease of a replacement home before we have a chance to further discuss your eligibility for relocation assistance. This letter is important to you and should be retained.

Sincerely,

Print Name:

Title:

Enclosure/s

NOTE: The case file must indicate the manner in which this notice was delivered (e.g., personally served or certified mail, return receipt requested) and the date of delivery. (See 49 CFR 24.5 and Paragraph 2-3(J) of Handbook 1378.)

Annual PHA Plan for FY 25

Attachment H

CFP 5-Year Action Plan for FYs 23 to 27

Capital Fund Program - Five-Year Action Plan

Status: Approved

Approval Date: 06/01/2023

Approved By: HO, KEVIN

Part I: Summary						
PHA Name : Hawaii Public Housing Authority		Locality (City/County & State)				
PHA Number: HI001		☒ Original 5-Year Plan ☐ Revised 5-Year Plan (Revision No:)				
A.	Development Number and Name	Work Statement for Year 1 2023	Work Statement for Year 2 2024	Work Statement for Year 3 2025	Work Statement for Year 4 2026	Work Statement for Year 5 2027
	AUTHORITY-WIDE	\$6,044,329.00	\$5,187,885.15	\$5,237,886.00	\$5,554,775.38	\$5,254,798.70
	PUUWAI MOMI (HI001000030)	\$7,200,000.00				
	KALAKAUA HOMES (HI001000034)	\$1,300,000.00				\$500,000.00
	KUHIO PARK TERRACE (HI001000040)	\$300,000.00				
	KALIHI VALLEY HOMES (HI001000031)		\$1,500,000.00		\$6,789,553.62	\$5,210,447.00
	KEKAHA HA`AHEO (HI001000038)		\$7,256,443.85			
	WAIMAHA/SUNFLOWER (HI001000044)		\$900,000.00			
	KAHEKILI TERRACE (HI001000039)			\$2,000,000.00		
	PALOLO VALLEY HOMES (HI001000050)			\$7,606,443.00	\$2,000,000.00	
	PUNCHBOWL HOMES * (HI001000035)				\$500,000.00	\$3,879,083.30

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 2023				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$6,044,329.00
ID0048	Administration(Administration (1410)-Salaries)	Administration		\$1,484,432.90
ID0050	Contingency(Contract Administration (1480)-Contingency)	Contingency		\$791,030.30
ID0096	Moving to Work Demo(MTW (1492))	Moving to Work Demo		\$2,968,865.80
ID0121	Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	Salaries and benefits for Project Engineers and Inspectors to manage the capital fund grant.		\$300,000.00
ID0124	Ka Lei Momi Statewide Master Development (Plans/Designs)(Contract Administration (1480)-Other Fees and Costs)	Portfolio evaluation and analysis, to include but not limited to proforma, sources and uses, cash flow analysis, due diligence, NEPA, schematic designs, Section 18, RAD, LIHTC, 501(c)3, 4% Bonds or other appropriate applications, etc.		\$500,000.00
	PUUWAI MOMI (HI001000030)			\$7,200,000.00

Capital Fund Program - Five-Year Action Plan

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2023				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0090	Waipahu I & II, Spall Repair and Security Improvements & Pu'uwai Momi LBP removal (Const)(Housing Related Hazards (1480)-Clearance Examinations-Lead-Based Paint,Housing Related Hazards (1480)-Hazard Controls-Lead-Based Paint,Dwelling Unit-Exterior (1480)-Columns and Porches,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Exterior Stairwells - Fire Escape,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Roofs,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Lighting,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc)	Waipahu I& II: Crack and spall repair, re-painting, re-roofing, railing and concrete work Pu'uwai Momi: LBP removal		\$5,200,000.00
ID0091	Pu'uwai Momi Security Improvements (Construction)(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)-Electric Distribution,Dwelling Unit-Site Work (1480)-Fence Painting,Dwelling Unit-Site Work (1480)-Fencing,Dwelling Unit-Site Work (1480)-Landscape,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving,Dwelling Unit-Site Work (1480)-Signage,Dwelling Unit-Site Work (1480)-Striping,Non-Dwelling Exterior (1480)-Lighting,Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter,Non-Dwelling Site Work (1480)-Dumpster and Enclosures,Non-Dwelling Site Work (1480)-Fence Painting,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Landscape,Non-Dwelling Site Work (1480)-Lighting,Non-Dwelling Site Work (1480)-Signage,Non-Dwelling Site Work (1480)-Site Utilities,Non-Dwelling Site Work (1480)-Storm Drainage)	Security Improvements. May include but not limited to, fencing improvements, lighting improvements, and landscaping restoration, Non-Dwelling Unit Other: guard shack and/or electronic auto gate, road improvements for multi-modal uses.		\$2,000,000.00
	KALAKAUA HOMES (HI001000034)			\$1,300,000.00
ID0092	AMP 34 Security Improvements & Makua Ali'i Burned Unit (Construction)(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,Non-Dwelling Exterior (1480)-Doors,Non-Dwelling Exterior (1480)-Other,Non-Dwelling Exterior (1480)-Paint and Caulking,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Call-for-Aid Systems,Dwelling Unit-Interior (1480)-Commodities,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine))	AMP 34 Security Improvements include but are not limited to Installation of Security Doors, Non-Dwelling Unit Other: Guard Shacks, and an Electronic Security Gate. Makua Ali'i Burnt Unit repairs include a total modernization of the interior to Unit #1802		\$1,300,000.00
	KUHIO PARK TERRACE (HI001000040)			\$300,000.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2023				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0097	Kuhio Homes, PHA Wide, Lead Risk Assessment and Abatement (Construction)(Housing Related Hazards (1480)-Inspections-Lead-Based Paint,Dwelling Unit-Exterior (1480)-Decks and Patios,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Housing Related Hazards (1480)-Clearance Examinations,Housing Related Hazards (1480)-Hazard Controls)	Lead Based Paint Abatement. Construction abate selective building exterior wall and common driveway asphalt speed bump areas of lead-based paint. And incidental restoration.		\$300,000.00
	Subtotal of Estimated Cost			\$14,844,329.00

