

RAD PBRA Overview for PBCAs and Owners

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**RAD PBRA Overview
for PBCAs and Owners**



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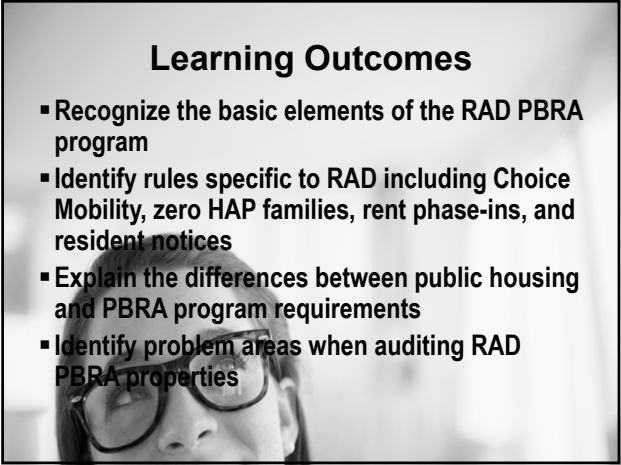
What’s the purpose of this class?

- As a PBRA O/A or PBCA MOR auditor, this class will tell you what’s different about a RAD property




Learning Outcomes

- Recognize the basic elements of the RAD PBRA program
- Identify rules specific to RAD including Choice Mobility, zero HAP families, rent phase-ins, and resident notices
- Explain the differences between public housing and PBRA program requirements
- Identify problem areas when auditing RAD PBRA properties





What is RAD PBRA?

- Under the First Component, Public Housing Authorities (PHAs) convert Low Income Public Housing (PH) units to long-term Section 8 HAP contracts under either:
 - Project-based rental assistance (PBRA)
 - HUD’s Office of Multifamily Housing Programs
 - Project-Based Vouchers (PBV)
 - Office of Public and Indian Housing (PIH)
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Why?

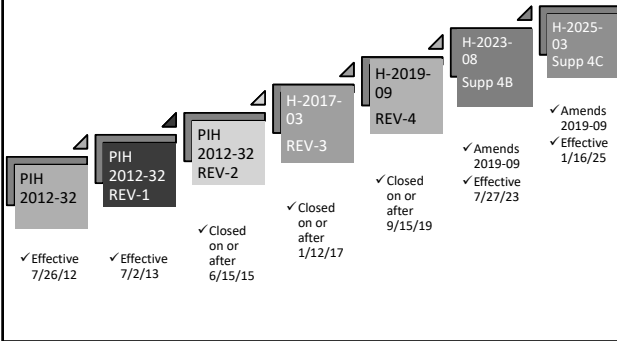
- Capital needs backlog in Public Housing estimated to be \$115 billion
- HUD launched RAD to assess effectiveness of converting PH units (and other programs) to long-term project-based Section 8
- From November 2011 to current:
 - \$22.37 billion in capital has been added to PH properties through RAD
 - 1,771 Properties have converted
 - Average of \$92,599 per unit
 - 241,626 rental units closed to date
 - Estimated 548,818 residents
 - 544 projects covering 58,497 units are currently in the RAD pipeline

RAD Rules and Requirements

- Regulations at 24 CFR 880 (as amended for RAD) apply to RAD PBRA properties
- Some rules for “regular” PBRA are different or do not apply to RAD
 - This class will refer to “regular” and “RAD” PBRA
- Units are no longer Public Housing after conversion
 - Major point of confusion for some PHAs
- Some Public Housing rules apply in perpetuity to RAD properties



RAD Notice Timeline




MORs and the RAD Notice

- In general, the date the HAP contract is signed (“closing”) determines which RAD Notice each RAD property is required to follow
 - But some provisions, like Zero HAP rules, are applicable to all properties regardless of closing date
- A full MOR should be conducted within 6 months of the effective date of the HAP contract
 - It is important for MOR purposes to know, and have available, the notice that applies to that property


RAD PBRA Reference

- ***RAD Policy Quick Reference Guide to Multifamily Housing (PBRA) Requirements***
 - Current version dated November 2023
 - Older versions also available



What is Moving To Work (MTW)?

