

April 1, 2021

Board of County Commissioner  
Clackamas County

Members of the Board:

Approval of Resolution #1953: Housing Authority Annual Plan 2021-2022

<b>Purpose/Outcomes</b>	Approval of the Housing Authority of Clackamas County's (HACC) Annual Plan.
<b>Dollar Amount and Fiscal Impact</b>	\$16,077,000 for Section 8 Voucher funds, \$1,890,000 in Public Housing funds and \$1,382,947 in Capital Grants Program funds
<b>Funding Source</b>	U.S. Department of Housing and Urban Development No County General Funds are involved.
<b>Duration</b>	Effective July 1, 2021 through June 30, 2022
<b>Previous Board Action</b>	2021-2022 Annual Plan approved by the HACC Board on April 1, 2021 – Resolution No. 1953
<b>Counsel Review</b>	N/A
<b>Strategic Plan Alignment</b>	1. Ensure safe, healthy and secure communities 2. Build public trust through good government
<b>Contact Person</b>	Jill Smith, HACC Executive Director (503) 742-5336
<b>Contract No.</b>	N/A

**BACKGROUND:**

The Housing Authority of Clackamas County (HACC), a Division of the Health, Housing and Human Services Department requests a Public Hearing before the HACC Board to present HACC's policy changes, new goals and activities, progress on meeting goals and allow for public comment. This hearing will satisfy a U.S. Department of Housing and Urban Development (HUD) requirement that the public be given an opportunity annually to review the performance of the Housing Authority of Clackamas County and comment on the goals and objectives of the Annual Plan.

HACC's Annual Plan implements the goals and objectives of the 5-Year plan and updates HUD regarding the Housing Authority's policies, rules, and requirements concerning its operations, programs, and services.

Capital Fund Program (CFP) is a grant that HUD provides for the development, modernization, and management of Public Housing. HACC is applying for and seeking Capital Funds in the amount of \$1,382,947 for 2021-22.

The Plan meets the following requirements of the Quality Housing and Work Responsibility Act (QHWRA) of 1998.

- The Annual Plan was developed in consultation with the Resident Advisory Board (RAB).
- The RAB is made up of residents from Public Housing and Section 8 programs. The RAB met on January 12th, 2021 to review the Plan.

- A summary of the policy changes were given to members of the RAB to distribute to their neighbors in Public Housing.
- HACC published a public notice in the Oregonian opening the Annual Plan for public review and comments from January 12, 2021 through February 25th, 2021.
- HACC published a notice in the Quarterly newsletter inviting residents to the RAB meeting, Public Hearing and notifying residents of the public review period. The Quarterly newsletter is mailed to every household living in Public Housing and emailed to families living in Section 8.
- The Plan was available at the HACC Administrative Office, HACC Property Management Offices, Clackamas County Oak Grove Library, and was posted on HACC's website.
- A Public Hearing in front of the HACC Board was held on March 18, 2021. A public notice was published on January 4th, 2021 for the public hearing.

Once the Board adopts the Annual Plan, including all attachments, the Plan will be submitted to HUD. This final step is required to be completed at least 75 days before the beginning of our fiscal year, 7/1/2022.

**RECOMMENDATION:**

Staff recommends that the HACC Board of County Commissioners approve Resolution #1953, and permit staff to submit the final version of the plan to HUD following the April 1, 2021 business meeting. Staff also recommends the Board Chair sign HUD Form 50077-ST-HCV-HP (Certification of Compliance with PHA Plans) and HUD Form 50077-CR (Civil Rights Certification).

Respectfully submitted,



Rod Cook, Interim Director  
Health, Housing and Human Services

Attachments:

- Proposed 2021-2022 Annual Plan

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF THE HOUSING AUTHORITY OF CLACKAMAS COUNTY, OREGON**

In the Matter of Approving the Housing  
Authority's Annual Plan, related  
Certifications and Attachments



Resolution No. 1953  
*Page 1 of 1*

Whereas, the Housing Authority of Clackamas County (HACC), Oregon has developed an Annual Plan; and

Whereas, the Annual Plan must be updated each year, while the Five Year Plan is developed every five years; and

Whereas, the Annual Plan and its attachments, was developed using the required HUD templates with input and recommendations from an established Resident Advisory Board (RAB) on January 12, 2021; and

Whereas, the Annual Plan and its attachments were advertised in the Oregonian for public review and comment from January 12, 2020 through February 25, 2021; and

Whereas, the Annual Plan and its attachments were discussed and testimony was taken at a public hearing in front of the HACC Board of Commissioners on March 18, 2021; and

Whereas, HUD requires HACC Board approval in the form of a board resolution; and

Whereas, the Annual Plan, related certifications and attachments are to be submitted to HUD at least 75 days prior to the effective date, July 1, 2021; and

NOW THEREFORE, IT IS HEREBY ORDERED that The Board of Commissioners for the Housing Authority of Clackamas County reviewed HACC's Annual Plan and formally approves the Annual Plan, related Certifications and Attachments, and the Executive Director of the Housing Authority is authorized to submit these documents to HUD.

Motion was made by Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_

DATED this 1st day of April, 2021

BOARD OF COUNTY COMMISSIONERS OF THE  
HOUSING AUTHORITY OF CLACKAMAS COUNTY, OREGON

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**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 02/29/2016

**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 Chairman or other authorized PHA official, I approve the submission of the 5-Year PHA Plan for the PHA of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the public housing program of the 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, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those program, addressing those impediments in a reasonable fashion in view of the resources available and working with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.

Housing Authority of Clackamas County  
PHA Name

OR001  
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)

Name of Authorized Official Tootie Smith	Title HOUSING AUTHORITY BOARD CHAIR
Signature	Date

**Certifications of Compliance with  
PHA Plans 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 02/29/2016

**PHA Certifications of Compliance with the PHA Plan and Related Regulations including  
Required Civil Rights Certifications**

*Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the    5-Year and/or X Annual PHA Plan for the PHA fiscal year beginning 7/1/2020, hereinafter referred to as "the Plan", 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 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.
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 to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
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 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.
5. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
6. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identifying any impediments to fair housing choice within those programs, addressing those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and by maintaining records reflecting these analyses and actions.
7. For PHA Plans that includes 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 2010-25);
  - 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;
  - 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 part 903.7(c)(1).
8. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
9. 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.
10. 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.
11. 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.
12. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).

13. 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.
14. 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.
15. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
16. 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.
17. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
18. 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.
19. 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).

Housing Authority of Clackamas County  
PHA Name

OR001  
PHA Number/HA Code

Annual PHA Plan for Fiscal Year 2021-2022

5-Year PHA Plan for Fiscal Years \_\_\_\_\_

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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)

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Name of Authorized Official  Tootie Smith	Title  Housing Authority Board Chair
Signature	Date

# **Housing Authority of Clackamas County (HACC)**

**Annual Plan  
2021-2022**



**HACC Executive Director  
Jill Smith**

# Housing Authority of Clackamas County



## Annual Plan 2021-2022

Effective Dates July 1, 2021 – June 30, 2022



# Housing Authority of Clackamas County

## Annual Plan 2021-2022

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<b>Streamlined Annual PHA Plan</b> <i>(High Performer PHAs)</i>	<b>U.S. Department of Housing and Urban Development</b> <b>Office of Public and Indian Housing</b>	<b>OMB No. 2577-0226</b> <b>Expires: 02/29/2016</b>
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**Purpose.** The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families

**Applicability.** Form HUD-50075-HP is to be completed annually by **High Performing PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, HCV-Only PHA, Small 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 of the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, or at risk of being designated as troubled, and that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceeds 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 exceeds 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.

<b>A.</b>	<b>PHA Information.</b>					
<p> <b>PHA Name:</b> <u>Housing Authority of Clackamas County</u>      <b>PHA Code:</b> <u>OR001</u>  <b>PHA Type:</b>   <input type="checkbox"/> Small   <input checked="" type="checkbox"/> High Performer  <b>PHA Plan for Fiscal Year Beginning:</b> (MM/YYYY): <u>07/2021</u>  <b>PHA Inventory</b> (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above)  <b>Number of Public Housing (PH) Units</b> <u>445</u>    <b>Number of Housing Choice Vouchers (HCVs)</b> <u>2007</u>    <b>Total Combined</b> <u>2452</u>  <b>PHA Plan Submission Type:</b>   <input checked="" type="checkbox"/> Annual Submission                      <input type="checkbox"/> Revised Annual Submission </p> <p> <b>Availability of Information.</b> In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. Additionally, the PHA must provide information on how the public may reasonably obtain additional information of the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. </p> <p> <b>PHA Plan, PHA Plan Elements, and Public Hearing Information can be found at the following locations:</b>  1) Housing Authority Administrative Office, 13930 S Gain Street, Oregon City, OR 97045  2) Housing Authority Clackamas Heights Property Management Office, 13900 S Gain Street, Oregon City, OR 97045  3) Housing Authority Hillside Park Community Center, 10203 SE D Street, Milwaukie, OR 97222  4) Housing Authority Website: <a href="http://www.clackamas.us/housingauthority/plansandreports.html">http://www.clackamas.us/housingauthority/plansandreports.html</a>  5) Clackamas County Public Library located at 16201 S.E. McLoughlin, Oak Grove, OR 97222  6) Resident Advisory Boards (RAB) Members receive a hard copy of the full draft Annual Plan  7) RAB Members received a summary of policy changes (hard copy) to hand out to other residents </p> <p> <input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below) </p>						
		<b>Participating PHAs</b>	<b>PHA Code</b>	<b>Program(s) in the Consortia</b>	<b>Program(s) not in the Consortia</b>	<b>No. of Units in Each Program</b>
						<b>PH</b>
						<b>HCV</b>
		Lead PHA:				
<b>B.</b>	<b>Annual Plan Elements</b>					

<p><b>B.1</b></p>	<p><b>Revision of PHA Plan Elements.</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <b>Annual PHA Plan</b> submission?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. (See Attached A, B and D)</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination. (See Attachment A and B)</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Significant Amendment/Modification</p> <p>(b) The PHA must submit its Deconcentration Policy for Field Office Review. See Attachment D</p> <p>(c) If the PHA answered yes for any element, describe the revisions for each element below:</p>
<p><b>B.2</b></p>	<p><b>New Activities.</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Tenant Based Assistance.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Project Based Vouchers.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(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.</p> <p>In 2021-2022, HACC will review the feasibility of submitting a Section 18 Demolition and/or Disposition, a Rental Administration Demonstration (RAD), or a Section 18 and RAD blended application for Oregon City View Manor, a 100-unit Public Housing property located at 200 S. Longview Way in Oregon City. If an application is submitted and approved, HACC will relocate all 100 households following the approved Relocation Plan and with the assistance of Section 8 vouchers.</p> <p>In 2021-2022, HACC will review the feasibility of submitting a Section 18 Demolition and/or Disposition, a Rental Administration Demonstration (RAD), or Section 18 and RAD blended application for Clackamas Heights, a 100-unit Public Housing property located at 13900 S. Gain St., Oregon City, OR 97045. If an application is submitted and approved, HACC will relocate all 100 households following the approved Relocation Plan and with the assistance of Section 8 vouchers.</p> <p>In late 2018, HACC submitted a RAD application for Hillside Park, a 100-unit Public Housing property located in Milwaukie. The application was approved and HACC received the CHAP on April 26, 2019. In 2020, HACC requested a withdrawal of the CHAP because HACC believes the development is better suited for disposition under Section 18. In 2018-2019, HACC embarked on a Master Planning process that envisioned the redevelopment of the Hillside Park public housing community. The planning process engaged residents and community members, who helped develop a vision for a vibrant mixed-use, mixed-income community. The design preserves and rebuilds existing affordable housing at the site, while creating opportunities for expanded housing choice and type. In late 2020, HACC submitted a land use application to the city of Milwaukie seeking to rezone the site to allow for increased density and mixed-use housing. In 2020, HACC completed an environmental review conducted under 24 CFR part 58 and the RRFO and AUGF were approved by HUD. In 2021-2022, HACC plans to submit a Section 18 Demolition and/or Disposition application for the project. If the application is approved, HACC will relocate all 100 households following the approved Relocation Plan with the assistance of a relocation contractor and Section 8 vouchers.</p> <p>HACC's application for a RAD conversion and Section 18 blend, which entails converting 100 units, 70 under a RAD HAP contract and 30 under a regular PBV contract (including 5 de minimis units that are backfilled with regular PBVs), as part of the rehabilitation of Hillside Manor, located at 2889 SE Hillside Ct, Milwaukie, was approved. The project closed on construction financing in May 2020 and the project is currently under construction with construction completion anticipated in October 2021.</p> <p>HACC has 145 scattered sites throughout Clackamas County. In 2021-2022, HACC anticipates working with HUD and submitting an application to begin the Section 18 Disposition and/or Demolition process for these sites. If the application is approved, HACC will relocate all 145 households following the approved Relocation Plan with the assistance of a relocation contractor and Section 8 vouchers.</p> <p>In 2018, regional voters approved a \$652.8 million Metro Affordable Housing Bond for the creation of 3,900 affordable housing units within the urban growth boundary. The bond allows the Metro region the opportunity to invest in the development of new housing resources for some of its most vulnerable and historically marginalized residents.</p>

Recognizing the need and opportunity throughout the region, bond revenue is distributed based on assessed value of each of the three counties within the Metro district. Bond revenues dedicated to Clackamas County are \$116,188,094. As an implementing jurisdiction of the Metro Bonds, all bond resources allocated to Clackamas County will run through HACC. The goal for HACC is to support the development of at least 812 units of affordable housing throughout the eligible Metro boundary within the county. This support may include direct acquisition, development, and/or ownership by HACC or involve partnering with non-profit or for-profit developers to support the development of units throughout the eligible Metro boundary. HACC's strategy for reaching this goal is outlined in the 2019 Clackamas County Local Implementation Strategy (LIS).

Utilizing funds allocated to HACC from the Metro Affordable Housing Bond, HACC will continue to expand its development capacity by hiring new staff to direct affordable housing development in the County.