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Work Statement for Year 2 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$5,187,885.15
ID0056	Administration(Administration (1410)-Salaries)	Administration		\$1,484,432.90
ID0057	Contingency(Contract Administration (1480)-Contingency)	Contingency		\$434,586.45
ID0098	Moving to Work Demo(MTW (1492))	Moving to Work Demo		\$2,968,865.80
ID0122	Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	Salaries and benefits for Project Engineers and Inspectors to manage the capital fund grant.		\$300,000.00
	KALIHI VALLEY HOMES (HI001000031)			\$1,500,000.00
ID0100	Kalihi Valley Homes, Security Improvements (Construction)(Non-Dwelling Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Fencing,Non-Dwelling Exterior (1480)-Lighting,Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Landscape)	Security Improvements including traffic gates, security system and cameras, site fencing, guard shack		\$1,500,000.00

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Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	KEKAHA HA'AHEO (HI001000038)			\$7,256,443.85
ID0101	Eleele Homes, Interior Renovation, Exterior Repairs, ADA, Site & Utility Improvements (Const)(Non-Dwelling Site Work (1480)-Lighting,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits,Dwelling Unit-Exterior (1480)-Windows,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),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,Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Electric Distribution,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving,Dwelling Unit-Site Work (1480)-Sewer Lines - Mains,Dwelling Unit-Site Work (1480)-Storm Drainage,Dwelling Unit-Site Work (1480)-Striping,Dwelling Unit-Site Work (1480)-Water Lines/Mains,Non-Dwelling Exterior (1480)-Doors,Non-Dwelling Exterior (1480)-Foundation,Non-Dwelling Exterior (1480)-Gutters - Downspouts,Non-Dwelling Exterior (1480)-Lighting,Non-Dwelling Exterior (1480)-Mail Facilities,Non-Dwelling Exterior (1480)-Paint and Caulking,Non-Dwelling Exterior (1480)-Roofs,Non-Dwelling Interior (1480)-Administrative Building,Non-Dwelling Interior (1480)-Common Area Bathrooms,Non-Dwelling Interior (1480)-Common Area Finishes,Non-Dwelling Interior (1480)-Common Area Flooring,Non-Dwelling Interior (1480)-Common Area Kitchens,Non-Dwelling Interior (1480)-Common Area Painting,Non-Dwelling Interior (1480)-Community Building,Non-Dwelling Interior (1480)-Doors,Non-Dwelling Interior (1480)-Electrical,Non-Dwelling Interior (1480)-Mechanical,Non-Dwelling Interior (1480)-Plumbing,Non-Dwelling Interior (1480)-Security,Non-Dwelling Interior (1480)-Shop,Non-Dwelling Interior (1480)-Storage Area,Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter,Non-Dwelling Site Work (1480)-Dumpster and Enclosures,Non-Dwelling Site Work (1480)-Fence Painting,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Landscape,Non-Dwelling Site Work (1480)-Site Utilities,Non-Dwelling Site Work (1480)-Storm Drainage,Dwelling Unit-Exterior (1480)-Foundations,Contract Administration (1480)-Relocation,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Building Slab,Dwelling Unit-Exterior (1480)-Carports -Surface Garage,Dwelling Unit-Exterior (1480)-Columns and Porches,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Lighting,Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Mail Facilities,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking)	Interior and exterior renovations, infrastructure, site, and accessibility improvements. It includes, but it's not limited to, electrical and mechanical upgrades, new bathrooms, kitchens, and paint, replacement of windows and doors, 3 ADA and 1 VHI units renovation and site accessibility compliance. All 24 units.		\$7,256,443.85

Form HUD-50075.2(4/2008)

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Work Statement for Year 3 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	AUTHORITY-WIDE (NAWASD)			\$5,237,886.00
ID0072	Administration(Administration (1410)-Salaries)	Administration		\$1,484,432.90
ID0073	Contingency(Contract Administration (1480)-Contingency)	Contingency		\$484,587.30
ID0103	Moving to Work Demo(MTW (1492))	Moving to Work Demo		\$2,968,865.80
ID0127	Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	Salaries and benefits for Project Engineers and Inspectors to manage the capital fund grant.		\$300,000.00
	KAHEKILI TERRACE (HI001000039)			\$2,000,000.00
ID0125	Kahekili Terrace Electrical Upgrades (Const)(Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Other,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Soffits,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Site Work (1480)-Electric Distribution,Non-Dwelling Exterior (1480)-Other,Non-Dwelling Exterior (1480)-Paint and Caulking,Non-Dwelling Exterior (1480)-Roofs,Non-Dwelling Interior (1480)-Administrative Building,Non-Dwelling Interior (1480)-Common Area Painting,Non-Dwelling Interior (1480)-Community Building,Non-Dwelling Interior (1480)-Day	Electrical Upgrade . Dwelling Unit Exterior Other: Includes but not limited to replacing of weather heads, electrical feeds up to and into the units, replace service entry and electric meters to 82 units in 12 buildings and to the community building		\$2,000,000.00