- Allows some PHAs exemptions from some existing public housing and HCV regulations and provides funding flexibility
- Currently, 139 MTW PHAs nationwide
- MTW is not applicable to PBRA
 - None of the program flexibilities under MTW apply after conversion to converted properties
 - This has been a point of confusion for many PHAs





HAP Contract, UAs, & Rent Adjustments

Mandatory Contract Renewal

- Initial term of the HAP contract is 20 years
- After the initial term, at each contract renewal, HUD must offer, and the O/A must accept a contract renewal
 - Subject to appropriations

Mandatory Contract Renewal

- RAD sites have all the same options for contract renewal that any other PBRA property has except RAD sites may not opt-out
- The renewal contract must have contract rents set in accordance with the renewal options available under MAHRAA

HAP Contract

- Future changes in HUD requirements that are inconsistent with a RAD PBRA HAP contract are not applicable
- At MOR, the HAP contract will be reviewed

Rent Comparability Study (RCS)

- RCS is good for 5 years if:
 - It was used to establish initial rents;
 - It was used to justify a rent increase in excess of 140% of FMR
- In this case, the O/A must procure and pay for the report



Initial Utility Allowance (UA)

- In general, the initial HAP contract uses the current Public Housing UA
 - However, it is possible for a RAD site to use a different UA after conversion
- See Attachment 1C of RAD notice for details



**Post-Conversion
Utility Allowance (UA)**

- After conversion, O/A must follow Notice H-2015-04
 - For properties not undergoing rehab, O/A must use Notice H-2015-04 and establish a baseline analysis beginning with the first contract anniversary after the RAD conversion
 - If properties are undergoing rehab, Notice H-2015-04 is effective when the property is occupied and obtains 12 months of consumption data



**Post-Conversion
Utility Allowance (UA)**

- Having to collect actual usage data is new to RAD PBRA properties, and many are behind or do not collect the proper releases for the utility companies to give them the data
 - O/A needs to reach out to the providers and confirm what release is required to obtain the resident's usage data
 - It is best practice to obtain the release at initial lease signing, if applicable



Adjusting Contract Rents

- Rents are adjusted annually at the HAP contract anniversary date only by HUD's OCAF, subject to appropriations and the Maximum Rent
 - In general, there is no option for budget-based adjustments
 - There is no option for early termination
 - OCAF excludes the portion of contract rent that is committed to debt service payments



Adjusting Contract Rents

- Maximum Rent is the higher of:
 - 140% of FMR – UA
 - Market rent
 - As established by a RCS which is only used to justify rent that exceeds 140% of FMR



Adjusting Contract Rents

- In extraordinary circumstances, O/A may request a waiver of the rent adjustment by OCAF and instead receive a rent adjustment by an “alternative operating cost factor”
- Must submit a request to HUD’s Office of Recapitalization with documentation
 - Does not go to the CA or HUD AE
 - See Notice H-2025-01



Issues with Adjusting Contract Rents

- In some cases, early RAD rents were set well below market and some sites are struggling to cash flow
- To date, HUD field offices have been responsible for processing rent adjustments and UA changes for RAD properties
- Nationally, there have been many problems with the annual processing of rent adjustments
- Some properties have gone 5 years or longer without getting the annual adjustments processed
- This will be an area that O/As will need guidance on expectations and process for requesting





Zero HAP Families

Zero HAP Families

- Zero HAP = A family’s TTP exceeds the gross rent for the unit
 - Gross rent = contract rent for the unit + UA
- HUD has changed how these rents are calculated three times:
 - Between 2012 and January 11, 2017 (REV-1 and REV-2)
 - Between January 12, 2017, and July 27, 2023 (REV-3 and REV-4)
 - After July 27, 2023 (Supp 4B)
- All properties now follow Supp 4B, but older certifications will follow older notices
 - Supp 4C did not make any changes in this area



Between 2012 and 1/11/17
REV-1 and REV-2

- Applicable to both in-place residents *and all new admissions thereafter*
- When TTP exceeds gross rent:
 - Owner may not process a termination of assistance
 - Tenant rent = 30% of household adjusted income (TTP) – UA
- HUD did not allow for zero HAP families at PBRA/LIHTC sites where rents must not be more than the LIHTC max




Example

- Contract rent: \$850
- UA: \$50
- Family’s TTP: \$4,000
- \$850 contract rent + \$50 UA = \$900 gross rent
- Family’s TTP exceeds the gross rent
- \$4,000 TTP - \$50 UA = \$3,500 tenant rent




Zero HAP Families
REV-1 and REV-2

- Tenant is still considered a Section 8 tenant
- Annual and interim recertifications must still be conducted
- Do not process through TRACS/EIV
- OCAF increases still apply
- If income decreases, assistance may be reinstated
- To move a new family into the property, households must be under the income limit and HAP must be paid



Between 1/1/17 and 7/27/23
REV-3 and REV-4

- Applicable to both in-place residents *as well as for new admissions*
- When TTP exceeds gross rent:
 - Owner may not process a termination of assistance
 - Tenant rent equal to the lesser of:
 - TTP (which is not capped at gross rent) - UA
 - Any applicable maximum rent under LIHTC regulations
 - No allowance for things like HOME etc.