In 2019, Metro Affordable Housing Bond funds were used to acquire a facility located at 18000 Webster Road in Gladstone. Once rehabilitated, the Webster Road redevelopment project will provide 48 units of housing for homeless and very low income individuals, including 12 dedicated PSH units. In 2019-2020, HACC participated in the Permanent Supportive Housing (PSH) Development and Operational Team Technical Assistance Pilot Cohort sponsored by Oregon Housing and Community Service (OHCS). Participation in the six month Technical Assistance Pilot Cohort made HACC eligible to apply for PSH Pilot funds to provide capital and services funding to support the Webster Road Redevelopment Project. In 2020, HACC was successfully awarded \$2.4 MM in capital funding to support the project. This project will be supported by Metro Affordable Housing Bonds, PSH capital and services funding, 48 PBVs, HOME funds, 4% LIHTCs, and Tax-Exempt bond financing. HACC plans to close on construction financing in the 1<sup>st</sup> half of 2021.

In addition to the Webster Road project, HACC plans to use bond funds to support the mixed-income redevelopment and repositioning of HACC's public housing portfolio and award bonds fund to affordable housing projects sponsored by non-profit or for-profit developers throughout the eligible Metro boundary within the county. HACC plans to use the 200 PBV's approved by HUD to support new development and rehabilitation projects that utilize Affordable Housing Bond funds. This is consistent with the PHA Plan to modernize, redevelop and demo/disposition as our PHA Plan is required to align with the County's Consolidated Plan, Fair Housing Plan, Action Plan and Ten-Year Plan to end homelessness.

In 2020, HACC released a Notice of Funds Availability (NOFA), availing over \$40 million dollars in Metro Affordable Housing Bond funds and 125 project-based vouchers toward the development of affordable housing. HACC conceptually awarded a total of \$44,233,000 in Metro Affordable Housing Bonds and 125 project-based vouchers to three projects proposed for development in Happy Valley, Oregon City, and unincorporated Clackamas County. These three projects will provide a total of 413 units, of those 153 units will be reserved for households at or below 30% AMI. The project in unincorporated Clackamas County, known as Fuller Road Station, is slated to start construction in first quarter 2021. HACC awarded the project \$10,000,000 in Metro Affordable Housing Bonds and 25 project-based vouchers to support 25 units at 30% AMI and below. The other two projects, Good Shepherd Village in Happy Valley and Maple Apartments in Oregon City, are working through pre-development and land use processes and hope to close on construction financing late in 2021.

HACC received \$1,333,000 in funding from Kaiser/Healthshare, for a pilot project known as Metro 300. HACC will serve 80 households, with a member of the household 50+ and homeless. The homeless individual will have one or more disabling conditions and are referred with case management. All 80 households have been identified. The grant was extended due to COVID with no new funds but an extended operating period to expend the funding. Participants who continue to need assistance after 12 months in the program will be graduated to a new State funded rental assistance program for homeless families. The Healthshare funding paid for rent assistance and covered costs such as application fees and deposits which serve as barriers to housing.

Oregon passed Measure 26-210 which authorized income and business taxes for homeless services. The funding raised by this tax are being allocated to the Portland Metropolitan Area Housing Authorities to operate Rent Assistance Programs that provide services to find and retain stable housing for homeless individuals and families. This new rental assistance program will be run by HACC and is anticipated to begin accepting families as early as July 2021. In the first year of operations, HACC is anticipating enough revenue to serve approximately 250 households.

HACC successfully applied for and received new Foster Youth to Independence (FYI) tenant based rental assistance to serve 25 youth graduating out of foster care. HACC intends to continue and apply and gain more FYI vouchers in the coming year.

HACC successfully applied for and were awarded additional 78 Mainstream and 25 Veteran Administration Supportive Housing (VASH) vouchers and intends to continue to apply for additional vouchers in the future.

**B.3 Progress Report.**

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

**PHA Goal 1: Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing by:**

- Applied for and received 25 additional VASH vouchers
- Applied for and received 78 additional Mainstream vouchers
- Applied for and received 25 New Foster to Youth Initiative (FYI) vouchers
- Applied for 50 Family Unification Program (FUP) Vouchers but were not awarded.
- Continuing to leverage private and/or other public funds to create additional housing opportunities
- Working with a broker to acquire land for new construction of affordable housing
- Conducted a financial feasibility study for rehabilitation, disposition, or redevelopment of existing Public Housing properties
- Our multi-phase Rental Administration Demonstration (RAD) – Section 18 blend application for the rehabilitation of Hillside Manor was approved by HUD and the project closed on construction financing in in Spring 2020. The rehabilitation is currently underway with construction completion slated for October 2021.
- Prepared and submitted a grant to Metro to develop a community plan for the Hillside Park property. The grant was awarded the Hillside Park Master Plan was completed using Metro funds.
- Continued planning for the utilization of RAD and/or Demolition/Disposition Section 18 to improve & increase number of affordable units
- Submitted a Section 18 Demo/Disposition application for Oregon City View Manor. This application is still in process with HUD.

- Rosewood Station is under construction with the first of six buildings leased in May 2019. Total affordable housing is 212 units, 20 of the units were awarded PBV. Project is scheduled to be complete in January 2021.
- Clayton Mohr Commons Veteran's Housing project was completed and has 24 Project Based Vouchers.
- Northwest Housing Alternatives new campus of affordable housing was completed and includes 7 PBV units.
- Submitted a HUD Section 108 loan application & received loan approval to fund a variety of affordable housing projects including acquisition, new construction, and rehabilitation.
- Acquired the Webster Road property in Gladstone using Metro Bond funds.
- Working with development team to rehabilitate and redevelop the property to provide 48 units serving low income and homeless individuals 55 and older. HACC plans to apply for Metro Housing Bonds, LIHTC, PSH pilot funds, PBVs, and HOME funds to support redevelopment efforts.
- Participated in the Permanent Supportive Housing (PSH) Development & Operational Technical Assistance Pilot Cohort sponsored by OHCS.
- Conceptually awarded a total of \$44,233,000 in Metro Affordable Housing Bonds and 125 project-based vouchers to three projects proposed for development in Happy Valley, Oregon City, and unincorporated Clackamas County. These three projects will provide a total of 413 units, of those 153 units will be reserved households at or below 30% AMI.

Housing Authority of Clackamas County certifies that the RAD conversion complies with all applicable site selection and neighborhood reviews standards and that all appropriate procedures have been followed.

**PHA Goal 2: Improve access & housing choice for everyone, with a focus on protected classes and single parent households by:**

- Provided voucher mobility counseling
- Conducted outreach efforts to potential voucher landlords
- Revised payment standards to reduce the barriers to finding affordable housing
- Continuing our security deposit loan program for Section 8 families
- Provided higher payment standards for families needing ADA units. Maintain a list of ADA units within the County to assist families seeking housing

**PHA Goal 3: Enforce Fair Housing Laws and Increase public understanding of Fair Housing laws by:**

- HACC hosted free Fair Housing and Landlord Tenant Law trainings and plans to continue hosting free training
- Strengthened the partnership with Fair Housing Council of Oregon and continued distributing fair housing information
- Continued to partner with Housing Rights & Resources Program
- We offer training at Metro Multifamily and other Landlord Group Meetings on the Benefits of Rental Assistance
- Distributed Fair Housing Videos and Information to landlords participating in Section 8 through Landlord newsletter.
- Continuing to educate clients on Fair Housing Rights & provide Fair Housing brochures at Orientation meetings
- Continued attending State subcommittee meetings on Renters Rights and other nonprofit Renter Rights Advocacy Groups
- Aligned our 5-year plan with the County's 5-year Consolidated Plan & completed the Assessment of Fair Housing plan
- Closed and completed all FHEO findings
- Conduct trainings for staff on Fair Housing and Diversity Equity and Inclusion

**PHA Goal 4: Improve the quality of Housing Authority assisted housing and customer service by:**

- Maintained high performer status in Section 8 Improved the physical environment in our public offices
- Streamlined administrative operations, creating efficiencies and improving customer service
- Maintain a robust client feedback system to gauge if improvements are needed
- Completed 76 capital fund rehabilitation projects.
- Prepared and submitted a multi-phase Rental Administration Demonstration (RAD) application for the rehabilitation of Hillside Manor
- Developed strategies for cross training staff to ensure we provide the highest level of service to clients we serve.
- Attend RAD & LIHTC Compliance Trainings for new developments scheduled to come on line in 2021
- Staff training on Diversity, Equity and Inclusion (DEI) via Meyer Memorial Trust Grant, required Mental Health First Aid Training of all staff, Trauma Informed Care training, Domestic Violence Training and Fair Housing Training.
- Attended six month training institute about Permanent Supportive Housing facilitated by CSH and hosted by OHA and OHCS to support new developments scheduled to come on line in 2021.

**PHA Goal 5: Improve community quality of life and economic vitality by:**

- Partnered with social service agencies to provide services to school aged youth
- Developed stronger partnerships with service providers who assist our elderly and/or disabled residents
- Continued to grow the community gardens program, including hosting an Americorps member dedicated to focusing on the community garden and food insecurity within the Public Housing community
- Encouraged Resident participation through Resident Associations
- Contracted with Clackamas County social services and other resident service providers to provide a variety of Public housing services using county provided general fund including 1 FTE case manager, 1.5 FTE Peer Support Specialist and 1 FTE additional resident services support staff.
- Completed a Metro Grant to assist in the planning of the Hillside Park redevelopment, envisioned to be a mixed income community offering a variety of housing opportunities along a spectrum of affordability.

**PHA Goal 6: Promote self-sufficiency and asset development of families and individuals by:**

- Continue to partner with local & regional workforce partners to increase the number of employed/under-employed living in housing
- Partnered with agencies to provide supportive services to increase independence for the elderly and families with disabilities
- Awarded Resident Opportunities Self Sufficiency (ROSS) grant.
- Applied for and received renewal funding for the Family Self Sufficiency (FSS) grant
- Research and apply for future grants that provide services and enhance residents' quality of life
- Established Memorandum of Understandings with area service agencies to provide outreach and housing stabilization services for families referred for Housing Choice Vouchers and Mainstream Vouchers.
- Continue to offer a Credit Building Program for our Public Housing residents. If residents elect to enroll, HACC reports on-time rent payment, to the Credit Bureau's through a third party. This has been an effective way to support residents in their goals of becoming more financial stable and self-sufficient.

<b>B.4.</b>	<p><b>Most Recent Fiscal Year Audit.</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N  <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
<b>Other Document and/or Certification Requirements.</b>	
<b>C.1</b>	<p><b>Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan</b></p> <p>Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.2</b>	<p><b>Civil Rights Certification.</b></p> <p>Form 50077-ST-HCV-HP, <i>Certification of Compliance with PHA Plans and Related Regulations</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>C.3</b>	<p><b>Resident Advisory Board (RAB) Comments.</b></p> <p>(a) Did the RAB(s) provide comments to the PHA Plan?</p> <p>Y N  <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>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. See attachment K</p>
<b>C.4</b>	<p><b>Certification by State or Local Officials.</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<b>D Statement of Capital Improvements.</b> Required in all years for all PHAs completing this form that administer public housing and receive funding from the Capital Fund Program (CFP).	
<b>D.1</b>	<p><b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan (HUD-50075.2) and the date that it was approved by HUD. See HUD Form 50075.2 approved by HUD on 10/04/2018.</p>

# Instructions for Preparation of Form HUD-50075-HP Annual Plan for High Performing PHAs

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

**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. Annual Plan.

### B.1 Revision of 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.”

**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. 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 and families with disabilities, and (iii) households of various races and ethnic groups residing in the jurisdiction or on the waiting list based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. For years in which the PHA’s 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA’s public housing and Section 8 tenant-based assistance waiting lists. ([24 CFR §903.7\(a\)\(1\)](#)) and 24 CFR §903.12(b). Provide a description of the PHA’s strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. For years in which the PHA’s 5-Year PHA Plan is also due, this information must be included only to the extent it pertains to the housing needs of families that are on the PHA’s public housing and Section 8 tenant-based assistance waiting lists. ([24 CFR §903.7\(a\)\(2\)\(ii\)](#)) and 24 CFR §903.12(b).

**Deconcentration and Other Policies that Govern Eligibility, Selection and Admissions.** 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 maintaining 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\(d\)](#))

**Homeownership Programs.** A description of any homeownership programs (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval. For years in which the PHA’s 5-Year PHA Plan is also due, this information must be included only to the extent that the PHA participates in homeownership programs under section 8(y) of the 1937 Act. ([24 CFR §903.7\(k\)](#)) and 24 CFR §903.12(b).

**Safety and Crime Prevention (VAWA).** 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\(m\)](#))

**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. Should the PHA fail to define ‘significant amendment/modification’, HUD will consider the following to be ‘significant amendments or modifications’: a) changes to rent or admissions policies or organization of the waiting list; b) additions of non-emergency public housing CFP work items (items not included in the current CFP Annual Statement or CFP 5-Year Action Plan); or c) any change with regard to demolition or disposition, designation, homeownership programs or conversion activities. See guidance on HUD’s website at: [Notice PIH 1999-51](#). ([24 CFR §903.7\(r\)\(2\)\(ii\)](#))

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 or discretionary policies 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.** 1) A description of any housing (including project name, number (if known) and unit count) for which the PHA will apply for HOPE VI; and 2) A timetable for the submission of applications or proposals. The application and approval process for Hope VI is a separate process. See guidance on HUD’s website at: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. (Notice PIH 2010-30)

**Mixed Finance Modernization or Development.** 1) A description of any housing (including name, 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: <http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm>. (Notice PIH 2010-30)

**Demolition and/or Disposition.** Describe any public housing projects owned by the PHA and subject to ACCs (including name, 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; 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. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD’s website at: [http://www.hud.gov/offices/pih/centers/sac/demo\\_dispo/index.cfm](http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm). (24 CFR §903.7(h))

**Conversion of Public Housing.** 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))

**Project-Based Vouchers.** Describe any plans to use HCVs for new project-based vouchers. (24 CFR §983.57(b)(1)) 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.

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

**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 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 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 SM-HP.

**C.2 Civil Rights Certification.** Form HUD-50077 SM-HP, *PHA Certifications of Compliance with the PHA Plans and Related Regulation*, 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 AFFH Certification if: it can document that it examines its programs and proposed programs to identify any 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.3 Resident Advisory Board (RAB) comments.** If the RAB provided comments to 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.4 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)

**D. Statement of Capital Improvements.** PHAs that receive funding from the Capital Fund Program (CFP) must complete this section. (24 CFR 903.7 (g))

**D.1 Capital Improvements.** In order to comply with this requirement, the PHA must reference the most recent HUD approved Capital Fund 5 Year Action Plan. PHAs can reference the form by including the following language in Section C. 8.0 of the PHA Plan Template: “See HUD Form 50075.2 approved by HUD on XX/XX/XXXX.”