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Work Statement for Year 3 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	Center,Non-Dwelling Interior (1480)-Electrical)			
	PALOLO VALLEY HOMES (HI001000050)			\$7,606,443.00
ID0131	Palolo Valley Homes, Physical Improvements Ph5 (Const)(Housing Related Hazards (1480)-Hazard Controls-Fire Hazard(s),Housing Related Hazards (1480)-Hazard Controls-Lead-Based Paint,Housing Related Hazards (1480)-Inspections-Lead-Based Paint,Contract Administration (1480)-Relocation,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Columns and Porches,Dwelling Unit-Exterior (1480)-Decks and Patios,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Lighting,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Stairwells - Fire Escapes,Dwelling Unit-Exterior (1480)-Windows,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),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,Dwelling Unit-Site Work (1480)-Fencing,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Water	Palolo Valley Homes, Physical Improvements Phase 5. Work to include but not limited to Lead and Asbestos Abatement, Roofing, Electrical, Mechanical, Kitchens, Bathrooms, Flooring, Painting, Cabinets, Sidewalks and Utilities at Buildings 3, 4, 5, and 6 for a total of 24 units.		\$7,606,443.00
	Subtotal of Estimated Cost			\$14,844,329.00

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Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2026				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	KALIHI VALLEY HOMES (HI001000031)			\$6,789,553.62
ID0106	Kalihi Valley Homes, Site and Dwelling Improvements Phase 5 (Construction)(Housing Related Hazards (1480)-Clearance Examinations-Lead-Based Paint,Housing Related Hazards (1480)-Clearance Examinations-Pest Infestation,Housing Related Hazards (1480)-Hazard Controls-Asbestos,Housing Related Hazards (1480)-Hazard Controls-Carbon Monoxide,Housing Related Hazards (1480)-Hazard Controls-Fire Hazard(s),Housing Related Hazards (1480)-Hazard Controls-Lead-Based Paint,Housing Related Hazards (1480)-Hazard Controls-Pest Infestation,Housing Related Hazards (1480)-Inspections-Lead-Based Paint,Contract Administration (1480)-Relocation,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Canopies,Dwelling Unit-Exterior (1480)-Decks and Patios,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Lighting,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Exterior Stairwells - Fire Escape,Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits,Dwelling Unit-Exterior (1480)-Stairwells - Fire Escapes,Housing Related Hazards (1480)-Clearance Examinations-Asbestos,Dwelling Unit-Exterior (1480)-Windows,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),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,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)-Electric Distribution,Dwelling Unit-Site Work (1480)-Fencing,Dwelling Unit-Site Work (1480)-Landscape,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving,Dwelling Unit-Site Work (1480)-Sewer Lines - Mains,Dwelling Unit-Site Work (1480)-Storm Drainage,Dwelling Unit-Site Work (1480)-Striping,Dwelling Unit-Site Work (1480)-Water Lines/Mains,Non-Dwelling Construction - Mechanical (1480)-Electric Distribution,Non-Dwelling Construction - Mechanical (1480)-Security - Fire Alarm,Non-Dwelling Construction - Mechanical (1480)-Smoke/Fire Detection,Non-Dwelling Construction - Mechanical (1480)-Unit Sub-panels,Non-Dwelling Construction - Mechanical (1480)-Water Distribution,Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter,Non-Dwelling Site Work (1480)-Dumpster and Enclosures,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Landscape,Non-Dwelling Site Work (1480)-Lighting,Non-Dwelling Site Work (1480)-	Site and Dwelling Improvements including but not limited to Lead and Asbestos Abatement, Roofing, Electrical, Mechanical, Kitchens, Bathrooms, Flooring, Painting, Cabinets, Sidewalks and Utilities at Buildings 28, 32, 33, 38, 39, 41 and 42 for a total of 63 units.		\$6,789,553.62

Work Statement for Year 4 2026

	PUNCHBOWL HOMES * (HI001000035)			\$500,000.00
ID0108	Spencer House, Plumbing Upgrade (Design)(Contract Administration (1480)-Other Fees and Costs)	Design Service for Spencer House: Plumbing Upgrade including the repair of plumbing stacks for all units, opening the walls, patch and paint and replace cabinets.		\$500,000.00
	AUTHORITY-WIDE (NAWASD)			\$5,554,775.38
ID0110	Moving to Work Demo(MTW (1492))	Moving to Work Demo		\$2,968,865.80
ID0126	Administration(Administration (1410)-Salaries)	Administration		\$1,484,432.90
ID0128	Contingency(Contract Administration (1480)-Contingency)	Contingency		\$801,476.68

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Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0129	Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	Salaries and benefits for Project Engineers and Inspectors to manage the capital fund grant.		\$300,000.00
	PALOLO VALLEY HOMES (HI001000050)			\$2,000,000.00
ID0130	Palolo Valley Homes, Physical Improvements Ph5 (Const)(Housing Related Hazards (1480)-Hazard Controls-Fire Hazard(s),Housing Related Hazards (1480)-Hazard Controls-Lead-Based Paint,Housing Related Hazards (1480)-Inspections-Lead-Based Paint,Contract Administration (1480)-Relocation,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Columns and Porches,Dwelling Unit-Exterior (1480)-Decks and Patios,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Lighting,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Stairwells - Fire Escapes,Dwelling Unit-Exterior (1480)-Windows,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),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,Dwelling Unit-Site Work (1480)-Fencing,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Water	Palolo Valley Homes, Physical Improvements Phase 5. Work to include but not limited to Lead and Asbestos Abatement, Roofing, Electrical, Mechanical, Kitchens, Bathrooms, Flooring, Painting, Cabinets, Sidewalks and Utilities at Buildings 3, 4, 5, and 6 for a total of 24 units.		\$2,000,000.00
	Subtotal of Estimated Cost			\$14,844,329.00