Example

Contract rent: \$955
UA: \$65
Family's TTP: \$1,350

\$955 contract rent + \$65 UA = \$1,020 gross rent
Family's TTP of \$1,350 exceeds the gross rent

\$1,350 TTP - \$65 UA = \$1,285
LIHTC max = \$1,219
The lesser of the two = \$1,219




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Zero HAP Families
REV-3 and REV-4

- The notice did not say that the “lesser of” cannot be less than the gross rent and does not mention the FMR
- This allowed for rents to be capped at the LIHTC max
- In this case, when a family is zero HAP, they could be paying less than the gross rent




Zero HAP Families
REV-3 and REV-4

- Tenant is still considered a Section 8 tenant
- Tenant retains rights under the model lease
- Annual and interim recertifications must still be conducted
- Do not process through TRACS/EIV
- OCAF increases still apply
- If income decreases, assistance may be reinstated
- To move a new family into the property, households must be under the income limit and HAP must be paid



After 7/27/23
Supplement 4B

- Applicable to both in-place residents and new admissions to the project *during the initial term of the contract*
- When TTP equals or exceeds gross rent, tenant rent equals the Alternate Rent
- Supp 4C did not make any changes to zero HAP rules



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Alternate Rent

Supplement 4B

- The Alternate Rent is the lower of:
 - TTP - UA (subject to any required phase-in); or
 - Zero-HAP Rent Cap; which is the lower of:
 - Applicable FMR* - UA; or
 - If the unit is subject to a more restrictive rent setting requirements (LIHTC, HOME) the rent to owner set to comply with those requirements

Note: If the "lesser of test" results in a Zero-HAP Rent Cap that is below the gross rent, then TTP is capped at the gross rent for the unit.


*may be SAFMR



Example #1

Contract rent: \$955
UA: \$65
Family's TTP: \$1,350

\$955 contract rent + \$65 UA = \$1,020 gross rent
Family's TTP of \$1,350 exceeds the gross rent




Example #1

Gross rent = \$1020
LIHTC max = \$1,219
FMR = \$1,013

To calculate tenant rent, pick the lesser of:
\$1,350 TTP - \$65 UA = \$1,285
Zero-HAP Rent Cap:
LIHTC max = \$1,219
\$1,013 FMR - \$65 UA = \$948

Family pays lesser of \$1,285; \$1,219; or \$948

In this case the final rent would be \$1020 (never less than gross rent)



Example #2

Contract rent: \$955

UA: \$65

Family's TTP: \$1,350

\$955 contract rent + \$65 UA = \$1,020 gross rent

Family's TTP of \$1,350 exceeds the gross rent



Example #2

Gross rent = \$1020

FMR= \$1,219

LIHTC max = \$948

To calculate tenant rent, pick the lesser of:

\$1,350 TTP - \$65 UA = \$1,285

Zero-HAP Rent Cap:

FMR \$1219 - \$65 UA = \$1,154

LIHTC max= \$948

Family pays lesser of \$1,285; \$1,219; or \$948

But in this case the rule says they will pay \$1020 which is in direct violation of the LIHTC rule



Zero HAP Families
Supplement 4B

- Tenant retains rights under the model lease
- Annual and interim recertifications must still be conducted
- Do not process through TRACS
 - But may be required in the future after 203 A
- No mention of EIV in the notice
- OCAF increases still apply
- If income decreases, assistance may be reinstated
 - O/A will create an IC and that will be their new AR date
- All families who would otherwise qualify for assistant in the unit, must be admitted



Zero HAP Families

- It is our understanding, that at this time, some software providers will product two 50059's in these cases and some do not
 - 1 that will do the actual TTP calculation- not sent to TRACS
 - 1 that is a TI that will be sent to TRACS
 - After 203A this should be corrected and the work around no longer needed



Zero HAP Families

- Note that in most software systems, once you terminate someone in PBRA, they will no longer be tracked for AR
 - O/As will need to make sure these households are still being tracked and ARs are still being completed



Zero HAP Families

- If the Household has to have an IR and the TTP results in the family still being zero HAP, the 50059 will need to be in the file but will not be sent to TRACS
 - If site software will not produce theses AR/IR certifications, HUD instruction is to complete a 50059 manually for the file



Summary

2012- 1/11/2017
REV-1 and REV-2

- TTP - UA

1/12/17 – 7/27/23
REV 3 and REV-4

- Lesser of:
 - TTP (which is not capped at gross rent) – UA
 - Applicable LIHTC maximum