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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. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Public reporting burden for this information collection is estimated to average 16.64 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.



**ATTACHMENT A**

**Summary of Proposed Housing Choice Voucher Administrative Plan Policy Changes Effective Upon Board Approval**

Chapter	Old Policy Language	New Policy Language	Summary
2-1.B.	<p><b>NonDiscrimination</b></p> <p><i>No direct language regarding harassment</i></p>	<p><b>NonDiscrimination</b></p> <p><u>HACC Policy</u></p> <p>It is the policy of HACC that harassment or intimidation of a tenant, staff person or guest because of that person’s race, color, national origin, religion, disability, gender, marital status, familial status (presence of children), source of income, sexual orientation and gender identity, will not be tolerated.</p> <p>Discriminatory harassment and intimidation are violations of the fair housing laws and are specifically prohibited. Tenants who experience or witness such conduct are strongly encouraged to report the incident to the Operations Manager immediately or email <a href="mailto:HACC@clackamas.us">HACC@clackamas.us</a>. Retaliation: We will not tolerate retaliation by staff or tenants against</p> <ol style="list-style-type: none"> <li>1. Any tenant who complains of discriminatory harassment or intimidation or;</li> <li>2. Any witness who supports a claim of discriminatory harassment or intimidation</li> </ol> <p>Please be aware that, depending on the seriousness of the incident(s), the behavior may be grounds for termination of tenancy if a tenant is found to have harassed others. If you have questions about what types of behaviors would be considered “harassment, threats or intimidation”, please ask us. We can provide you with examples and more information.</p>	<p><b>HACC is adding a no tolerance policy of harassment of tenant, staff or guests of protected class and must investigate all complaints.</b></p>

**3-III.D.**

**Screening**

HACC Policy

HACC will perform a criminal background check through local law enforcement and eviction record check on all applicant family members 15 years of age and older.

HACC will require proof of photo identification, such as a driver’s license, school identification, etc. Other means of identification and requests to allow additional time to provide photo identification will be considered.

Family members 15 years of age and older must pass the Housing Authority’s criminal history evaluation process, except if this is a transition from a successful SPC.

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, HACC will request information from the National Crime Information Center (NCIC).

Applicants’ criminal background history for the most recent 5 years will be scored based on severity of convictions. Scoring will be 1-4 with 4 being the highest level of risk crimes. Applicants who have combined score 3 and under will be approved. Applicants with a score 4 - 9 can be approved by a manager taking into consideration factors discussed in Section 3-III.E. Applicants with a score greater than 9 are denied.

**Screening**

HACC Policy

The PHA will perform a criminal background check through local law enforcement for every adult household member.

HACC will require proof of photo identification, such as a driver’s license, school identification, etc. Other means of identification and requests to allow additional time to provide photo identification will be considered.

If the results of the criminal background check indicate that there may be past criminal activity, but the results are inconclusive, HACC will request information from the National Crime Information Center (NCIC).

All applicants must be denied for: Debts owed to a PHA that are not paid in full; prior terminations from a PHA as showing in EIV; Registered Sex Offenders; and Manufacture of Methamphetamines in any housing.

While a PHA has regulatory authority to use criminal conviction records for the purpose of applicant screening for admission, there is no corresponding authority to use these records to check for criminal and illegal drug activity by participants, and therefore, PHAs may not use records for this purpose.

**Major reduction to screening to reduce barrier to assisting homeless.**

**No longer screening minors. Only adults 18 and older.**

**Reduced screening for only federally mandated reasons for denying housing:**

**No Sex Offenders**

**No Manufacture of Meth in any housing**

**No Debts to a PHA**

**No prior terminations from a PHA (exceptions if proof of drug & alcohol treatment and addiction lead to the termination)**

Exception to this criteria is given to households referred for a Preference Voucher by a referring agency that has entered a Memorandum of Understanding to provide 24 months of supportive services including housing search assistance and stabilization of housing. Under a preference referral denials are for: Debts owed to a PHA that are not paid in full; prior terminations from a PHA as showing in EIV; Registered Sex Offenders; and Manufacture of Methamphetamines in subsidized housing.

**FSS  
Action  
Plan  
4-II.B.  
COVID  
Waiver**

HACC Policy

The Housing Choice Voucher FSS Program will not adopt the use of preferences when selecting families for participation in the FSS program.

**FSS Selection Preferences**

HACC Policy

The Housing Choice Voucher FSS Program will adopt a preference for the families that qualify for the work ready preference.

**Adding a preference to help work ready families.**

**FSS  
Action  
Plan  
4-II.C.  
COVID  
Waiver**

HACC Policy

The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will be denied FSS participation until debt is paid off.

**PHA Debt Selection Factor**

HACC Policy

The PHA will not deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. However, the PHA will make it clear that upon a successful FSS completion, escrow funds will go towards the unpaid balance and the remaining escrow balance will be given to participant.

**Removing the FSS debt selection will allow more residents the opportunity to enroll in the FSS program.**

4-II.F.

HACC Policy

The waiting list will be updated periodically. To update the wait list, HACC will send an update request and/or purge letter via first class mail. A letter will be sent to the applicant's last known address.

The family's response must be in writing and may be delivered in person, by mail, email or fax.

If there is no response within 10 days of the date of the attempted contact, with no returned letter, a second letter will be sent. This letter will allow 30 days from the date it is sent to reactivate the application. If the first notification is returned to HACC with a forwarding address it is resent and another 10 days is given to respond. If there is no response a second letter is sent to the new address allowing 30 days to reactivate. If the first letter is returned with no forwarding address the application is filed inactive and no further notifications are sent. However, if the family contacts HACC within 90 days of the date of the returned notice, the application will be reactivated and the family's application will be placed back on the waiting list by the original date and time applied.

**UPDATING THE WAITING LIST [24 CFR 982.204]**

HACC Policy

The waiting list will be updated as needed to ensure all applicants and applicant information is current and timely.

To update the waiting list, the PHA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that the PHA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response must be in writing and may be delivered in person, by mail, by email, or by fax. Responses should be postmarked or received by the PHA not later than 15 business days from the date of the PHA letter.

If the family fails to respond within 15 business days, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have 15 business days to respond from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the PHA may reinstate the family if it is determined that the lack of response

**Wait list purge change to give families more time to respond and an ability for HACC to reinstate a family for good cause.**

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was due to PHA error, or to circumstances beyond the family's control.

- 4-III.C. Wait List SELECTION METHOD Local Preferences**
6. Maximum of 33 dedicated vouchers to serve homeless persons per fiscal year (FY) (July 1st to June 30th). Families must be homeless at time of application. This preference can only come from direct referring agencies that have signed a Memorandum of Understanding (MOU) outlining the services to be offered to those referred. The referrals must originate from the Coordinated Housing Access (CHA) system and have an HMIS identification number to show an intake was completed. To be referred households must be actively engaged in services at time of voucher issue. Vouchers will be distributed first come, first served order. Unused Preference slots do not carry over to the next fiscal year.
  7. Maximum of 17 dedicated vouchers within a fiscal year (July 1st to June 30th) for families referred by a domestic violence professional counseling organization and/or shelter, for victims of domestic violence that has occurred within the last 12 months and are certified as homeless by the agency and who continue to be in counseling or case management through the referring agency or other professionally recognized counseling organization. Referrals from agencies that have signed an MOU outlining the services to be offered to their referral

- Wait List SELECTION METHOD Local Preferences**
6. Maximum of **16** dedicated vouchers to serve homeless persons per fiscal year (FY) (July 1st to June 30th). Families must be homeless at time of application. **Family must want to live outside the Metropolitan/Portland region that cannot be served by Measure 26-210 rental assistance.** This preference can only come from direct referring agencies that have signed a Memorandum of Understanding (MOU) outlining the services to be offered to those referred. The referrals must originate from the Coordinated Housing Access (CHA) system and have an HMIS identification number to show an intake was completed. To be referred households must be actively engaged in services at time of voucher issue. Vouchers will be distributed first come, first served order. Unused Preference slots do not carry over to the next fiscal year.
  7. Maximum of **10** dedicated vouchers within a fiscal year (July 1st to June 30th) for families referred by a domestic violence professional counseling organization and/or shelter, for victims of domestic violence that has occurred within the last 12 months and are certified as homeless by the agency and who continue to be in counseling or case management through the referring agency or other professionally recognized counseling organization. **Family must want to live outside the Metropolitan/Portland region that cannot be served by Measure 26-210 rental assistance.** Referrals from agencies that have signed an MOU outlining the services to be offered to their

**Are reducing these preferences and will be helping only those household that cannot be served by Measure 26-210 funding due to wanting to live outside the Metropolitan region. Making change to assist those that have been waiting 3 years on the general wait list.**

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families will only be accepted. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval. Applicants will be served on a first come, first served basis. Unused Preference slots do not carry over to the next fiscal year.

8. Maximum of 10 dedicated vouchers per year within a fiscal year (July 1st to June 30th) for households referred by a provider that has entered into a Supportive Services MOU with HACC and applicant has been deemed by the provider to be in less need for supportive services. The household must be considered a candidate that is graduating off the PSH and that at time of entry into the PSH program were homeless and/or disabled. Unused Preference slots do not carry over to the next fiscal year.

referral families will only be accepted. The applicant must certify that the abuser will not reside with the applicant unless the PHA gives prior written approval. Applicants will be served on a first come, first served basis. Unused Preference slots do not carry over to the next fiscal year.

8. Maximum of 4 dedicated vouchers per year within a fiscal year (July 1st to June 30th) for households referred by a provider that has entered into a Supportive Services MOU with HACC and applicant has been deemed by the provider to be in less need for supportive services. **Family must want to live outside the Metropolitan/Portland region that cannot be served by Measure 26-210 rental assistance.** The household must be considered a candidate that is graduating off the PSH and that at time of entry into the PSH program were homeless and/or disabled. Unused Preference slots do not carry over to the next fiscal year.

**16-III.B.  
And  
16-III.C  
COVID  
WAIVER**

**INFORMAL REVIEWS and HEARINGS  
Adding Remote due to COVID Waiver**

**INFORMAL REVIEWS and HEARINGS  
Remote Informal Reviews**

All PHA policies and processes for remote informal reviews must be conducted in accordance with due process requirements and be in compliance with HUD regulations.

HACC Policy

HACC has the sole discretion to require that informal reviews be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACC will conduct an informal review remotely upon request of the applicant as a reasonable accommodation for a person with a disability, if an applicant does not have child care or transportation that would enable them to attend the informal review, or if the applicant believes an in-person informal review would create an undue health risk. The PHA will consider other reasonable requests for a remote informal review on a case-by-case basis.

**Conducting Remote Informal Reviews**

The PHA must ensure that the applicant has the right to hear and be heard.

HACC Policy

HACC will conduct remote informal reviews via telephone conferencing call-in or via videoconferencing. If the informal review will be conducted via videoconferencing, HACC will ensure that all applicants, applicant representatives, HACC representatives and the person conducting the informal review can adequately access the platform (i.e., hear, be heard, see, and be seen). If any applicant, applicant representative, HACC representative, or person conducting the informal review

**Adding remote abilities permanently as needed with COVID and finding it is much more accessible to persons with disabilities.**

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is unable to effectively utilize the videoconferencing platform, the informal review will be conducted by telephone conferencing call-in.

Whether the informal review is to be conducted via videoconferencing or telephone call-in, HACC will provide all parties login information and/or conferencing call-in information before the review.

#### Remote Informal Hearings

The PHA's essential responsibility is to ensure informal hearings meet the requirements of due process and comply with HUD regulations. Therefore, all PHA policies and processes for remote informal hearings will be conducted in accordance with due process requirements and will be in compliance with HUD regulations.

#### HACC Policy

HACC has the sole discretion to require that informal hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.

In addition, HACC will conduct an informal hearing remotely upon request as a reasonable accommodation for a person with a disability, if a participant does not have child care or transportation that would enable them to attend the informal hearing, or if the participant believes an in-person hearing would create an undue health risk. HACC will consider other reasonable requests for a remote informal hearing on a case-by-case basis.

#### Conducting Informal Hearings Remotely

In conducting any informal hearing remotely, the PHA shall ensure due process and that all parties are able to have full access to the hearing.

#### HACC Policy

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HACC will conduct remote informal hearings via telephone conferencing call-in or via videoconferencing. If the informal hearing will be conducted via videoconferencing, HACC will ensure that all participants, participant representatives, advocates, witnesses, HACC representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen).

If any participant, representative, advocate, witness, HACC representative, or hearing officer is unable to effectively utilize the videoconferencing platform, the informal hearing will be conducted by telephone conferencing call-in.

Whether the informal hearing is to be conducted via videoconferencing or telephone call-in, HACC will provide all parties login information and/or telephone call-in information before the hearing.

If the hearing will be conducted remotely, the PHA will compile a hearing packet, consisting of all documents the PHA intends to produce at the informal hearing. The PHA will mail copies of the hearing packet to the family, the family's representatives, if any, and the hearing officer at least three days before the scheduled remote informal hearing. The original hearing packet will be in the possession of the PHA representative and retained by the PHA.

Documents will be shared electronically whenever possible.

The PHA hearing procedures may provide that the PHA must be given the opportunity to examine at the PHA offices before the hearing any family documents that are directly relevant to the hearing. The PHA must be allowed to copy any such document at the PHA's expense. If the family does not make the document available for

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examination on request of the PHA, the family may not rely on the document at the hearing.

HACC Policy

For in-person hearings, the PHA will not require pre-hearing discovery by the PHA of family documents directly relevant to the hearing.

If the informal hearing is to be conducted remotely, the PHA will require the family to provide any documents directly relevant to the informal hearing at least 24 hours before the scheduled hearing. The PHA will scan and email copies of these documents to the hearing officer and the PHA representative the same day.

Documents will be shared electronically whenever possible.

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**16-III.C. *Informal Hearing Officer***

HACC Policy

HACC will hire an outside consultant to serve as hearings officer as needed. The Administrative Assistant for the Section 8 Program may act as hearings officer if they have no prior knowledge of the case so as to remain unbiased.