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Work Statement for Year 5 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	KALIHI VALLEY HOMES (HI001000031)			\$5,210,447.00
ID0133	Kalihi Valley Homes, Site and Dwelling Improvements Phase 5 (Construction)(Housing Related Hazards (1480)-Clearance Examinations-Asbestos,Housing Related Hazards (1480)-Clearance Examinations-Lead-Based Paint,Housing Related Hazards (1480)-Clearance Examinations-Pest Infestation,Housing Related Hazards (1480)-Hazard Controls-Asbestos,Housing Related Hazards (1480)-Hazard Controls-Carbon Monoxide,Housing Related Hazards (1480)-Hazard Controls-Fire Hazard(s),Housing Related Hazards (1480)-Hazard Controls-Lead-Based Paint,Housing Related Hazards (1480)-Hazard Controls-Pest Infestation,Housing Related Hazards (1480)-Inspections-Lead-Based Paint,Contract Administration (1480)-Relocation,Dwelling Unit-Exterior (1480)-Balconies-Porches-Railings-etc,Dwelling Unit-Exterior (1480)-Canopies,Dwelling Unit-Exterior (1480)-Decks and Patios,Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Lighting,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Exterior Stairwells - Fire Escape,Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Landings and Railings,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Siding,Dwelling Unit-Exterior (1480)-Soffits,Dwelling Unit-Exterior (1480)-Stairwells - Fire Escapes,Dwelling Unit-Exterior (1480)-Windows,Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Flooring (non routine),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,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)-Electric Distribution,Dwelling Unit-Site Work (1480)-Fencing,Dwelling Unit-Site Work (1480)-Landscape,Dwelling Unit-Site Work (1480)-Lighting,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Pedestrian paving,Dwelling Unit-Site Work (1480)-Sewer Lines - Mains,Dwelling Unit-Site Work (1480)-Storm Drainage,Dwelling Unit-Site Work (1480)-Striping,Dwelling Unit-Site Work (1480)-Water Lines/Mains,Non-Dwelling Construction - Mechanical (1480)-Electric Distribution,Non-Dwelling Construction - Mechanical (1480)-Security - Fire Alarm,Non-Dwelling Construction - Mechanical (1480)-Smoke/Fire Detection,Non-Dwelling Construction - Mechanical (1480)-Unit Sub-panels,Non-Dwelling Construction - Mechanical (1480)-Water Distribution,Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter,Non-Dwelling Site Work (1480)-Dumpster and Enclosures,Non-Dwelling Site Work (1480)-Fencing,Non-Dwelling Site Work (1480)-Landscape,Non-Dwelling Site Work (1480)-Lighting,Non-Dwelling Site Work (1480)-Signage,Non-Dwelling Site Work (1480)-Site	Site and Dwelling Improvements including but not limited to Lead and Asbestos Abatement, Roofing, Electrical, Mechanical, Kitchens, Bathrooms, Flooring, Painting, Cabinets, Sidewalks and Utilities at Buildings 28, 32, 33, 38, 39, 41 and 42 for a total of 63 units.		\$5,210,447.00

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Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	Utilities,Non-Dwelling Site Work (1480)-Storm Drainage)			
	PUNCHBOWL HOMES * (HI001000035)			\$3,879,083.30
ID0134	Spencer House, Plumbing Upgrade (Construction)(Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,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-Site Work (1480)-Sewer Lines - Mains,Dwelling Unit-Site Work (1480)-Water Lines/Mains)	Spencer House: Plumbing Upgrade including the repair of plumbing stacks for all units, opening the walls, patch and paint and replace cabinets.		\$3,879,083.30
	KALAKAUA HOMES (HI001000034)			\$500,000.00
ID0135	Makua Ali'i, Plumbing Upgrade (Design)(Contract Administration (1480)-Other Fees and Costs)	Design Service for Makua Ali'i: Plumbing Upgrade including the repair of plumbing stacks for all units, opening the walls, patch and paint and replace cabinets.		\$500,000.00
	AUTHORITY-WIDE (NAWASD)			\$5,254,798.70
ID0137	Administration(Administration (1410)-Salaries)	Administration		\$1,484,432.90

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0138	Moving to Work Demo(MTW (1492))	Moving to Work Demo		\$2,968,865.80
ID0139	Contingency(Contract Administration (1480)-Contingency)	Contingency		\$801,500.00
	Subtotal of Estimated Cost			\$14,844,329.00

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 1 2023	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Administration(Administration (1410)-Salaries)	\$1,484,432.90
Contingency(Contract Administration (1480)-Contingency)	\$791,030.30
Moving to Work Demo(MTW (1492))	\$2,968,865.80
Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	\$300,000.00
Ka Lei Momi Statewide Master Development (Plans/Designs)(Contract Administration (1480)-Other Fees and Costs)	\$500,000.00
Subtotal of Estimated Cost	\$6,044,329.00

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 2024	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Administration(Administration (1410)-Salaries)	\$1,484,432.90
Contingency(Contract Administration (1480)-Contingency)	\$434,586.45
Moving to Work Demo(MTW (1492))	\$2,968,865.80
Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	\$300,000.00
Subtotal of Estimated Cost	\$5,187,885.15

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 III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year 4 2026	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
Moving to Work Demo(MTW (1492))	\$2,968,865.80
Administration(Administration (1410)-Salaries)	\$1,484,432.90
Contingency(Contract Administration (1480)-Contingency)	\$801,476.68
Staff Salaries for CMB(Contract Administration (1480)-Other Fees and Costs)	\$300,000.00
Subtotal of Estimated Cost	\$5,554,775.38

Form HUD-50075.2(4/2008)

Annual PHA Plan for FY 25

Attachment I

RAB Comments

RAB Comments

The HPHA presented the draft Annual PHA Plan for FY 25 to the Resident Advisory Board for review and comments on February 12, 2024, and March 13, 2024.