After 7/28/23
Supp 4B

- Never less than gross rent
- Lesser of:
 - TTP (subject to phase-in) – UA; or
 - Zero-HAP Rent Cap; lower of:
 - Applicable FMR – UA; or
 - LIHTC or HOME rent

Zero HAP Worksheet

A	B	C
Zero HAP Calculation Worksheet		
Contract Rent:	\$937.00	
Utility Allowance:	\$65.00	
Gross rent:	\$1,002.00	
FMR:	\$1,113.00	
FMR-UA:	\$1,048.00	
TTP:	\$1,427.00	
TTP-UA:	\$1,362.00	
LIHTC Max Rent:	\$956.00	50% unit
LIHTC - UA:	\$891.00	
Lesser of Rent:	\$891.00	
Final Rent:	\$1,002.00	
*Note: the HUD rule could make the unit out of compliance with LIHTC if a zero HAP rent is more than the max LIHTC rent. The formula is written in accordance with the HUD rule.		
Completed By:	H. Sievers	
Property Name:	Bayview	
Unit #:	7 N14409	
Resident Name:	Nett	
Cert Type:	AR/TI	
Effective Date:	2/1/2024	

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Funding and Rehab Assistance

Rehab Assistance Payments

- During the period of rehabilitation or construction as identified in the RCC the O/A can receive RAD Rehab Assistance Payments (RAP)
 - HAP contract will detail the payment amounts per unit and length of time
 - Must be requested by the O/A
 - HUD does not automatically pay these funds



Rehab Assistance Payments

- Payments are for units vacant due to rehab/construction
- Funds are considered operating income
 - No funds will be paid for occupied units
 - Monthly amounts pro-rated for partial months of occupancy



Rehab Assistance Payments

- To request these funds:
 - In the year of conversion:
 - Part of the initial year funding tool
 - In the year after conversion:
 - Complete a RAP summary form (created by the O/A)
 - Create an OARQ on the monthly HAP voucher
 - Submit to HUD for payment



RAP Invoice Template

A	B	C	D	E	F
Property Name			INVOICE		
			INVOICE NO. 0001		
			VOUCHER MONTH		
			Section 9 Contract Number		

NOTE: The invoice was created in arrears in order to be able to prorate the requests after the fact instead of asking for the full month and then reporting adjustments on a later request.

Unit Number (max allocation is ____ units through ____)	Monthly Allowance	Payment Start Date For Unit	Payment END Date For Unit or From HAP Contract	LINE TOTAL

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TRACS and Vouchers

TRACS Submissions

- RAD properties historically have sent their tenant data and voucher requests directly into TRACS
 - Source of a lot of errors
 - Some O/As have gone months without payments due to unacceptable TRACS compliance percentages
 - Anticipate a lot of additional guidance needed

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Year of Conversion

- RAD properties will not begin to receive payments through the Multifamily system until January 1 the year following conversion
- This time is called *the year of conversion*
 - Example:
 - HAP contract is effective 7/1/24
 - MF HAP will not begin paying until 1/1/25
 - 7/1/24 – 12/31/24 is the year of conversion

Year of Conversion Funding

- During the year of conversion, the O/A is spending down the money they were paid under the Public Housing program
 - In PH, PHAs are not paid monthly as in PBRA
 - No subsidy is received during this time

Year of Conversion Requests

- During the year of conversion, O/As must submit vouchers with a \$0 payment request
 - Enter a *Miscellaneous Accounting Request (OARQ)* to zero the amount out
- These zero-sum vouchers **MUST** be submitted during the year of conversion
 - If it is not zero, it will be rejected in TRACS

Voucher Payments

- Even though HUD requires these zero-sum vouchers to be submitted, no one has been checking to ensure it happened, and no penalties were assessed for noncompliance
 - But on January 1, HAP payments are delayed if they did not get their TRACS compliance percentage above 90% by that date



Voucher Payments

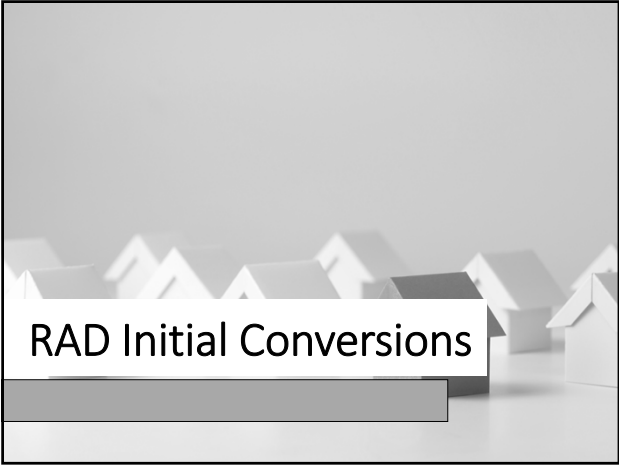
- It is worth noting that CAs have been told that the site software cannot provide a baseline to the CA to get the properties into the CA software when moving into the PBCA portfolio
- This is against the HUD regulation in the MAT guide and has been the source of delayed payments and additional work