***Informal Hearing Officer***

***Removing language that requires HACC to hire an outside consultant and allows HACC to use internal staffing.***

**Cost savings measure and may facilitate a faster turnaround time on scheduling hearings.**

**ATTACHMENT B**

**Summary of Proposed Admissions and Continued Occupancy Plan Policy Changes Effective Upon Board Approval**

Chapter	Old Policy Language	New Policy Language	Summary
<p align="center">2 2-4 <b>COVID Waiver</b></p>	<p><b>2-I.B. NONDISCRIMINATION Discrimination Complaints</b></p> <p>Adding language specific to harassment.</p>	<p><b>2-I.B. NONDISCRIMINATION Discrimination Complaints</b></p> <p><u>HACC POLICY</u></p> <p>Under Fair Housing laws, “Discriminatory Harassment or Intimidation” includes abusive, foul or threatening language or behavior directed at a tenant, staff person or guest because of their protected class. Protected classes include a person’s race, color, national origin, religion, disability, gender, marital status, familial status (presence of children), source of income, sexual orientation and gender identity.</p> <p>It is the policy of The Housing Authority of Clackamas County (HACC) that harassment or intimidation of a tenant, staff person or guest because of that person’s race, color, national origin, religion, disability, gender, marital status, familial status (presence of children), source of income, sexual orientation and gender identity, will not be tolerated.</p> <p>Violation of this policy could be grounds for termination of tenancy. Discriminatory harassment and intimidation are violations of the fair housing laws and are specifically prohibited.</p> <p>Tenants who experience or witness such conduct are strongly encouraged to report the incident to your Property Manager immediately or email <a href="mailto:HACC@clackamas.us">HACC@clackamas.us</a>.</p> <p>Retaliation: We will not tolerate retaliation by staff or tenants against</p> <ol style="list-style-type: none"> <li>1. Any tenant who complains of discriminatory harassment or intimidation or;</li> <li>2. Any witness who supports a claim of discriminatory harassment or intimidation</li> </ol> <p>Please be aware that, depending on the seriousness of the incident(s), the behavior may be grounds for termination of tenancy. If you have questions about what types of behaviors would be considered “harassment, threats or intimidation”, please ask us. We can provide you with examples and more information.</p>	<p><b>HACC is adding policy to tackle increasing concerns around harassment.</b></p>

<p>4 5-6 <b>COVID Waiver</b></p>	<p><b>4-II.B. ORGANIZATION OF THE WAITING LIST</b> <b>HACC Policy</b> HACC will maintain a Site-based waiting lists. HACC maintains a site-based wait list system, with separate waiting lists by bedroom size for each of the following sites within HACC's public housing stock: <b>Hillside Park, Hillside Manor, Oregon City View Manor/Clackamas Heights , Oregon City/Beavercreek Scattered, Gladstone/Milwaukie Scattered, SW Portland/Wilsonville/Lake Oswego/West Linn Scattered, Estacada/Sandy Scattered, and Clackamas/SE Portland/Milwaukie (97222) Scattered.</b></p>	<p><b>4-II.B. ORGANIZATION OF THE WAITING LIST</b> <u>HACC Policy</u>  HACC will maintain one Public Housing community-wide waiting list.</p>	<p><b>Making change from a site based Waiting list to one community-wide waiting list to afford families fastest opportunity for placement into housing without restrictions on locations.</b></p>
<p>4 FSS Action Plan <b>COVID Waiver</b></p>	<p><b>4-II.C. DEBT SELECTION FACTOR</b> <b>HACC Policy</b> The PHA will deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. Families that owe money to a PHA who have entered into a repayment agreement and are current on that repayment agreement will be denied FSS participation until debt is paid off.</p>	<p><b>4-II.C. DEBT SELECTION FACTOR</b> <b>HACC Policy</b> The PHA will not deny FSS participation to a family if the family owes the PHA, or another PHA, money in connection with HCV or public housing assistance. However, the PHA will make it clear that upon a successful FSS completion, escrow funds will go towards the unpaid balance and the remaining escrow balance will be given to participant.</p>	<p><b>Removing the FSS Debt Selection Factor will allow more residents the opportunity to enroll in the FSS program.</b></p>
<p>4 4-2</p>	<p><b>4-I.B. APPLYING FOR ASSISTANCE [PIH Notice 2009-36]</b> <u>HACC Policy</u> When a site based wait list is open, between the date of application and the availability of</p>	<p><b>4-I.B. APPLYING FOR ASSISTANCE [HCV GB, pp. 4-11 – 4-16, Notice PIH 2009-36]</b> <u>HACC Policy</u> HACC will use a two-step application process. The HACC initially will require families to provide only the information needed to make an</p>	<p><b>Using Section 8 language to align both policies. Section 8 language is updated.</b></p>

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a unit, a two-step process will be used for all applications. Under the two-step application process, HACC initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list. When a waiting list is open, families may apply on-line at HACC's website at <http://www.clackamas.us/hacc/> or in person at its Administrative or Property Management Offices during normal business hours. Families may also request – by telephone, e-mail or by mail – that a form be sent to the family via first class mail. Completed applications must be returned to HACC by mail, electronically, by fax, e-mail attachment or submitted in person during normal business hours or on-line at all hours. Applications must be filled out completely in order to be accepted by HACC for processing. If an application is incomplete or illegible, HACC will notify the family of the additional information required.

initial assessment of the family's eligibility and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list. When the waiting list is open, applications will be available on the HACC website electronically and paper applications will be provided upon request. For preference to be applied verification of homelessness, disability or veteran status must be provided at time of application. Completed applications must be returned to HACC electronically by the wait list closing date. Applications must be complete in order to be accepted. For reasonable accommodation, HACC will provide paper applications upon written request by applicants and paper applications must be received by HACC by the wait list closing date. Applications received after the closing date will not be accepted. HACC will provide onsite assistance at its Administrative Offices for applicants needing assistance completing the online application during normal office hours.

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4  
4-15  
**COVID  
Waiver**

**4-III.B. SELECTION METHOD**  
**Local Preferences [24 CFR 960.206]**  
**Adding new preferences**

**4-III.B. SELECTION METHOD**  
**Local Preferences [24 CFR 960.206]**  
**HACC Policy**

Those households that qualify for a preference will be placed on the waiting list above those who do not qualify for a preference. Preference applicants will be pulled from list in order of priority listed below and then based on the date and time the application was received. HACC preferences are as follows:

- 2. Preference for eligible families displaced from HACC owned units due to acquisition or sale of property, or demolition.**

**Adding preferences to meet development needs and new Natural Disaster preference.**

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- 3. **Preference for families occupying a HACC owned unit undergoing substantial rehabilitation who cannot tolerate the impacts of construction due to disability or as the result of domestic violence will be offered a preference.**
  - 4. **Preference for Oregon families that have been displaced by a Natural Disaster as declared by Federal, State or County government. Eligible Oregon families must be referred by the Emergency Operation Center (EOC) or partnering Housing Authorities in Oregon and been determined to have not been eligible for long term assistance including but not limited to federal assistance such as Federal Emergency Management Agency (FEMA), State or local government assistance, insurance settlements, or the like, and who face long term homelessness. Those families seeking any compensation or settlement that may come in the future may not apply until all legal recourse has been resolved. Families receiving temporary assistance such as motel vouchers may qualify if no other legal negotiation for compensation is under consideration. If at the time more families meet this preference than there are vacant units immediately available, families will be placed on our public housing wait list with a preference and pulled ahead of all other wait list applicants.**

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4-15

HACC Policy

HACC preferences are as follows:

- 1. Homeless Preference: HACC will offer no more than 10 vacancies per fiscal year (FY) (July 1st to June 30th) to households served by the Clackamas County Continuum of Care (CoC) who have originated off the Coordinated Housing Access (CHA) system as homeless or at risk of homelessness. The definitions of homeless or at risk of homelessness would follow the HUD definitions. This can include Permanent Supportive Housing graduates, Rapid Rehousing recipients and other similar programs that originated assistance from off the CHA. The CoC must enter into a Memorandum of Understanding that requires

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**4-III.B. SELECTION METHOD**  
**Local Preferences [24 CFR 960.206]**  
**Removing Old Homeless Preference**

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**Due to new Measure26-210 funding for rent assistance this preference no longer needed.**

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one-on-one case management for not less than 2 years following the household's successful screening. Services provided must focus on housing stabilization and retention and may include but is not limited to: assistance with timely rental payments, assistance with timely utility payments, deposit assistance, mediation services, mental health and addiction referrals for services, Worksource and SOAR connection, and financial and budgeting education services.

The CoC will be given two weeks' Notice of an upcoming vacancy and must provide an application for a household that meets the standard occupancy requirements for the bedroom size being offered. The CoC can maintain its own wait list for determining who is referred by bedroom size. If the CoC cannot identify a family that meets the occupancy requirement within two (2) weeks of notice that meet income and screening requirements, HACC will offer the unit to the next available household on the waiting list. Households must be willing and able to immediately enter into a lease upon successful screening. HACC will use the ACOP Eligibility screening criteria to determine if the referred family qualify for the Public Housing program. Further details on the screening criteria will be outlined in the MOU with the CoC.

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**5  
5-I.B.  
COVID  
Waiver**

HACC will reference the following standards in determining the appropriate unit bedroom size for a family: Updating table to show minimum can be one person per bedroom to limit transfers.

HACC will reference the following standards in determining the appropriate unit bedroom size for a family: Updating table to show minimum can be one person per bedroom to limit transfers.

**Reduce burden of transfers to families when children become adults and leave housing.**

<p>6 6-46 <b>COVID Waiver</b></p>	<p><b>Utility Reimbursement [24 CFR 960.253(c)(4)]</b> <u>HACC Policy</u> HACC will make utility reimbursements to the family. Upon agreement with the resident, the utility reimbursement may be applied toward any outstanding charges owed by the resident to the Housing Authority.</p>	<p><b>Utility Reimbursement [24 CFR 960.253(c)(4)]</b> <u>HACC Policy</u> HACC will make utility reimbursements to the family except if a family requests a waiver to pay the electric utility company directly. The waiver only applies to households at properties where tenant responsibility for utilities is only all electric. At all other properties the utility allowance will be paid to family. If a family has accumulated large amounts of debts to HACC, the utility reimbursement may be applied toward any outstanding charges owed by the resident to the Housing Authority.</p>	<p><b>HACC Offer families the option to utilize a waiver to pay the utility company directly. HACC also can collect the utility allowance to cover debts owed to the housing authority.</b></p>
<p>12 12-12 <b>COVID Waiver</b></p>	<p><b>12-IV.B. TRANSFER LIST</b> <u>HACC Policy</u> Transfers will be processed in the following order: 1. Emergency transfers (hazardous maintenance conditions, threat of Harm (including threat of homelessness), domestic violence or criminal activity) 2. High-priority transfers (verified medical condition, and reasonable accommodation) 3. Transfers to make accessible units available 4. Demolition, renovation, etc. 5. Occupancy standards 6. Other HACC-required transfers  7. Transfers for access to employment. Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.</p>	<p><b>12-IV.B. TRANSFER LIST</b> <u>HACC Policy</u> Transfers will be processed in the following order only if tenants owe no money to HACC and do not have a history of excessive damage to public housing units: 1. Emergency transfers (as determined by Property Management and may include hazardous maintenance conditions, threat of Harm, domestic violence, harassment, or administrative transfers for the health and well-being of the neighborhood) 2. High-priority transfers (verified medical condition and reasonable accommodation need for move and extreme occupancy standard breaches where less than one person per bedroom) 3. Transfers to make accessible units available 4. Demolition, renovation, etc. 5. Occupancy standards (aka Family Composition changes not extreme) 6. Other HACC-required transfers  7. Transfers for access to employment. Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.</p>	<p><b>Transfers limited to those that do not owe past debts or have history of excessive damage to units. Priority transfers updated to reflect practice.</b></p>



12 12-10	<b>12-III.D. SECURITY DEPOSITS</b>	<u>HACC Policy</u>	When a family transfers from one unit to another, HACC will transfer their security deposit to the new unit. The tenant will be billed for any maintenance or others charges due for the “old” unit.	<b>12-III.D. SECURITY DEPOSITS</b>	<u>HACC Policy</u>	Security Deposits must be paid in full at time of leasing. Payment plans for public housing transfers will be the only exception and will be determined on a case-by-case basis.	The tenant will be billed for any maintenance or others charges due for the “old” unit not covered by the security deposit.	<b>Security Deposits must be paid in full at time of leasing with rare exceptions.</b>		
12 12-12	<b>12-III.E. COST OF TRANSFER</b>	<u>HACC Policy</u>	The resident will bear all of the costs of transfer s/he requests. However, HACC will bear the transfer costs when the transfer is done as a reasonable accommodation.	<b>12-III.E. COST OF TRANSFER</b>	<u>HACC Policy</u>	The resident will bear all of the costs of moves related to a transfer except in cases of reasonable accommodation. HACC will cover moving expenses associated with moving household and personal goods for eligible Reasonable Accommodations approved requests. The amount of the allowance has been determined by HACC based on household bedroom size, to be the typical costs in the community of where the tenant is moving. The Tenant will be responsible to contact, hire and coordinate the move. HACC will cover the cost of obtaining the initial mail box key, but resident must set up the mailbox with the U.S. Postal Service within 30 days of leasing.		<b>Updating language and clarifying cost of transfer.</b>		
14 14-16 <b>COVID Waiver</b>	<b>INFORMAL REVIEWS and HEARINGS</b> Adding Remote due to COVID Waiver			<b>14-III.G. REMOTE HEARINGS</b>	<u>PHA Policy</u>	The PHA has the sole discretion to require that hearings be conducted remotely in case of local, state, or national physical distancing orders, and in cases of inclement weather or natural disaster.	<b>Discovery of Documents Before the Remote Hearing</b>	<u>PHA Policy</u>	If the hearing will be conducted remotely, the PHA will compile a hearing packet, consisting of all documents the PHA intends to produce at the hearing. The PHA will mail copies of the hearing packet to the tenant, the tenant’s representatives, if any, and the	<b>Adding remote abilities permanently as needed with COVID and finding it is much more accessible to persons with disabilities.</b>

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hearing officer at least three days before the scheduled remote hearing. The original hearing packet will be in the possession of the PHA representative and retained by the PHA.