- 1. Proposed Plan Revision:** The HPHA will create a “super-preference” in the HCV program for certain public housing families who (1) become involuntarily displaced; (2) are approved for a transfer as a reasonable accommodation but there are no dwelling units in the public housing inventory with the appropriate accessibility features; (3) include one or more members who are a VAWA victim and who cannot be safely transferred to another public housing dwelling unit; and (4) are underhoused, and the HPHA does not have an appropriately sized dwelling unit in its public housing inventory.

RAB Comments

A RAB member asked whether public housing families that qualify for a super-preference will have to wait for the waiting list to open before they can request to be admitted to the HCV program.

HPHA Response

Public housing families that qualify for a super-preference will still need to undergo a standard eligibility review before they can be fully admitted to the HCV program. These families do not have to wait for the HCV waiting list to open before requesting a voucher. Rather, the HPHA would first notify a public housing family that they qualify for admission to the HCV program through a super-preference and then provide them an HCV application form if they express interest in applying. The HCV waiting list will be left open at all times for applicants with super-preferences.

RAB Comments

A RAB member asked whether public housing families being relocated from Mayor Wright Homes because of redevelopment would qualify under the super-preference.

HPHA Response

No, these families would not qualify under a super-preference because they are guaranteed to receive Tenant-Protection Vouchers (TPV) when the relocation process begins. The super-preference for involuntarily displaced public housing families will act as a “safety net” in that it would be available to a public housing

family that (1) can no longer remain in their dwelling unit/building because it is rendered uninhabitable, and (2) does not qualify for a TPV.

2. **Proposed Plan Revision:** The HPHA is updating the Annual Plan to include information related to a water conservation pilot project it is working on with the Honolulu Board of Water Supply (BWS) for Kamehameha Homes.

RAB Comments

The RAB asked why Kamehameha Homes was chosen. The RAB also asked whether similar water conservation measures might be taken at other projects.

HPHA Response

Part of the reason Kamehameha Homes was chosen for the project was its proximity to the water wells that were contaminated by the Red Hill fuel leaks and the need to conserve water in nearby areas. The HPHA was also informed by the BWS that the water usage rate was among the highest across all public housing projects on Oahu. After the pilot project concludes, the HPHA and BWS will be assessing how successful different measures were at reducing water consumption and will determine how best to implement them at other public housing projects.

3. **Proposed Plan Revision:** The HPHA is updating the Annual Plan to provide notice to HUD of the agency's intent to submit a Section 18 demolition application for the Community Center at Kalihi Valley Homes during FY 25.

RAB Comments

The RAB was supportive of the amendment and asked that the HPHA continue to involve the RAB and the residents of Kalihi Valley Homes involved in any future developments at the project site.

HPHA Response

The HPHA is grateful for the RAB's support of this endeavor. The HPHA agrees to consult with both the RAB and the property's residents on how the Community Center site could be better utilized as this project progresses.

Annual PHA Plan for FY 25

Attachment J

Certification by State
or Local Official

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



HAKIM OUANSAFI
EXECUTIVE DIRECTOR

BARBARA E. ARASHIRO
EXECUTIVE ASSISTANT

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
HAWAII PUBLIC HOUSING AUTHORITY
1002 NORTH SCHOOL STREET
POST OFFICE BOX 17907
HONOLULU, HAWAII 96817

IN REPLY, PLEASE REFER TO:

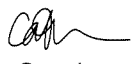
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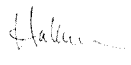
2403063

March 8, 2024

MEMORANDUM

TO: The Honorable Josh Green, M.D., Governor
State of Hawaii

THROUGH: Cathy Betts, Director 
Department of Human Services

FROM: Hakim Ouansafi, Executive Director 
Hawaii Public Housing Authority

SUBJECT: Certification of Consistency with the State Consolidated Plan

On March 21, 2024, the Hawaii Public Housing Authority's (HPHA) Board of Directors is anticipated to approve the final drafts of the HPHA's Annual Public Housing Agency (PHA) Plan for Fiscal Year 2025 and the Five-Year PHA Plan for Fiscal Years 2025 to 2029. The Board will also authorize the Executive Director to submit the PHA Plans to the U.S. Department of Housing and Urban Development (HUD). HUD requires all PHAs to receive certification from a State or local official that a PHA Plan is consistent with its state's Consolidated Plan.

The goals and the objectives included in the Annual PHA Plan and the Five-Year PHA Plan are based upon the Hawaii Housing Policy Study which also informs the strategies described in the State Consolidated Plan. These housing strategies are carried out by various State agencies (e.g., HPHA, HHFDC, DHHL) and seek to address Hawaii's local housing needs. The Annual PHA Plan and the Five-Year PHA Plan are the culmination of approximately seven months of planning meetings with public housing residents, Section 8 participants, the HPHA's Resident Advisory Board, and the general public. The HPHA held a public hearing to gather comments on the drafts of the PHA Plans on March 4, 2024.

Enclosed, please find for your review and approval the Certification of Consistency with the Consolidated Plan (Form HUD-50077-SL) which will be submitted to HUD as an attachment to the PHA Plans.

If you have any questions, please feel free to contact our office at (808) 832-4682. Thank you very much for your continued support.

Enclosure

**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, Josh Green, M.D., the Governor of the State of Hawaii
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2025 to 2029 and/or Annual PHA Plan for
fiscal year 2025 of the Hawaii Public Housing Authority (HPHA) 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

State of Hawaii
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 HPHA's goals and strategies are based on the Hawaii Housing Policy Study which serves as the basis
for the State's Consolidated Plan. The State's housing strategies are coordinated between various agencies
(e.g., HPHA, the Hawaii Housing Finance and Development Corporation, Department of Hawaiian Home-
lands) and seek to address the specific housing needs of Hawaii's communities.