Voucher Payments

- It is a good idea to contact any RAD property coming into the PBCA portfolio to ensure they are working with their software provider early
 - This will help prevent delayed payments to the extent that is possible





Removing Residents from PIH

- In order to remove residents from PH and PIC, the O/A must:
 - Send an End of Participation (EOP) for each household to PIC
 - This is the PIH version of a MO
 - Create a new IC and send to TRACS
 - Create a Multifamily (MF) file
 - Can move certain documents from the PH file



Initial Certification

- When converting existing household to RAD an Initial Certification (IC) must be created and submitted to TRACS
 - Total Tenant Payment (TTP) that was in place on the last 50058 before conversion must match the TTP on the IC 50059
 - Residents retain their recertification date listed on the last 50058 as well



RAD Initial Certification

- When creating the IC for each household, O/A must set the “do not check eligibility” code in TRACS



RAD Conversions

- Some information that is required to be submitted on the 50059 is not collected on the 50058
 - O/A is required to complete these fields to create the initial certifications (IC)



RAD Conversion 50059

- | | |
|----------------------------|-----------------------------------|
| ▪ Subsidy type | ▪ Previous subsidy type |
| ▪ lmax ID | ▪ Unit transfer code |
| ▪ Previous household code | ▪ Security deposit |
| ▪ Displacement status code | ▪ TTP at RAD conversion |
| ▪ Effective date | ▪ Family has mobility disability |
| ▪ Anticipated voucher date | ▪ Family has a hearing disability |

RAD Conversion 50059

- Project move in date
- Certification type
- EIV indicator
- Household citizenship
- TTP
- Extenuating circumstances code
- Family has a visual disability
- Number of non-members
- Expected family addition
- TTP override
- Rent override
- Eligibility check not required

RAD Conversion 50059

- Best practice to add a place holder to the file in this section to explain the household was in place at the time of conversion and therefore may be missing the following:
 - Household questionnaire
 - Verifications of income, assets and expenses





AR/IR Corresponding to Conversion Date

- There may be an AR or an IR that is supposed to be effective on the same date as the conversion IC
 - Recertifications must still be completed





AR/IR Corresponding to Conversion Date

- The O/A must:
 - Create the IC using the most recent 50058
 - Does phase-in apply?
 - Sign and send to TRACS
 - After TRACS has accepted the IC and it shows as current, correct the conversion IC using the new income data from the AR or IR




AR/IR Corresponding to Conversion Date

- Make sure that it is done as a correction (CR) to the Initial (IC)
 - Not an Interim (IR) or Annual (AR)
 - If the CR is due to AR, make sure to move forward the next recert date
- If phase-in is applicable, make sure the rules are applied to the CR



AR/IR Corresponding to Conversion Date

- Send the CR to the IC to TRACS
 - Check the AR date to ensure it is showing as due at the right time the next year
 - i.e. a November 1, 2024, conversion would show the next AR as due November 1, 2025



What should you look for?

- Audit to ensure the AR or IR is completed according to these procedures, by executing a corrected initial certification
 - Check any AR or IR done on the first of the month after the conversion IC is done
 - Compare the effective date with the tenant’s actual anniversary date or the first of the month following the action that caused the IR

Audit the Initial 50059

- For in-place residents at the time of conversion, IC is effective the date of the HAP contract
 - Must be signed on or before that date
 - Regardless of the effective date of the IC, the AR will also need to match the 50058
- While not common, it is possible the UA changed on the effective date
 - If there was an increase in the Tenant Rent, the residents must have been given 30-day notice



Summary

- What’s the takeaway?
 - Some properties fail to follow the proper procedure for ARs or IRs due on the same date as the conversion IC
 - Instead of doing a correction to the IC, they create an AR or IR effective the following month
 - This has a negative effective on the TRACS compliance %



Over-Housed

- If, at conversion, an in-place family is occupying a unit that is too large, the family may stay in their unit until the next available appropriately-sized unit becomes available at the project