If the hearing is to be conducted remotely, the PHA will require the resident to provide any documents directly relevant to the hearing at least 24 hours before the scheduled hearing. The PHA will scan and email copies of these documents to the hearing officer and the PHA representative the same day they are received.

Documents will be shared electronically whenever possible.

### **Conducting Hearings Remotely**

#### PHA Policy

In conducting any hearing remotely, the PHA shall ensure due process and that all parties are able to have full access to the hearing.

The PHA will conduct remote hearings via telephone conferencing call-in or via videoconferencing. If the hearing will be conducted via videoconferencing, the PHA will ensure that all tenants, tenant's representatives, advocates, witnesses, PHA representatives, and the hearing officer can adequately access the platform (i.e., hear, be heard, see, and be seen). Witnesses may testify by telephone call-in.

If any tenant, tenant representative, advocate, witness, PHA representative, or the hearing officer is unable to effectively utilize the videoconferencing platform, the hearing will be conducted by telephone conferencing call-in.

Whether the hearing is to be conducted via videoconferencing or telephone call-in, the PHA will provide all parties login information and/or telephone call-in information before the hearing.

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## **Attachment C**

### **Statement of Housing Needs and Strategy for Addressing Housing Needs**

#### **Introduction**

The Housing Authority of Clackamas County (HACC) is committed to affirmatively furthering fair housing and contributing to the elimination of impediments to fair housing choice as described in 24 CFR Part 570.601 and the Furthering Fair Housing Executive Order 11063, as amended by Executive Order 12259.

Clackamas County Community Development Division (CDD) with local Fair Housing Partners participated in a Fair Housing Collaboration and completed an Assessment of Fair Housing (AFH) Plan.

#### **Local Efforts**

In preparing the AFH, CDD assembled its Fair Housing Partners to identify goals and strategies to improve housing choices in Clackamas County. CDD's Fair Housing local partners include; cities, towns and hamlets in Clackamas County, Clackamas County Social Services Division (SSD), Clackamas County Department of Transportation and Development (DTD), the Fair Housing Council of Oregon (FHCO) and Legal Aid Services of Oregon (LASO).

Six (6) general fair housing goals were identified in the AFH:

- Goal I: Develop new housing units with long-term affordability for a broad range of low-income households with an emphasis on dispersal of affordable housing
- Goal II: Increase accessibility to affordable housing for person with disabilities and single parent familial status households (households with children under 18 yrs.)
- Goal III: Improve access to housing and services for all protected classes
- Goal IV: Enforce Fair Housing laws and increase public understanding of Fair Housing laws
- Goal V: Coordinate Fair Housing advocacy and enforcement efforts among regional partners
- Goal VI: Ensure that all housing in Clackamas County is healthy and habitable

#### **Regional Efforts**

The AFH has been completed and was approved by HUD. Clackamas County continues to meet quarterly with regional partners to coordinate fair housing efforts, data collection, training and events. Regional partners include: Multnomah County, Washington County, Clark County (WA), City of Portland, City of Gresham, and the City of Beaverton. In addition, there are several agencies that provide fair housing service in the county, including the United States Department of Housing and Urban Development, The Fair Housing Council of Oregon, Legal Aid Services of Oregon and Clackamas County Social Services Division, Housing Rights and Resources Program.

Regional partners intend to move to a regional Analysis of Impediments to Fair Housing study and regional data collection in order to plan more effective training events and strategies to reduce housing discrimination and increase housing choice for residents in the Portland Metropolitan area housing market. Regional partners are also working to align their fair housing efforts with the public housing authorities' plans to increase access to housing.

#### **Statewide Goals of the Fair Housing Council of Oregon:**

The Fair Housing Council of Oregon (FHCO) has contracts with the state of Oregon and with several local governments to provide fair housing training to tenants and landlords. FHCO has assembled a group of fair housing partners to coordinate fair housing activities, training and events. The first meeting was held on May 6, 2014 to discuss needs for education and outreach, audit testing needs (to find out if landlords are discriminating against protected classes of people) and, other identified by local agencies. FHCO is also being asked by partners to collect and analyze housing discrimination data to report out to partners.

#### **Oregon state laws have changed:**

- Senate Bill 608: prohibits landlord from terminating month to month tenancy without cause after 12 months of occupancy. Provides exception for certain tenancies on building or lot used by landlord as residence.

## Attachment C

### Statement of Housing Needs and Strategy for Addressing Housing Needs

Allows landlord to terminate tenancy with 90 days' written notice and payment of one month's rent under certain conditions. Exempts landlord managing four or fewer units from payment of one month's rent.

Provides that fixed term tenancy becomes month-to-month tenancy upon ending date if not renewed or terminated. Allows landlord to not renew fixed term tenancy if tenant receives three lease violation warnings within 12 months during term and landlord gives 90 days' notice. Limits rent increases for residential tenancies to one per year. Limits maximum annual rent increase to seven percent above annual change in consumer price index. Requires Oregon Department of Administrative Services to publish maximum annual rent increase percentage.

- Measure 102 <https://www.opb.org/news/article/oregon-measure-102-affordable-housing-result/>

#### Clackamas County Actions Taken in 2020-2021 and Analysis of Impact

Strategy	Primary Partners (Lead in <b>BOLD</b> )	Accomplishments
<b>Commit to countywide and regional support to continue and enhance enforcement of fair housing laws</b>	<b>SSD</b> HACC CDD	Clackamas County Social Services Division, SSD has annual contracts with the Fair Housing Council of Oregon FHCO and Legal Aid Services of Oregon (LASO) to provide enforcement of fair housing laws.
<b>Improve access to fair housing information</b>	SSD <b>CDD</b> HACC	Clackamas County Community Development Division, CDD has met with regional partners and the Fair Housing Council of Oregon to coordinate Fair Housing activities, develop a centralized resource and to develop fair housing materials in multiple languages and formats.
<b>Expand opportunities for tenants using Housing Choice Vouchers</b>	<b>HACC</b>	The Housing Authority of Clackamas County, HACC has landlord outreach materials posted on the HACC website: <a href="https://www.clackamas.us/housingauthority/landlords.html">https://www.clackamas.us/housingauthority/landlords.html</a>  Outreach for events and trainings were done by the following: <ul style="list-style-type: none"> <li>• Direct email invitations to our landlord email list</li> <li>• Announcements on the Metro Multi-Family Calendar of events</li> <li>• Fair Housing Council of Oregon Announcements</li> <li>• Promoted on HACC Website</li> <li>• Word of mouth through property management companies, etc</li> </ul> <b>Landlord Newsletters</b> continues to be distributed and posted on HACC's website.
<b>Ensure the HACC conducts targeted outreach to underrepresented &amp; protected class for upcoming waitlist opening</b>	<b>HACC</b>	HACC opened its waiting lists in 2020 and added thousands of new applicants to the Housing Choice Voucher Section 8 waitlist and Public Housing waitlists.

#### Housing Needs

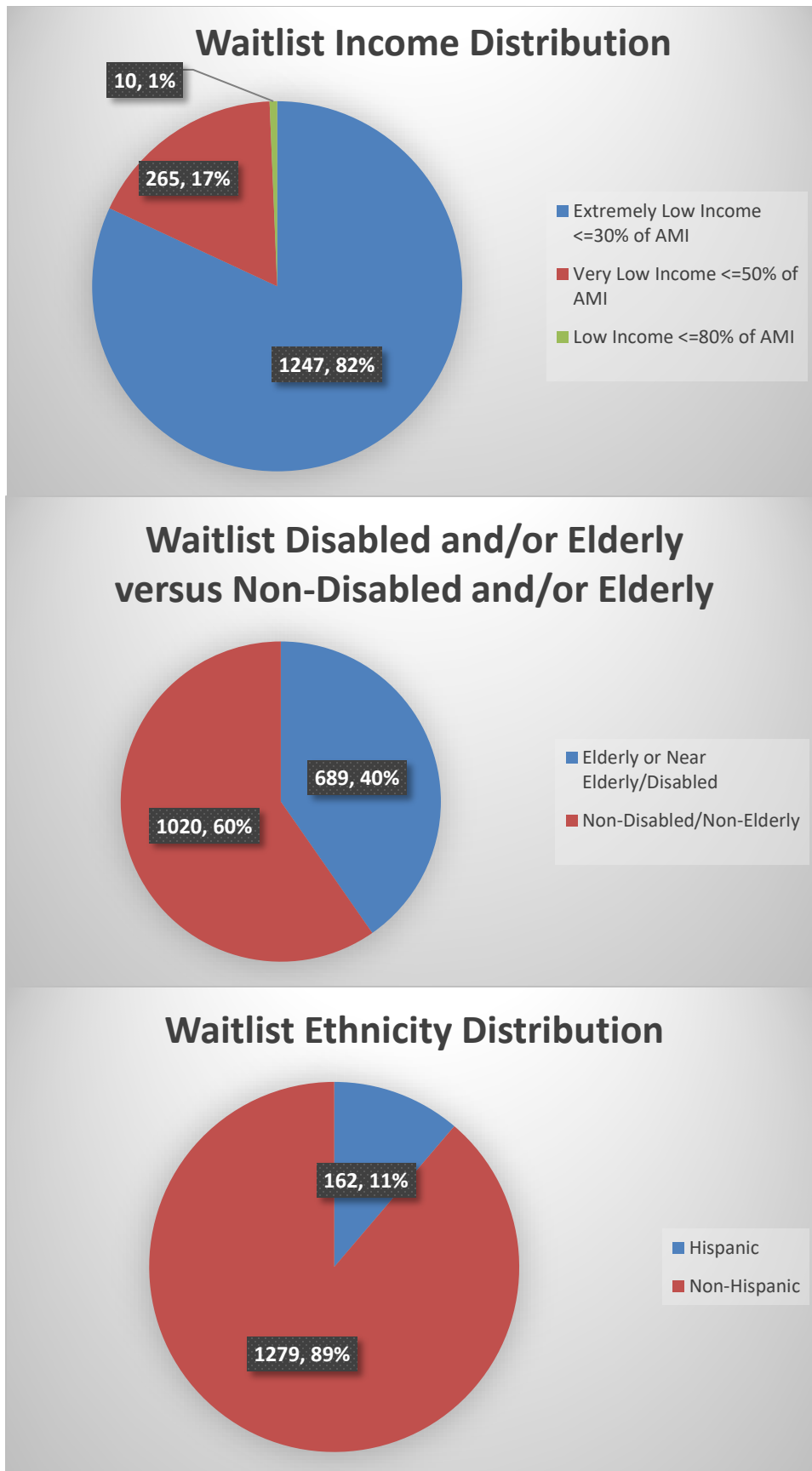
Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the

**Attachment C**  
**Statement of Housing Needs and Strategy for Addressing Housing Needs**

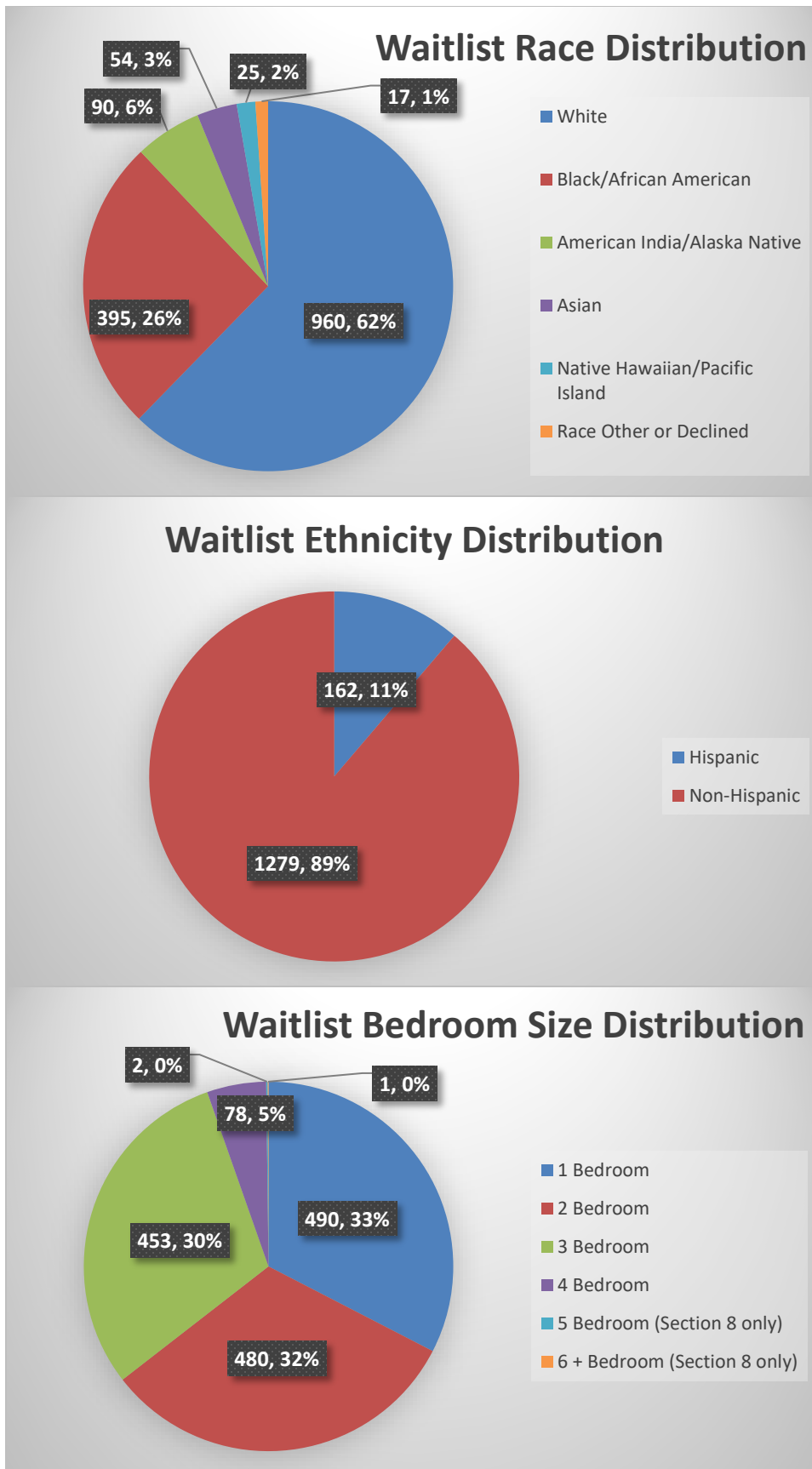
public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location.