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)

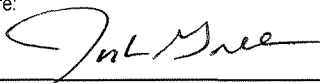
Name of Authorized Official:

Josh Green, M.D.

Title:

Governor

Signature:



Date:

3-15-24

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.

Annual PHA Plan for FY 25

Attachment K

Civil Rights Certification

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 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.

Hawaii Public Housing Authority
PHA Name

HI001
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:

Hakim Ouansafi

Signature

Date

3/27/2024

Name of Board Chairperson:

Robert J. Hall

Signature

Date

3.28.24

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.

Annual PHA Plan for FY 25

Attachment L

Certifications of Compliance with PHA Plan and Related Regulations

**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 X 5-Year and/or X 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 identity, 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).

Hawaii Public Housing Authority
PHA Name

HI001
PHA Number/HA Code

☒ Annual PHA Plan for Fiscal Year 20__

☒ 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

Hakim Ouansafi

Signature

Date

3/27/2024

Name Board Chairman

Robert J. Hall

Signature

Date

3.25.24

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 compliance with PHA Plan, Civil Rights, and related laws and regulations including PHA plan elements that have changed.

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.

Annual PHA Plan for FY 25

Attachment M

Public Testimony



NOTICE OF PUBLIC HEARING

Pursuant to 24 CFR 903.17 and the MTW Operations Notice, the Hawaii Public Housing Authority (HPHA), Department of Human Services, hereby provides notice that it will hold a public hearing on (1) the 5-Year Public Housing Agency (PHA) Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the Moving to Work (MTW) Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024.

Background: The HPHA is developing its 5-Year PHA Plan and Annual PHA Plan as required by the Quality Housing and Work Responsibility Act (QHWRA) of 1998. The QHWRA was enacted to revitalize, improve, and make significant changes to the federal public housing and Housing Choice Voucher programs. PHA Plans describe how federally-funded programs administered by the HPHA will be operated and managed during the applicable fiscal year(s). The HPHA also uses the PHA Plans to inform the U.S. Department of Housing and Urban Development (HUD), its residents, and the public of the specific strategies it will employ to address the housing needs of low-income families within its jurisdiction.

The HPHA will include an MTW Supplement for Fiscal Year 2024-2025 as an attachment to the Annual PHA Plan for Fiscal Year 2024-2025. An MTW Supplement provides information on all future and ongoing MTW-related policies, waivers, and activities. Submittal of the MTW Supplement is a requirement for all expansion PHAs participating in the MTW Demonstration Program. For more information on the MTW Demonstration Program, please see the MTW Operations Notice, published in the Federal Register as FR-5994-N-05.

Finally, the HPHA is proposing an amendment to its MTW Supplement for Fiscal Year 2023-2024, which was submitted to HUD on March 29, 2023, and received final approval on June 2, 2023. Specifically, the amended MTW Supplement includes a request for HUD approval of MTW Waiver 3.b. which would allow the HPHA to conduct reexaminations of HCV families biennially (i.e., every two years).

Public Review: The drafts of the (1) 5-Year PHA Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the MTW Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024 are available for public viewing at the HPHA School Street Administrative Campus and the site management offices on weekdays between 7:45 a.m. to 4:30 p.m.

HPHA Administrative and Section 8 Offices, 1002 North School Street, Honolulu

Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea

Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu

Oahu: Mayor Wright Homes Office, 521 North Kukui Street, Honolulu

Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu

Oahu: Kalanihua Office, 1220 Aala Street, Honolulu

Oahu: Hale Poai Office, 1001 North School Street, Honolulu

Oahu: Waimaha Sunflower Office: 85-186 McArthur Street, Waianae

Oahu: Koolau Village Office: 45-1027 Kamae Place, Kaneohe

Oahu: Kauhale Nani Office: 310 North Cane Street, Wahiawa

Oahu: Palolo Valley Homes Office: 2107 Ahe Street, Honolulu

Oahu: Kuhio Homes Office: 1475 Linapuni Street, Honolulu

Hawaii: Lanakila Homes Office, 600 Wailoa Street, Hilo

Hawaii: Ka Hale Kahaluu Office, 78-6725 Makolea Street, Kailua-Kona

Hawaii: Noelani II Office, 65-1191 Opelo Road, Kamuela

Kauai: Kapaa Office, 4726 Malu Road, Kapaa

Maui: Kahekili Terrace, 2015 Holowai Place, Wailuku

Molokai: Kahale Mua, Maunaloa, Molokai

Digital copies of each draft are also available on the HPHA's website at: <https://hpha.hawaii.gov/plans-reports>

The public hearing will take place on:

Monday, March 4, 2024, at 5:00 p.m.

Remote Meeting:

The public may participate in the public hearing electronically via

Zoom using the following link:

<https://us06web.zoom.us/j/87825266494?pwd=cDQxOL6ut0bbbMqVkSIMFfcEdB3wY8.1>

When prompted, enter the **Meeting ID: 878 2526 6494**, and the **Password: 5WApfb**.

Alternatively, the public may participate via telephone by calling **1-346-248-7799**. When prompted, callers should enter the **Meeting ID: 878 2526 6494**, and the **Password: 044636**. The HPHA requests that meeting participants show their first and last name.

Physical Meeting Location:

The public may attend the public hearing at 1002 North School Street, Building A Conference Room, Honolulu, HI 96817, which will also be connected to the remote meeting via Zoom.

All interested persons are invited to provide oral or written comments on the PHA Plans and MTW Supplements. All comments received will be considered and incorporated appropriately into the applicable document. Oral comments may be presented during the public hearing. Persons who cannot attend the hearing and prefer not to provide written comments may call (808) 436-7183 to submit their comments as a voicemail message.