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Over-Housed

- Family must move to appropriately sized unit within a reasonable period of time (30 days) when the O/A gives notice that an appropriate unit is available
 - Or pay market rent on the current unit
 - O/As cannot evict for failure to move, only terminate assistance

Audit for Over-Housed

- It is very common for PH tenants to be over-housed at the time of conversion
 - No ability to terminate assistance but not evict in PH
 - PHAs do not necessarily understand that this is a *must* not a *may*
- Audit the waitlist to ensure they are being right-sized or at least have been added to the waitlist for the right-sized unit

Choice Mobility

- Residents have a right to move with tenant-based rental assistance (housing choice voucher (HCV)) the later of:
 - 24 months from date of execution of the HAP or
 - 24 months after the move-in date
- Some exceptions granted by HUD

Turnover Vouchers

- When a voucher holder leaves the HCV program, it typically makes a HCV available for another household
- PHAs issue these vouchers to families they pull from their waitlist

Optional Cap

- Not required to provide more than 1/3 of PHA's turnover vouchers to residents wishing to move
- May create a cap, not required
 - O/A and PHA must agree to create cap
- If a cap is created, a waiting list must also be created
 - In order in which request were received

Choice Mobility Limit

- In any year, O/A may limit the number of Choice Mobility moves to 15% of the assisted units in the project
- May create a limit, not required
- If a limit is created, must also create a waiting list
 - In order in which request were received

Choice Mobility

- Voucher agency must maintain a written agreement with the owner describing:
 - How the Choice Mobility option will be administered
 - Process by which households requests a voucher
- Choice Mobility and how it will be administered must be in the House Rules

Choice Mobility

- Not every RAD PBRA property has Choice Mobility
- It is possible that the O/A could have gotten a “good cause” exemption from HUD
- If this is the case, audit to ensure they have the written waiver from HUD

Good Cause Exemption

- HUD will consider requests for good cause exemptions only from the following types of PHAs:
 1. Public housing–only agencies
 2. Combined agencies that currently have more than one-third of their turnover vouchers set aside for veterans



Transfers

- Under PH, residents are allowed to transfer from one PH project to any other PH project in the PHA's inventory
 - May transfer to any unit for which they qualify within the PH program
- This is not the case in PBRA, even when there are VAWA requests
 - Unless the AE has approved a VAWA preference at the property
 - VAWA Emergency Transfer Plan should be reviewed to ensure proper application of the rule



Emergency Transfer

- **Per HUD MF VAWA FAQ:**
 - If a unit within the current property (Property A) is not deemed to be a safe unit, the resident may request help in moving to another property (Property B). However, if Property B has not adopted a preference VAWA, then the tenant that was at Property A will become an applicant at Property B and will be placed at the end of Property B's waiting list.

Emergency Transfer

- **Per HUD MF VAWA FAQ Cont.:**
 - To accept an external transfer, Property B must follow established screening guidelines to ensure the new applicant meets eligibility criteria. Qualifying for an emergency transfer does not guarantee continued assistance under the program or an external transfer to another covered housing program. The emergency transfer requirements do not supersede any eligibility or occupancy requirements that apply under a covered housing program.



Applications

- For households that were in-place at the time of conversion, the following documents will not be in the resident file:
 - Application
 - Background check
 - Existing Tenant Search
 - Landlord reference
 - Application approval letter



Best Practice

- It is a best practice to include a place holder in these files for this section explaining that they were an in-place family and note what documents are missing



Form HUD-92006

- PH uses the same OMB-approved supplement to the application form (Form HUD-92006) as PBRA
 - For households in-place at the time of conversion, O/A may:
 - Move forward the current version (1 per adult household member)
 - Collect new ones at lease signing



Form HUD-92006

▪ If the 92006 is moved forward, it should be noted on the place holder in the conversion file


▪ O/A can also move forward:

▪ Copies of Social Security cards

▪ Copies of unexpired photo IDs (if required)

▪ Copies of birth certificates

▪ Proof of security deposit paid




Establishment of the Waiting List

▪ O/A may use project-specific or community-wide waiting list

▪ Transition from PH to PBRA waiting list depends on what was used and what owner will operate after conversion

▪ H-2019-09 (REV 4)




Establishment of the Waiting List

▪ Creation of the list done using existing PH rules

▪ Including posting/notification requirements

▪ May use a lottery system

▪ After the initial waiting list is established, the O/A must administer the list under standard PBRA rules (except that lists may be community-wide)



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Establishment of the Waiting List

- Whether the list will be site-based or community-wide, the O/A must maintain the list in accordance with applicable civil rights and fair housing laws and regulations