<b>Housing Needs of Families on the Waiting List: Housing Choice Voucher and Public Housing</b>		
	# of Families	% of Total Families
Waiting List Total	1504	100%
Section 8 Waiting List	512	34%
Public Housing Waiting List	992	66%
Extremely Low Income <= 30% of AMI	1247	82.9%
Very Low Income <= 50% of AMI	265	17.6%
Low Income <= 80% of AMI	10	0.7%
Above 80% of AMI	0	0%
Elderly or Near Elderly/Disabled	689	45.8%
Non-Elderly / Non-Disabled	1020	67.8%
White	960	62.3%
Black/African American	395	25.6%
American Indian/Alaska Native	90	5.8%
Asian	54	3.5%
Native Hawaiian/Pacific Island	25	1.6%
Race Other or Declined	17	1.1%
Hispanic	162	10.8
Non-Hispanic	1279	85%
<b>Characteristics by Bedroom Size</b>		
1 BR	490	32.6%
2 BR	480	31.9%
3 BR	453	30.1%
4 BR	78	5.2%
5 BR (Section 8 only)	2	0.1%
6 BR (Section 8 only)	1	0.1%

**Attachment C**  
**Statement of Housing Needs and Strategy for Addressing Housing Needs**



**Attachment C**  
**Statement of Housing Needs and Strategy for Addressing Housing Needs**



## Attachment D

### Deconcentration Policy

Deconcentration of Poverty and Income-Mixing [24 CFR 903.1 and 903.2] HACC's admission policy must be 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. A statement of HACC's deconcentration policies must be included in its annual plan [24 CFR 903.7(b)]. HACC's deconcentration policy must comply with its obligation to meet the income targeting requirement [24 CFR 903.2(c) (5)]. Developments subject to the deconcentration requirement are referred to as 'covered developments' and include general occupancy (family) public housing developments. The following developments are not subject to deconcentration and income mixing requirements: developments operated by HACC with fewer than 100 public housing units; mixed population or developments designated specifically for elderly or disabled families; developments operated by HACC with only one general occupancy development; developments approved for demolition or for conversion to tenant-based public housing; and developments approved for a mixed-finance plan using HOPE VI or public housing funds [24 CFR 903.2(b)].

Steps for Implementation [24 CFR 903.2(c) (1)]. To implement the statutory requirement to deconcentrate poverty and provide for income mixing in covered developments, HACC must comply with the following steps: Step 1. HACC must determine the average income of all families residing in all HACC's covered developments. HACC may use the median income, instead of average income, provided that HACC includes a written explanation in its annual plan justifying the use of median income. **HACC Policy - HACC will determine the average income of all families in all covered developments on an annual basis. Step 2. HACC must determine the average income (or median income, if median income was used in Step 1) of all families residing in each covered development. In determining average income for each development, HACC has the option of adjusting its income analysis for unit size in accordance with procedures prescribed by HUD. HACC Policy - HACC will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis. Step 3. HACC must then determine whether each of its covered developments falls above, within, or below the established income range (EIR), which is from 85% to 115% of the average family income determined in Step 1. However, the upper limit must never be less than the income at which a family would be defined as an extremely low income family (30% of median income). HACC has added a preference for the Family Self Sufficiency program for work ready families living in our covered family developments.**



## **Attachment E**

### **2020 Capital Fund Completed Projects**

- Project # 19012 – HACC Wide Flooring - \$110,694.97 (21 Units)
- Project # 19014 - Hillside Manor Elevator Upgrades as part of the larger portion of the rehab - \$700,000.00
- Project # 20001 - On Demand Moving Contract - \$859.70 (2 Units)
- Project # 20003 - On Demand Cabinet Contract - \$59,380.00 (9 Units)
- Project # 20004 - Scattered Sites Fencing Project - \$146,250.00 (28 Units)
- Project # 20007 – Clackamas Heights Skirting test unit (503 A Street) - \$5,000.00 (1 Unit)

### **2021 Proposed Capital Fund Projects**

- Clackamas Heights Decks (all remaining decks) - \$200,000.00
- Clackamas Heights Skirting - \$175,000.00
- Modernization of 6606 Hemlock - \$160,000.00
- HACC Wide Flooring - \$250,000.00
- Asbestos Abatement Services - \$50,000.00
- Asbestos Air Monitoring Services - \$30,000.00

Attachment F

**Housing Authority of Clackamas County  
2021 Capital Fund Budget Summary**

Acct #	2021 Capital Fund Budget	Total Budgeted Costs								
1406	HA-Wide Operations (20% Max)	276,587.40								
1408	HA-Wide Management Improvement	500.00								
	Administration (10% Max w/o in house A&E)									
1410	Central Office, Capital Fund admin and audit	138,293.70								
1410	CFP Capital Improvement Coordinator A&E design work									
1411	Audit	6,500.00								
	PHA Wide Fees and Costs									
1430	Architectural, engineering, consulting; mold asbestos testing & remediation, other related expenses	25,000.00								
	PHA Wide Site Improvements									
1450	Paving, fencing, landscape, garden, utilities, 504 accomodation	85,000.00								
	PHA Wide Dwelling Improvement									
1460	Cabinets, doors, plumbing, HVAC, siding windows, roofs, kitchens, porches, patios, 504 accomodations	840,055.90								
	PHA Wide Dwelling Equipment									
1465	Ranges and refrigerators	0.00								
	PHA Wide Non-Dwelling Equipment									
1475	Tools, equipment, furnishings, vehicles, Office equipment	1,000.00								
1495	Relocation Costs	10,000.00								
	Asset Managed Properties - specific projects									
1450	Site Work (concrete, drive, walks, landscape, drainage	0.00								
1460	Dwelling Renovation (Bath, Kitchen, Cabinets, Flooring etc.)	0.00								
1460	Energy Improvements per Energy Audit	0.00								
1470	Non-Dwelling Renovation (flooring, HVAC, windows, siding, cabinets, paint, etc.)	0.00								
	Grand Total Capital Fund Budget	1,382,937.00								

<b>Development #1 Hillside Manor</b>			
<u>Name of Public Housing Project:</u>  <b>Hillside Manor</b>	<u>PIC Development ID:</u>  <b>OR001005000</b>	<u>Conversion Type (i.e. PBV or PBRA):</u>  <b>PBV</b>	<u>Transfer of Assistance:</u>  <b>No</b>
<u>Total Units</u>  <b>100</b>	<u>Pre-Rad Unit Type:</u>  <b>Family</b>	<u>Post RAD Unit Type if different:</u>  <b>N/A</b>	<u>Total Annual Capital Fund allocation</u>  <b>Per unit is \$1,640 Total is \$164,000</b>
<u>Bedroom Type</u>  <b>Studio/Efficiency: 0 One Bedroom: 96 Two Bedroom: 4</b>	<u>Number of Units Pre Conversion</u>  <b>100</b>	<u>Number of Units Post Conversion</u>  <b>100</b>	<u>Change in number of units per bedroom type and why</u>  <b>N/A</b>

Following the earlier of the end of the construction period identified in the HUD-approved Financing Plan or actual construction, the PHA will no longer be eligible to receive RAD Rehab Assistance Payments, and all units under contract will be eligible for payment only for occupied units or for vacancy payments, as applicable. MTW agencies may not alter this requirement.

- 9. HQS Inspections.** Under current regulations at 24 CFR § 983.103(b) a unit covered under a HAP Contract must be inspected and must meet HQS before assistance can be paid on behalf of a household. In addition, section 8(o)(8)(A) of the Act provides that HAP Contract units must be inspected to ensure compliance with HQS prior to payment of any assistance on behalf of a family. When Work is occurring under RAD, HUD requires that all units meet HQS no later than the date of completion of the Work as indicated in the RCC. Consequently, HUD is waiving and establishing an alternative requirement to 24 CFR § 983.103(b) and section 8(o)(8)(A) of the Act in such cases.
- 10. Floating Units.** For mixed-income Converting Projects where PHAs are currently exercising their discretion to allow subsidized units to float within a project redeveloped with funding under a Choice Neighborhoods Implementation or HOPE VI grant, or as part of a Mixed-Finance project, upon the request of the Voucher Agency that will administer the Covered Project, HUD will permit PBV assistance to float among units within the project having the same bedroom size. A unit to which assistance is floated must be comparable in condition to the unit it is replacing (i.e., the unit must be of the same quality and amenities as the unit it is replacing). Assistance may float from a Section 504 accessible unit only to another Section 504 accessible unit that has the same bedroom size and accessibility features. Units that float are not specifically designated under the HAP Contract. Therefore, the requirements in 24 CFR § 983.203(c) that the HAP Contract provide “the location of each contract unit” and “the area of each contract unit” are waived. Instead, the HAP Contract must specify the number and type of units in the property that are designated as RAD units, including any excepted units. From the time of the initial execution of the PBV RAD HAP Contract, the property must maintain the same number and type of RAD units, including the same number and type of Section 504 accessible units. Floating units are subject to all of the requirements in this Notice and the PBV regulations, including physical inspections, rent adjustments, and income-mixing requirements. The alternative requirements with respect to floating units do not apply to non-RAD PBV units.

### **C. PBV Resident Rights and Participation.**

1. **No Rescreening of Tenants upon Conversion.** Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.<sup>32</sup> Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.<sup>33</sup>
2. **Right to Return.** See section 1.4.A.5(ii) and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return.
3. **Renewal of Lease.** Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR part 983 have been amended requiring Project Owners to renew all leases upon lease expiration, unless cause exists. MTW agencies may not alter this requirement.
4. **Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying

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<sup>32</sup> 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.

<sup>33</sup> For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of “total tenant payment” (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

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

#### Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP<sup>34</sup>

#### 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

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<sup>34</sup> For example, where a resident’s most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident’s occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident’s contribution would increase by 33% of \$100 to \$133. At the second AR, the resident’s contribution would increase by 50% of the \$66 differential to the standard TTP, increasing to \$166. At the third AR, the resident’s contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

- Year 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.

- 5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are currently FSS participants will continue to be eligible for FSS once their housing is converted under RAD. The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding and may use that funding to serve PH, HCV and/or PBRA participants in its FSS program. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the subsequent Appropriation Acts), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that there are certain FSS requirements (e.g., escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100.<sup>35</sup> Further,

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<sup>35</sup> 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

upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

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

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities.

6. **Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with assistance converted to PBV will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.
7. **Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
  - i. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
    - a. A reasonable period of time, but not to exceed 30 days:

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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.



- ii. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
    - iii. In the event of any drug-related or violent criminal activity or any felony conviction;
  - b. Not less than 14 days in the case of nonpayment of rent; and
  - c. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
- ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

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

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),<sup>36</sup> an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
  - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
  - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).

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<sup>36</sup> § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

- d. The Project Owner provides opportunity for an informal hearing before an eviction.

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

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

Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in 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.

- 9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant 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.
- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR § 983.258). Since the rent limitation under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return

to the Covered Project after conversion, HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP Contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. When the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of this Notice.<sup>37</sup> In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP Contract. The PHA is required to process these individuals through the Form 50058 submodule in PIC.

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

- 11. 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

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<sup>37</sup> 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.

available in the Covered Project, 24 CFR § 983.260 is waived. MTW agencies may not modify this requirement.

#### **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. Additional Monitoring Requirement.** The Owner must submit to the administering PHA and the PHA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.<sup>38</sup>
- 3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** This section has been moved to 1.4.A.13 and 1.4.A.14.
- 4. Establishment of Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
  - i.** Transferring an existing site-based waiting list to a new site-based waiting list.
  - ii.** Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
  - iii.** Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
  - iv.** Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

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

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<sup>38</sup> 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.

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

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

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

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).<sup>39</sup>

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

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<sup>39</sup> 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).

5. **Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.
6. **Agreement Waiver.** This section has been moved to 1.6.B.8.
7. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC.
8. **Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the “year of conversion”), RAD PBV projects will be funded with public housing funds. For example, if the project’s assistance converts effective July 1, 2015, the public housing ACC between the PHA and HUD will be amended to reflect the number of units under HAP Contract, but will be for zero dollars, and the RAD PBV HAP Contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.

PHAs operating HCV program typically receive administrative fees for units under a HAP Contract, consistent with recent appropriation act references to “section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Work Responsibility Act of 1998” and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, the Section 8 ACC will be amended to include Section 8 funding that corresponds to the units covered by the Section 8 ACC. At that time, the regular Section 8 administrative fee funding provisions will apply.

- 9. Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the PHA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

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

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

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

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

transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines.

### 1.7 **Special Provisions Affecting Conversions to PBRA**

Under the Demonstration, HUD has the authority to waive statutory and regulatory provisions governing the PBRA program, or to establish alternative requirements for the effective conversion of assistance. Additionally, the RAD Statute imposes certain unique requirements and authorizes HUD to establish requirements for converted assistance under the demonstration.

For public housing projects converting assistance to PBRA under the First Component of the Demonstration, 24 CFR part 880, Section 8 Housing Assistance Payments Program for New Construction and applicable standing and subsequent Office of Housing guidance<sup>40</sup> will apply, except for the provisions listed below. These “special” provisions are grouped into three categories: Contract Terms, Resident Rights and Participation, and Other Miscellaneous Provisions. Where applicable, reference is made to the affected statute and/or regulation. For additional background purposes, HUD has provided Appendix I, which is a copy of the existing 24 CFR part 880 regulation with the provisions stricken that will not apply to Covered Projects. Additionally, Appendix II includes the specific provisions of the Act that are inapplicable to PBRA conversions. Finally, Appendix III includes the site and neighborhood standards that apply to PBRA.

#### **A. PBRA Contract Terms.**

1. **Length of Contract.** Covered Projects shall have an initial HAP term of 20 years. To implement this provision, HUD is specifying alternative requirements for section 8(d)(2)(A) of the Act, which establishes a maximum term of 15 years for “an existing structure.” Additionally, 24 CFR § 880.502, which imposes maximum contract terms for New Construction projects consistent with statutory authority that was repealed in 1983, does not apply.
2. **Mandatory Contract Renewal.** Section 524 of MAHRAA and 24 CFR part 402 currently govern renewals of expiring or terminating project-based section 8 HAP Contracts and, in general, require HUD to renew such contracts “at the request of the

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<sup>40</sup> Examples of Office of Housing guidance include handbooks such as “Occupancy Requirements of Subsidized Multifamily Housing Programs” (4350.3) and “Multifamily Asset Management and Project Servicing” (4350.1). Future changes to part 880 would apply to RAD as long as the future changes are not provisions that have been stricken in the final Notice.