Written comments may be presented to the presiding officer at the public hearing, or mailed to the HPHA, Attention: PEO Public Hearing, at 1002 North School Street, Honolulu, Hawaii 96817. Written comments may also be faxed to (808) 832-4679 or sent by electronic mail to hpha@hawaii.gov. Written comments not presented at the public hearing should be received by the HPHA's Administrative Office by 4:30 p.m. on March 4, 2024.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Benjamin Park at (808) 832-4693 as soon as possible, preferably by February 26, 2024. If a response is received after February 26, 2024, the HPHA will attempt to obtain the auxiliary aid/service or accommodation, but cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate forms such as large print, Braille, or electronic copy.

HAKIM OUANSAFI
Executive Director
Hawaii Public Housing Authority
Department of Human Services

HPHA does not discriminate against any person because of race, color, religion, sex, physical or mental disability, familial status, ancestry/national origin, age, marital status, HIV infection or sexual orientation and gender identity.



NOTICE OF PUBLIC HEARING

Pursuant to 24 CFR 903.17 and the MTW Operations Notice, the Hawaii Public Housing Authority (HPHA), Department of Human Services, hereby provides notice that it will hold a public hearing on (1) the 5-Year Public Housing Agency (PHA) Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the Moving to Work (MTW) Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024.

Background: The HPHA is developing its 5-Year PHA Plan and Annual PHA Plan as required by the Quality Housing and Work Responsibility Act (QHWRA) of 1998. The QHWRA was enacted to revitalize, improve, and make significant changes to the federal public housing and Housing Choice Voucher programs. PHA Plans describe how federally-funded programs administered by the HPHA will be operated and managed during the applicable fiscal year(s). The HPHA also uses the PHA Plans to inform the U.S. Department of Housing and Urban Development (HUD), its residents, and the public of the specific strategies it will employ to address the housing needs of low-income families within its jurisdiction.

The HPHA will include an MTW Supplement for Fiscal Year 2024-2025 as an attachment to the Annual PHA Plan for Fiscal Year 2024-2025. An MTW Supplement provides information on all future and ongoing MTW-related policies, waivers, and activities. Submittal of the MTW Supplement is a requirement for all expansion PHAs participating in the MTW Demonstration Program. For more information on the MTW Demonstration Program, please see the MTW Operations Notice, published in the Federal Register as FR-5994-N-05.

Finally, the HPHA is proposing an amendment to its MTW Supplement for Fiscal Year 2023-2024, which was submitted to HUD on March 29, 2023, and received final approval on June 2, 2023. Specifically, the amended MTW Supplement includes a request for HUD approval of MTW Waiver 3.b, which would allow the HPHA to conduct reexaminations of HCV families biennially (i.e., every two years).

Public Review: The drafts of the (1) 5-Year PHA Plan for Fiscal Years 2025 to 2029, (2) the Annual PHA Plan for Fiscal Year 2024-2025, (3) the MTW Supplement for Fiscal Year 2024-2025, and (4) the Amended MTW Supplement for Fiscal Year 2023-2024 are available for public viewing at the HPHA School Street Administrative Campus and the site management offices on weekdays between 7:45 a.m. to 4:30 p.m.

HPHA Administrative and Section 8 Offices, 1002 North School Street, Honolulu

Oahu: Puuwai Momi Office, 99-132 Kohomua Street, Aiea
Oahu: Kalihi Valley Homes Office, 2250 Kalena Drive, Honolulu
Oahu: Mayor Wright Homes Office, 521 North Kukui Street, Honolulu
Oahu: Kalakaua Homes Office, 1545 Kalakaua Avenue, Honolulu
Oahu: Kalanikui Office, 1220 Aala Street, Honolulu
Oahu: Hale Poni Office, 1001 North School Street, Honolulu
Oahu: Waimaha Sunflower Office, 85-186 McArthur Street, Waiānae
Oahu: Koolau Village Office, 45-1027 Kamau Place, Kaneohe
Oahu: Kauhale Nani Office, 310 North Cane Street, Wahiawa
Oahu: Palolo Valley Homes Office, 2107 Ahe Street, Honolulu
Oahu: Kūhio Homes Office, 1475 Linapuni Street, Honolulu
Hawaii: Lanakila Homes Office, 600 Wailoa Street, Hilo
Hawaii: Ka Hale Kahalu Office, 78-6725 Makolea Street, Kailua-Kona
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HAKIM OUANSAFI
Executive Director
Hawaii Public Housing Authority
Department of Human Services

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(MN: Jan. 19, 2024)

CPX7

PUBLIC HEARING
Monday, March 4, 2024

Annual PHA Plan for FY 25
5-Year PHA Plan for FYs 25-29
MTW Supplement for FY 25
Amended MTW Supplement for FY 24

[illegible]

Public Testimony

On January 19, 2024, the HPHA published a public hearing notice in the Honolulu Star-Advertiser, The Garden Island, The Maui News, West Hawaii Today, and Hawaii Tribune Herald. A draft of the Annual PHA Plan for FY 25 was made available at all HPHA AMP Offices and on the HPHA's website. A public hearing was held in-person and online on March 4, 2024.

1. Public Testimony

The HPHA received comments about safety concerns at Punchbowl Homes. The testifier stated that the key fob system for the front door has been broken since renovations were completed in mid-2023.

HPHA Response

The HPHA thanked the testifier for their comments and clarified that it is aware of the issue at Punchbowl Homes regarding the front door's key fob system. The HPHA is in negotiations with the contractor that performed the renovations over how to proceed with repairs. The Planning and Evaluation Office collected the testifier's contact information in order to provide updates as soon as the process to repair the doors can move forward.