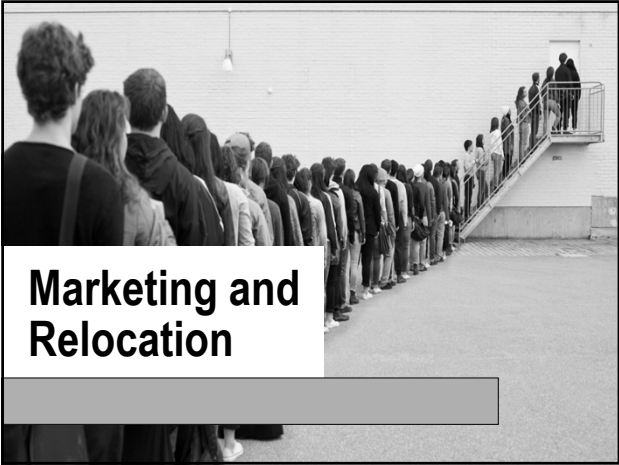


Auditing Community-Wide Lists

- If the O/A chooses a community-wide waiting list, be prepared to learn how they manage that list
 - The order offers are made for each property should be spelled out in detail in their TSP

Auditing Lottery Systems

- If the O/A chooses to use a lottery system, be prepared to learn how they manage that system
 - TSP should address:
 - How are groups of applicants notified about an available unit?
 - What's the deciding factor for which applicant gets that unit?
 - What happens with the applicants that don't get that unit?



Affirmative Fair Housing Marketing Plan (AFHMP)

- Was approved as part of the RAD conversion closing package
- PHAs have always had an AFHMP, but it worked differently
- New for O/As, marketing in accordance with this type of plan

Updating the AFHMP

- Also new, is the requirement to review and/or update and obtain HUD approval:
 - Every 5 years; or
 - When local community development jurisdiction's consolidated plan is updated; or
 - When the O/A sees the need for an update



Updating the AFHMP

- Any time AFHMP is updated, must submit to HUD for approval before use
- If AFHMP doesn't need to be revised, maintain a file documenting:
 - What was reviewed
 - What was found
 - Why no change was required



AFHMP

- It is common for a O/A to keep community-wide wait lists and/or to have them closed for long periods of time
- In these cases, while the wait list is closed, the O/A would not have marketed the property



AFHMP Requirements

- O/A may not market or lease any unit not occupied by a household exercising its right to remain or return to the covered project prior to approval of the AFHMP
 - Marketing or leasing includes the solicitation, distribution, or acceptance of applications or development of a waiting list
 - See Notice H-2019-09 (REV 4)



AFHMP Requirements

- Remember to audit for any applications taken, additions to the waiting list, or any marketing efforts between the time the owner signed the RAD Conversion Commitment (RCC) and the time the property’s AFHMP was approved
 - These activities are prohibited during this time

Relocation Notice H-2016-17

- Current relocation notice is H-2016-17
- Effective date: November 10,2016



Relocation Notices for Families

- HUD established a series of notices to residents that are mandatory regarding RAD relocations
 - Must be delivered either in person or by certified mail with return receipt requested
 - There are specific times these notices must be delivered



Required Relocation Notices

- 1. RAD Information Notice (RIN)
- 2. General Information Notice (GIN)
- 3. Notice if Intent to Acquire (if applicable)
- 4. RAD Notice of Relocation (if applicable)
- 5. URA Relocation Notice of Eligibility (if applicable)
- 6. Notification of Return to Covered Project (if applicable)



Resident Log

- Resident log for tracking all relocations is also required
- Notices and log will be subject to a compliance review during the MOR
- Refer to Notice H-2016-17, Section 6.6 for details
- Audit the log to ensure it is/was maintained in accordance with Notice H-2016-17



Summary

- The relocation notice is 80 pages long so be prepared to learn these details
- Refer to Notice H 2016-17, Sections 6.6.A thru 6.6.F and Section 6.9. for details
 - Footnotes in these sections provide a lot of information and examples

Summary

- Audit the RAD relocation notices sent to families to ensure:
 - They were sent in accordance with the timelines established in Notice H-2016-17
 - They contain all information required in Notice H-2016-17

Summary

- Copies of the relocation notices sent to families should be in the resident file for those households that were in-place at the time of conversion
 - If they are not in the resident file, they should be in a place that allows them to be easily reviewed at MOR