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

ASSISTANT SECRETARY FOR HOUSING-  
FEDERAL HOUSING COMMISSIONER

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**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

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**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)<sup>1</sup> 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)** conversion<sup>2</sup> under the first component of the demonstration.<sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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 residents<sup>5</sup> 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.<sup>6</sup> 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](mailto:rad@hud.gov).

## **3. Applicable Legal Authorities**

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<sup>5</sup> 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.

<sup>6</sup> 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](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:

<b>Stage</b>	<b>Activities</b>
1. Prior to submission of RAD application	<ul style="list-style-type: none"> <li>• Determine potential need for relocation</li> <li>• Meet with residents to discuss plans, communicate right to return, and solicit feedback</li> <li>• Provide <i>General Information Notice</i> (GIN) to residents</li> <li>• Survey residents to prepare Relocation Plan and relocation process cost estimate</li> </ul>
2. After receipt of the Commitment to Enter into a HAP Contract (CHAP) Award	<ul style="list-style-type: none"> <li>• Prepare Significant Amendment to PHA Plan</li> <li>• Assess and refine need for relocation</li> <li>• Develop a Relocation Plan (See Appendix 1 for recommended content)</li> <li>• Identify relocation housing options</li> </ul>
3. Preparing Financing Plan (due to RAD Transaction Manager no later than 180 days following	<ul style="list-style-type: none"> <li>• Budget for relocation expenses</li> <li>• Submit FHEO Accessibility &amp; Relocation checklist (PHAs may submit Relocation Plan along with checklist)</li> </ul>

Stage	Activities
CHAP award)	
4. Receipt of RAD Conversion Commitment (RCC)	<ul style="list-style-type: none"> <li>• 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))</li> <li>• Provide residents with appropriate notice informing them if they will be relocated and any associated relocation assistance</li> <li>• Meet with residents to describe approved conversion plans and discuss required relocation</li> </ul>
5. Closing/RAD conversion	<ul style="list-style-type: none"> <li>• Generally, resident relocation should not begin until after the date of closing/conversion of assistance under RAD</li> <li>• 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</li> <li>• PHAs seeking to move residents prior to closing must receive prior approval from HUD as described in Paragraph 9 of this Notice</li> </ul>

## **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.<sup>7</sup> 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

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<sup>7</sup> 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.<sup>8</sup> 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 amount<sup>9</sup>, 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.<sup>10</sup>

- 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.

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<sup>8</sup> 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.

<sup>9</sup> 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)

<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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).<sup>13</sup>
- 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))*

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<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> 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.<sup>14</sup>

- 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**

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<sup>14</sup> 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).

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

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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**

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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.<sup>15</sup>
- 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](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

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<sup>15</sup> 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).<sup>16</sup>

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](http://www.fhwa.dot.gov/real_estate/practitioners/uniform_act/relocation/moving_cost_schedule.cfm)

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<sup>16</sup> 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](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](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](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)

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### 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)**

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***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)**

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***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)**

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***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.)*

**ATTACHMENT I**

**Violence Against Women (VAWA) Statement**

Housing Authority of Clackamas County (HACC) addresses VAWA in the Section 8 Housing Choice Voucher Administrative Plan and the Public Housing Admissions and Continued Occupancy Policy. The responsibility of not terminating families from housing for reasons that fall under the VAWA regulation is particularly addressed. HACC has an Emergency Transfer Plan for victims of domestic violence in our housing programs.

We offer a local preference in the Housing Choice Voucher program for victims of Domestic Violence working with case management. We partner with several community partners like Northwest Family Services, Clackamas Women's Services, A Safe Place and Northwest Housing Alternatives to administer the Domestic Violence preference vouchers.

In addition, we are in continuous contact with County and City agencies, including the various law enforcement agencies, for current tenant's experiencing Domestic Violence.

HACC also partners with Clackamas County Social Services and Behavioral Health as well as the State Department of Human Services to use funds in a transitional housing program and Shelter + Care program under the Continuum of Care, where many victims of Domestic Violence are housed and provided services.

In summary, we follow the VAWA program policies and regulations with the goal of providing safeguards for the families falling under the VAWA related program requirements and refer households, as needed, to local domestic violence service provider partners. HACC has amended all its policies to comply with VAWA.



\_\_\_\_\_  
Jill Smith, Executive Director

\_\_\_\_\_  
Date



## **Attachment J PUBLIC NOTICE**

A Public Meeting to cover the Housing Authority of Clackamas County's (HACC) Annual Plan effective 2021-2022 will be held on January 12th, 2021, at 10:00 AM via Zoom link. Resident Advisory Board members and Public Housing residents are encouraged to attend.

A Public Hearing to comment on HACC's 2021-22 Draft Plan will be held on March 18, 2021, at 10:00 AM before the HACC's Board of Commissioners via Zoom link.

During the ongoing coronavirus pandemic, your Board of County Commissioners is keeping the public/stakeholders as aware of decisions, and as connected to them, as possible. While social distancing practices are occurring, the Board of County Commissioners is holding meetings virtually.

All residents are invited to join and provide comments live via Zoom. Prior to each meeting our Public & Government Affairs staff will provide a Zoom Technology link for the members of the public to speak live on topics and public hearings that will be available on our website <https://www.clackamas.us/news/2021-03-18/joining-the-board-of-county-commissioners-during-a-zoom-meeting>.

Alternatively, anyone can send in a comment to be read during the Citizen Communication portion of our meeting over email. Just send it in at any time during the meeting by emailing Liane Tankersley at [Ltankersley@clackamas.us](mailto:Ltankersley@clackamas.us). As normal, meetings will be archived on our YouTube Channel. Thursday Business Meetings will continue to be livestreamed to YouTube, for all to watch.

HACC developed its Plan in compliance with the Quality Housing and Work Responsibility Act of 1998 and Federal Register, Docket No. FR-4829-N-01.

The Draft Plan will be available for review from January 14, 2021 – February 28, 2021, and can be found online at <https://www.clackamas.us/housingauthority/plansandreports.htm>. Hard copies are kept for public review at HACC's administrative office located at 13930 South Gain Street, Oregon City, OR, open Monday through Thursday, 8AM to 6PM. The Plan can also be viewed at the Clackamas County Library, 16201 SE Mcloughlin, Milwaukie, OR 97267.

## ATTACHMENT K

### **Definition of Substantial Deviation and Significant Amendment or Modification 2021-2022 Annual Plan**

#### Definition of Substantial Deviation and Significant Amendment

It is the intent of the Housing Authority of Clackamas County (HACC) to adhere to the mission, goals and objectives outlined in the Annual Plan and the Five-Year Strategic Plan (the Plans). The Plans, however, will be modified and re-submitted to HUD should a substantial deviation from program goals and objectives occur.

#### A. Definition of Substantial Deviation from the 5-Year Plan

- Any collective change in the planned or actual use of federal funds for activities that would prohibit or redirect HACC's strategic goals or mission of sustaining or increasing the availability of decent, safe and affordable housing while promoting self-sufficiency and asset development of families and individuals from being implemented as identified in Plans.  
This includes elimination or major changes in any activities proposed, or policies provided in the Plans that would momentarily affect services or programs provided residents. This definition does not include budget revisions, changes in organizational structure, changes resulting from HUD-imposed regulations, or minor policy changes.
- Any single or cumulative annual change in the planned or actual use of federal funds as identified in the Plans that exceeds 25% of the of HACC's annual program budgets for Housing Choice Voucher (Section 8) or Public Housing activities.
- A need to respond immediately to Natural Disasters or Declarations of Emergency beyond the control of the Housing Authority, such as earthquakes, flooding, landslides, or other unforeseen significant event.
- A mandate from local government officials, specifically the governing board of the Housing Authority, to modify, revise, or delete the long-range goals and objectives of the program.

A substantial deviation does not include any changes in HUD rules and regulations, which require or prohibit changes to activities listed herein.

As provided in PIH Notice 2012-32 (HA), Rev. 3 – the following is excluded from the definition of Substantial Deviation: The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;

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

#### B. Definition of Significant Amendment or Modification to the Annual and 5-year plans

- Changes of a significant nature to the rent or admissions policies, or the organization of the waiting list not required by federal regulatory requirements as to effect a change in the Section 8 Administrative Plan or the Public Housing Admissions and Continued Occupancy Policy (ACOP).
- Changes to HACC's plans effecting the demolition or disposition of public housing, designation of senior or disabled housing, the homeownership program, and a plan to convert public housing units to other than assisted housing.
- This includes elimination or major changes in any activities proposed, or policies provided in the agency plan that would momentarily affect services or programs provided residents. This definition does not include budget revisions, changes in organizational structure, changes resulting from HUD-imposed regulations, or minor policy changes.

#### C. Capital Fund Program Definition of Significant Amendment or Modification to the Annual and 5-year plan

- A change in the planned or use of Capital Fund that have a total expense in excess of \$250,000 in any single year.

Attachment L  
**HACC ANNUAL PLAN 2021-2022**  
**Resident Advisory Board Meeting Agenda**

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Tuesday, January 12, 2021 10am – 1:30pm Via Zoom

Q. What are Hillside Manor residents now that the property has been re-habbed?

A. You are now representing S8 residents at this meeting.

Q. Has the Oregon City View Manor land has been sold?

A. No.

**10:00 – 10:10 Welcome and Introductions**

Every year, we are required by HUD to submit an Annual Plan for what we have accomplished in the prior year and what we plan to do in the coming year. This meeting will fill everyone in on this and what changes have been made to the Annual Plan itself. We welcome all comments and questions, which will be made a part of the Annual Plan.

13 staff and 11 RAB members were in attendance

**10:10 – 10:25 Annual Plan Review – New Activities & Progress Report**

Most of the new activities will be coming from Development, so this was discussed in the next section.

**10:25 – 10:40 Development Update**

Over next 5 years we will be converting our Public Housing properties to affordable housing. Many Housing Authorities are focusing on creating self-sustaining portfolios. Rehab and restructuring of Hillside Manor is the first to property to start this process. HACC submitted application to HUD for RAB and LIHTC rental assistance. The anticipated completion date of the Hillside Manor project is late 2021. Quantum Residential is managing the property and Patrice Brown Kennedy is the new on-site manager. HACC is taking all precautions regarding COVID including temperature checks for construction workers.

Hillside Park – late 2020 we submitted land use application to City of Milwaukie to allow 400 new housing units. It is currently under review. This year, we are submitting an application to HUD. If approved, HACC will work with Relocation Specialists to find housing for all residents who also will have opportunity to move back to the property after construction is completed.

Q: What is the date when the application process will be started and residents notified?

A. Our goal is mid-2021 and hopefully start relocation by the end of 2021 or the beginning of 2022. We should have the approval or denial from HUD mid-2021, then can start process.

Q. Is HSM about 55% completed?

A. Yes. We hope to have all construction completed by the end of summer.

One resident/RAB member commented that he loves new elevator because it talks to him.

Q. Has funding been secured for Hillside Park?

A. Not completely. We will not proceed until it's secured.

Q. How much notice to tenants to move?

A. Ample – 3-6 months. Residents will be issued a voucher which gives them 120 days to find other housing throughout all of the United States.

Q. When would we be moving out of Hillside Park?

A. End of this year earliest. Most likely 2022.

Q. What is the difference between housing and HUD?

A. Housing is subsidized by HUD. They provide the operating fund to run the property and CAP funds to maintain the property. There is no way for us to refinance or add debt to the property so for any big renovations needed, there is no funding source. LIHTC allows other funding and allows us to get out from under HUD. It also allows us to provide project based rental assistance. Other funds may also be brought in to help fund these projects such as Bond funds. Community reparations funds are also part of the LIHTC process. There will be banks and other investors in these projects.

Q. Will there be help to find housing?

A. Yes. Relocation services will help for in-state housing searches.

Q. Are we switching over to Section 8 in Hillside Park?

A. Hillside Park will be mixed. Anyone who currently lives there will be offered voucher.

Q. What if I can't find housing outside the Park with a voucher?

A. Residents can move back in with a Section 8 voucher once the construction is completed. If you can't find housing in the allotted time, extensions may be granted or may move into Public Housing units when they are available.

Scattered Sites has 145 properties throughout Clackamas County. The cost to maintain these units is high and the locations are spread over 260 square miles. HACC will be asking HUD for Section 18 Disposition Enhanced Housing Choice Vouchers for every household. This means, anyone who is relocated due to the sale will be provided vouchers, but our goal is to help and hopefully some of our current tenants get on a path to purchase these homes if possible through the use of FSS Escrow and IDA. Over the next year, HACC will be working on plans for repositioning Clackamas Heights and Oregon City View Manor. We are looking at Section 18 Disposition, RAD Conversion as options or a hybrid of the two. This will be planned out over the next few years.

The Metro Housing Bond – All bond funds for Clackamas County will run through the Housing Authority of Clackamas County. Our strategy is outlined in our implementation on our website. 18000 Webster Rd., when rehabilitated, will provide housing for homeless and very low income persons. The start project will be mid-2021. There will be 12 Permanent Supportive Housing units.

We also secured 200 vouchers from HUD to help with repositioning of our remaining properties. A map of all the properties that were discussed as well upcoming properties was placed in the Chat. It is also on our website.

HACC has awarded \$400,000 in grants to developers to build low-income housing units. Maple Apartments, Good Shepard and Fuller Rd. Station are being built/currently under construction.

Q. This is drop in bucket for people in need. Curious what are HACC's plans moving forward to help? When the eviction moratorium on rent ends, what is the foresight in housing to help? Everyone is going to be facing the same crisis. When folks think of developing housing, they don't think of the quality of the housing or the quality of life it affords for the folks in housing. Such as having very limited storage or no garages. That foresight need to be there. What are our plans moving forward for considering quality of life in housing?