2. Public Testimony

The HPHA received a question from a resident of a State public housing project about how to apply for a Housing Choice Voucher (HCV) with the HPHA.

HPHA Response

The HPHA informed the resident that the HPHA's HCV Program operates only on the island of Oahu. The HPHA suggested the resident contact the Hawaii County Office of Housing and Community Development which administers the HCV Program for the island of Hawaii.

3. Public Testimony

The HPHA received a recommendation from its development consultant EJP Consulting Group to include generalized language to allow the agency to apply for the Section 18 demolition and/or disposition of any public housing property during the fiscal year without having to amend the Annual PHA Plan.

HPHA Response

The HPHA will amend the Annual PHA Plan for FY 25 to include EJP Consulting Group's recommendation. In the aftermath of the Lahaina wildfires and the destruction of two public housing projects, the HPHA was unable to immediately apply for and submit a Section 18 application to HUD's Special Applications Center without first amending its Annual PHA Plan for FY 24. This amendment will improve the agency's ability to respond to future emergencies quickly and effectively.

Public Hearing: PHA Plans and MTW Supplements 3/4/2024

Hi, my name is Wei. I am here to represent my parents who live in the Punchbowl Homes located at 730 Captain Cook Ave.. Last year the Punchbowl Homes had its years-long remodeling in the lobby area with new floors and new automatic doors. However, the automatic doors are open 24/7 without any fob or key needed. This building does have security in the evenings, however, during the daytime, anyone can enter the building which makes residents unsafe. I informed the housing authority last year but whoever I talked to on the phone was uninterested in resolving this issue.

I had conversations with evening security officers giving them my concerns. The security officers are also concerned about this issue. In fact they said there have been homeless who enter the building and live in the stairway, and officers cannot do anything about it. I was told that if I see anything happen that may be dangerous, I should call police right away, rather than ask the security for help.

On January 31 this year about 6pm, a fire broke out in the stairway area. Luckily my sister was visiting my parents at that time, she and some neighbors saw the black smoke and quickly called the fire department. Obviously the stairway could not light the fire itself. I strongly demand that the PHA solve this problem immediately. Please do not ignore the problems of older buildings. Once again, please reinstall the automatic doors with accessible fob or key needed in the Punchbowl Homes located in 730 Captain Cook Ave. The residents' safety is important than any new PHA projects.

Safety at the Punchbowl Homes [Public Hearing: PHA Plans and MTW Supplements 3/4/2024]

After more than a year of construction, the Punchbowl Homes (730 Captain Cook Ave.) finally has its new floors and automatic doors in the lobby area. However, the automatic doors are open 24/7 without any fob or key needed, leaving the building and residents in an unsafe status. Even though there is a security guard assigned in the evenings, daytime hours are wide open with the risk of danger to the residents. Please reinstall the automatic doors with accessible fob or key needed in the Punchbowl Homes located in 730 Captain Cook Ave.. Thank you.

Annual PHA Plan for FY 25

Attachment N

Certification for a Drug-Free Workplace

Certification for a Drug-Free Workplace

U.S. Department of Housing
and Urban Development

OMB Number: 2501-0044
Expiration Date: 2/28/2027

Public reporting burden. Public reporting burden for this collection of information is estimated to average 0.25 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. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to: U.S. Department of Housing and Urban Development, Office of the Chief Data Officer, R, 451 7th St SW, Room 8210, Washington, DC 20410-5000. Do not send completed forms to this address. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. HUD is authorized to collect this information under the authority cited in the Notice of Funding Opportunity for this grant program. The information collected will provide proposed budget data for multiple programs. HUD will use this information in the selection of applicants. This information is required to obtain the benefit sought in the grant program. This information will not be held confidential and may be made available to the public in accordance with the Freedom of Information Act (5 U.S.C. §552).

Hawaii Public Housing Authority (HI001)

Applicant Name

Federal Low-Income Public Housing

Program/Activity Receiving Federal Grant Funding

Acting on behalf of the above named Applicant as its Authorized Official, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the sites listed below:

I certify that the above named Applicant will or will continue to provide a drug-free workplace by:

a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition.

b. Establishing an on-going drug-free awareness program to inform employees ---

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph a.;

d. Notifying the employee in the statement required by paragraph a. that, as a condition of employment under the grant, the employee will ---

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.(2), with respect to any employee who is so convicted ---

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs a. thru f.

2. Sites for Work Performance. The Applicant shall list (on separate pages) the site(s) for the performance of work done in connection with the HUD funding of the program/activity shown above: Place of Performance shall include the street address, city, county, State, and zip code. Identify each sheet with the Applicant name and address and the program/activity receiving grant funding.)

The HPHA's Administrative Offices are found at 1002 N School St, Honolulu, HI 96817.

Please see **Attachment D** for the addresses of all federal public housing projects.

Check here if there are workplaces on file that are not identified on the attached sheets.

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	
Hakim Ouansafi		Executive Director	
Signature		Date	
X 		Apr 3, 2024	

Annual PHA Plan for FY 25

Attachment O

Certification of Payments to Influence Federal Transactions

Certification of Payments to Influence Federal Transactions

U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing

Public reporting burden for this information collection is estimated to average 30 minutes including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The information requested is required to obtain a benefit. This form is used to ensure federal funds are not used to influence members of Congress. There are no assurances of confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, Office of Policy Development and Research, REE, Department of Housing and Urban Development, 451 7th St SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2577-0157.

Applicant Name

Hawaii Public Housing Authority (HI001)

Program/Activity Receiving Federal Grant Funding

Federal Low-Income Public Housing

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, Disclosure Form to Report Lobbying, in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

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

Hakim Ouansafi

Title

Executive Director

Signature



Date (mm/dd/yyyy)

Apr 3, 2024