A. From other RAB members: HACC is making plans to consider quality of life in future housing communities. Another RAB member and resident stated that she has finished the IGA program and is currently in the FSS program, and a Master's program on her own. She is looking forward to buying a home. She can understand the need or want for more storage, but feels that HACC has taken that into consideration. Thinks this is true of all housing, not just subsidized housing.

A. The Hillside Park master plan addresses some of this. It is recommended to look at the Housing website to see how it is being planned with open spaces, parking, and community areas. Also look at the Metro Bond for their housing requirements as well as Measure 26-10 which creates funds also. These funds are being given to housing authorities, and plans to spend the funds are being created now. The groups that are meeting to discuss these plans are service-oriented agencies. HACC is also looking at supportive housing which is needed to help those with trauma get back on their feet. It's a lot less strict, there are less barriers to housing, etc. Measure 26-210 is a State program. Not as strict as a Federal program.

Q. Are we considering looking at tax from marijuana sales? 51% goes to police departments. Why can't housing look into/take some of that money for housing?

A. Housing Authorities are a strong advocacy group within the State. We work with smaller Tenant protection advocacy groups and have a unique working relationship also with Landlord groups. We do our best at advocating for Low Income, Homeless and people facing housing crisis. We are fully aware of the long racial disparity stem from red lining and other practices in the past. We are trying to help guide our State to do better and be better as one part of the team in the process.

Q. Section 8 vouchers that will be given out to people; what protections will be given to people? Landlords move people or don't renew leases after one year or raise rents high.

A. 12 months' rent are frozen. The State after the first year protects the level of CPI that rents can't go over. In most cases, the Voucher program has to pay the difference in rent, not tenant.

Q. What are protections if the landlords don't renew leases?

A. Rent can only go up by CPI. Relocation will help if a tenant has to move to pay deposits. Tenants do not lose their voucher if a lease is not renewed, they retain the voucher and have to move, but moving is expensive and covering those costs admittedly are still an issue. In some cases, we can connect tenants to other resources to cover some of that expense.

Q. What about the property by Johnson Creek?

A. It is not a housing authority property.

## 10:40 – 11:00 Public Housing Updates – Review Attachment B

Review the portion of the Streamlined Annual Plan form (50075) that gets submitted to HUD regarding Public Housing.

Went down list of items checked that we will be discussing in the Plan. Discussed Revisions to the plan elements such as the Statement of Housing Needs, Deconcentration policy and Financial Resources, such as having to stay within the Urban Growth Boundaries to receive funding.

Discussed new activities. Development discussed most of this previously. It talks about what we have done and what we plan to do. Encouraged everyone to submit written questions and comments after reviewing.

Went over Progress Report portion of plan. What our goals are for new development, grants, vouchers, new construction projects in the works; a lot of the details to these are listed items are on our website. Discussed Fuller Road, Clayton Mohr, Webster Road, \$44,233,000 in Metro funds and other sources.

We discussed what we are doing to improve Equity, Diversity and Inclusion as a Housing Authority. Discussed ongoing trainings, policy changes as we acknowledge unseen or underlying issues that are not in alignment with our DEI goals, hiring with a DEI focus as we really want hires that have lived experience, expertise or with a diversity that matches those we serve.

Q. Why does the new lease change the “late by” date for rent?

A. We aligned our leases with Market practices. Most of you in Public Housing will be converting out of Public Housing eventually and this is a market practice. You can always with reasonable accommodation discuss options to avoid late fees with SSI coming on the 3<sup>rd</sup> of the month and late fees start after the 5<sup>th</sup>. In addition to this change we made payment options more flexible to ensure faster receipt of payment. You can now drop off payments in person or drop box, you can set up direct payments with your bank with resident services help if needed, and we are looking at online customer service café for payments in the future. Currently with COVID there are no late fees and Property Manager – Just sending out reminder letters right now. The Public Housing Property Managers are flexible about waiving late fees depending upon situations.

Q. Asked about Quantum’s policies regarding late fees and social security not coming on time.

A. Residents can talk to Quantum regarding a reasonable accommodation to change due date. One resident stated that they switched to auto-pay through her bank and she has never been charged a late fee since. Property Manager - we go by date the envelope is postmarked not the date the check is written.

Q. This flexibility is not known by all and serves as a bias toward helping some while others get “stuck” paying late fees. Is there a way to be more universal in communicating to tenants the avenues for having late fees waived? Like the FSS program thing we talked about, had we known reasonable accommodation might allow a part-time person to join.

A. That is a good point. We certainly can make reasonable accommodation a more universally known tool for all disabled tenants. For circumstances on a case by case basis to be more transparently fair, yes I think we can improve in that area of making tenants know what type of circumstances will get fees waived such as loss of employment, loss of child support in a given month. Definitely we can work on more universal understanding and creating a safe space with tenants to talk directly to their PM. On the

FSS topic, I will note we need to look at that policy on why only full time employed allowed to join now. I will write that down to research as that is a good point.

A. PM also noted the Lease is what residents can rely on for rules that are relied upon. Exceptions are harder to pin point as we don't know all the scenarios. It's up to tenant to get in touch with their Property Manager to let them know what's going on.

Q. Resident/RAB member hopes that this fluctuation of policy is general knowledge with all tenants. What was the percentage of people paying late Pre-Covid per property?

A. About 12%.

Q. RAB member wishes we had left late date as the 8<sup>th</sup>.

A. Change is hard, but we really do have good intentions of preparing all for general market practices. As discussed earlier, we also are working with tenants to improve payment options to ensure timely payments and will work on reasonable accommodation exceptions on a case by case basis.

Transfer policy based on family composition changed. We are softening and not requiring 2 per bedroom. If there are people to fill every bedroom we will let you stay as housed. Not strictly following the 2 per bedroom policy on EXISTING tenants.

Utility Reimbursement – HACC will make payment to family or we can pay utility company directly at tenant's request. It's Optional.

Transfer list – prioritized transfer policies. High priority vs. emergency.

Security deposits – Clearer language about security deposits not being transferrable from one housing unit to the next.

Cost of transfers – resident will bear cost for normal transfers.

Mailbox keys – HACC will pay a one-time fee when tenant is a new move in. If tenant loses keys, tenant responsible for replacement key.

Hearing are being done remotely.

Discussed the Rent Reporting Program that helps people improve their credit scores. There have been fantastic improvement results to date.

Nondiscrimination policy was discussed. HACC added a no tolerance policy of harassment of tenant, staff or guests of a protected class.

Screening Policy – major reduction to screening to reduce barriers.

Family Self-Sufficiency Program – Adding preference to help work-ready families. Also removing no debt requirement for money owed to PHA's.

Q. There should be a list of resources readily available for anyone. Especially the homeless.

A. Resident Services are available to help with any questions and can provide referrals.

Organization of the waiting list; moved to only one waitlist instead of waitlists by area.

The waitlist will be updated as needed.

### **11:15 – 11:45 Section 8 Policy Updates – Review Attachment A**

Preferences – Reducing preferences and will be helping only those who cannot be served by Measure 26-10 funding outside the metro region.

Informal review and hearings added remote policy. Also added that uninvolved staff can conduct hearings as our hearings officer attorney is not always available.

Harassment Policy has been updated. Same as Public Housing's policy.

Family Self-Sufficiency Program same as Public Housing

Added preference for natural disaster families that have been displaced. Also added the option to move section 8 relocation clients to public housing if needed.

Homeless preference clients will now be served by 26-10 instead of Continuum of Care.

Q. When you move back in after relocation, is that security deposit paid for by housing?

A. The HACC will look into.

### **11:45 - 12:15 Capital Fund Overview: Attachments E-F**

2020 was a rough year for completing projects.

In 2020, 21 units of flooring were completed.

Elevator replacement at HSM took a big chunk of Capital Fund dollars.

Cabinets were big expense to replace due to age (9).

Scattered site fencing project 28 units – over a mile of fencing.

Clackamas Heights units were tested for foundation skirting. In 2021 we will be doing all 100 units.

Q. If CAP Fund money is not spent, does it roll over? Do we have to use it or lose it? Cabinet expenses, etc. for cabinets and flooring?

A. Each unit has different prices depending on the size and condition of the unit. Services are contracted out.



CAP Fund is separate Federal grant money from housing. We have 2 years to obligate the money and 4 years to spend it. HUD also extended spending dates due to Covid.

2021:

Deck replacements were approved. 34 will be finished this year.

Skirting project will complete all 100 units at Clackamas Heights.

Modernization of Hemlock due to fire will be completed.

HACC-wide flooring replacement on turnover/as needed – 2 year project.

Asbestos abatement & monitoring – we have contractor who completes this for us and monitors.

Q. Why are floors at Hillside Manor being covered over not replaced?

A. You can encapsulate flooring and it is safe. We are removing asbestos ceilings. If we had more funding we would replace flooring.

Q. RAB/resident said she moved into Hillside Park a couple years ago. She and others have developed breathing problems.

A. RAB/resident stated that in the Manor, all floors are highly waxed and encapsulated and the ceilings have been abated.

Discussed breakdown of what we are projected to get for CAP funds this year and what anticipated expenses will be broken down by account.

Q. Line items 1430 – 1460 contract services? Are these costs public by line item? Are these contracts available for bid?

A. Yes. All work is made public for bid. It's all public information. The public can send in a request for this information. We have to justify expenses before we go out to bid.

### **12:15 – 12:30 Resident Services (Public Housing) Overview**

This year is very different from past years as we have a much larger Resident Services Team. Includes dedicated staff to each neighborhood. Two Resident Services people are doing peer services and another is working on the public garden.

Started in March as a team to reach out to residents at the beginning of the pandemic and coordinated with services to help them; Oregon food bank, gleaners, other needs.

Financial impact with pandemic has been tremendous. Have been reaching out to residents to get their rent adjusted if income dropped or disappeared and help provide information to access rent resources.

Completed a survey as outreach tool and had over 500 household respond to see where help is needed. Will be putting out more newsletters to keep people up to date.

### **12:40 – 12:34 Annual Plan Timeline**

Discussed what is coming up next regarding the Annual Plan.

Q. Would like to see more of these types of meeting throughout the year. Are there plans for more?

A. We would like to see that. Each community should have their own res advisory committee so meetings can be set up.

Q. How does the utility allowance work – why he doesn't get a check?

A. It was explained that residents pay 30% of income towards rent. People at \$0 income may get a check from Housing to help pay their utilities.

Q. Can residents transfer to Public Housing during relocation instead of taking voucher? A. Yes, but resident would need to talk to their relocation specialist to get on transfer list.

## **HACC ANNUAL PLAN 2021-2022 Public Hearing March 18, 2021**

The public hearing was held during the Housing Authority Board Business Meeting. Attendees could attend live or via zoom.

### Commissioner Comments

#### **Chair Smith**

Comment - worked on Hillside Manor project when she was a commissioner the last time. - Is happy that is finally being realized with remodel of Hillside Manor and rejuvenation of Hillside Park. Takes a long time when working with HUD. There are other opportunities beside the HUD opportunities for housing. Question - So, due to high cost of rents the funding for 2700 vouchers gets watered down to really only 1600 vouchers due to the high rent costs?

Answer – Yes, that is correct.

Question - Is there a waiting list for this voucher program?

Answer - Opened up the applications to build a waiting list and got more than 10,000 applicants in 4 days. Lottery to select 3000 randomly to go on the waiting list because you don't really want more than you can fill in the next 3-5 years on the wait list.

Question: It is a lottery so that is good since I didn't know if for instance somebody applied last year would they still stay on the list but then it goes back into the system and they are just chosen at random is that right?

Answer – Yes, unfortunately it is. Selected at random.

Comment – I think it used to be different but hey I'm not setting the rules for that, it's just the way it is. I don't know how you do it when the need is so great. Thank you.

### **Commissioner Savas**

Comment – What you mentioned was happening at Hillside Manor and Hillside Park- densifying that and replacing the older housing is similar to what we discussed prior to you coming to Clackamas County with Oregon City Manor I believe in relationship to Rosewood Terrace, right? So we had a transition plan there as well to maximize the properties on Holcomb to densify that similarly. You didn't mention that in your plan and I am looking forward to understanding what happened there because I do know that the tax break we gave, the property tax break in particular with Rose Terrace was based on that transition plan. So I would like to learn more about that but not necessarily today but the question for today is.

Question - The transition out of public housing into voucher program and public/private partnerships –isn't the life cycle – Rosewood Terrace for example 60 year life cycle. Question two fold. What happens after year 60? Does it become a liability for the County or the Housing Authority? What happens for the future of public housing? Also, along the way in these public/private partnerships does that have the best protection for the actual cost of the rent that is applied to the voucher? Do we have more control or less control and what assurances do we have that will be as low as possible?

Answer – Those are excellent questions and it is one of the most controversial discussions in the country related to public housing because you are right, when Public Housing goes away and you are in these partnerships – there is no absolute guarantee that those will forever serve vulnerable people. So, deal by deal basis, it is critical that the Housing Authority as we fund these with Metro Bonds or we approve tax abatements or whatever other mechanisms we choose to move forward with that the Housing Authority should be giving first right of refusal at that 60 year point when those restrictions are lifted to ensure that it stays affordable forever. That is in place at Rosewood and I think we should prioritize that moving forward with all this new development going on.

Comment – It is incumbent upon us to think forward and think about what is going to happen at that point as I won't be around in 60 years.

### **Commissioner Schrader**

Question - When you talked about the housing services money, the here together wrap around services, who might those non-profits be that you will contract with? I am curious on how that is going to work. How much are you going to handle internally with staffing already extended here in the county and how much is going to go (to non-profits)? Have we figured out that plan yet?

Answer – Our priority is to try to draw non-profits into Clackamas County that work throughout the whole community that are neighborhood based and that people know and feel comfortable working with. We don't have enough of those right now so it is likely we will have to invest in building that the first year or two but the intention is to limit the amount of County employee administration and staffing as much as possible to draw these folks in. I envision year one we may have to invest in helping to develop some culturally specific providers to come in Clackamas County and that is a totally eligible use of that funding and is a huge need in our community.

### **Commissioner Fischer**

Comment - Would like to say thank you to Jill for all information and all of the work and I don't know if everybody else when you are going through the whole list, think oh wow we are doing so much, it is almost like you get tired of hearing of all of the activities and Clackamas County has been a real leader in the region and I just want to thank Jill and her team for their leadership on these issues.