Relocation Planning Activities

Stage	Activities
1. Prior to submission of RAD application	<ul style="list-style-type: none">▪ Determine potential need for relocation in connection with proposed conversion plans.▪ Meet with residents to discuss proposed conversion plans, communicate right to return, and solicit feedback.▪ Provide the <i>RAD Information Notice</i> (RIN) to residents as described in Section 6.6(A) of this Notice.
2. After submission of RAD application	<ul style="list-style-type: none">▪ Assess the need for relocation planning in connection with proposed conversion plans. Determine if technical assistance would be beneficial to ensuring compliance with relocation requirements.▪ Survey residents to inform relocation planning and relocation process.▪ Develop a relocation plan (see Appendix II for recommended content).▪ Prepare Significant Amendment to PHA Plan and engage with the Resident Advisory Board, residents and the public regarding Plan amendment.¹⁰
3. Following issuance of the CHAP, or earlier if warranted	<ul style="list-style-type: none">▪ Provide the <i>General Information Notice</i> (GIN) to residents when the project involves acquisition, rehabilitation, or demolition as described in Section 6.6(B) of this Notice and relocation may be required.
4. While preparing Financing Plan	<ul style="list-style-type: none">▪ Discuss the outlines of the conversion plans and their impact on relocation with the HUD transaction manager.▪ Refine the plan for relocation and integrate the construction schedule into the relocation strategy; seek to minimize off-site or disruptive relocation activities.▪ Identify relocation housing options.▪ Budget for relocation expenses and for compliance with accessibility requirements.▪ Submit the Checklist and, where applicable, the relocation plan.▪ If the conversion involves acquisition, at the discretion of the Project Owner issue Notice of Intent to Acquire (NOIA).▪ If a NOIA is issued, at the discretion of the Project Owner provide residents with appropriate relocation notices as



Relocation Planning Activities

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



Relocation Notice H-2014-09

- For deals closed prior to Nove 2016, Notice H- 2014-09 applies
- Much less required for resident notification





Designated Developments

- Common in public housing to have designated developments for elderly and/or disabled families
- In PBRA, O/A may not establish or, even if previously approved under PH rules, maintain a designation for elderly families or disabled families

Preferences

- However, with HUD AE approval, O/A may adopt a selection preference which permits those applicants to be selected from the waiting list and housed before other eligible families
 - Example: A preference for elderly families



Owner-Adopted Elderly/Disabled Preferences

- To implement the preference, the O/A must show:
 - The property was originally designed for occupancy for elderly and/or disabled families
 - and
 - They received AE approval prior to implementing the preference
- O/A must have proper documentation during the MOR

Preferences



- Any preference adopted as part of the conversion that will alter the occupancy of the property is subject to an upfront civil rights review during the RAD conversion process



Preferences

- Preferences must be submitted to the HUD Account Executive (AE) prior to the execution of the HAP contract
- If the O/A intends to implement a preference for new move-ins immediately following conversion, approval must be secured prior to conversion
- HUD approval of preferences should also be obtained prior to securing tax credits

Preferences

- Preferences that require HUD AE approval prior to execution of the HAP contract include, but are not limited to:
 - Elderly families
 - Near-elderly single persons
 - Near-elderly families

Auditing for Preferences

- If there are preferences listed in the TSP:
 - If they are applied immediately following conversion, review the HUD approval letter for the preferences to ensure the property received approval prior to conversion
 - If they are implemented later, review to ensure approval was obtained prior to actual implementation

Auditing for Preferences

- Common finding that O/As implement preferences without obtaining written approval from the AE
 - Assumed that when they submitted their TSP to the RAD conversion coordinator, this was approval, but HUD has been clear this is not
- A review of the wait list is also suggested to ensure preferences are not been given without approval



Initial Certification

- In-place tenants at the time of conversion are protected from rent increases on the date of conversion
- If their TTP would be different from the 50058 on the IC, the O/A must use the rent override option in their site software for the creation of the initial IC



Rent Override

- If this is the case, the O/A can enter an alternate TTP and TRACS will accept it
 - Make sure the override flag is only set for the IC process, and the standard PBRA calculation rules apply after conversion
 - Unless the household is eligible for rent-phase in at their first AR or IR



Eligibility for Rent Phase-In

- In-place tenants at the time of conversion are eligible to have rents phased-in
- If *purely as a result of conversion*, the amount the tenant would pay for rent and utilities (TTP) would increase the greater of 10% or \$25
- Rent increase phased-in over 3 years or 5 years



Rent Phase-In

- O/A must develop a written policy for length of the phase-in period:
 - 3 years, 5 years, or a combination
 - Example, 3-year phase-in for smaller increases and a 5-year phase-in for larger increases
- Policy must be in place at conversion
 - May not be modified after conversion

Timing of Phase-in

- Eligibility for the phase-in is to be determined at the IC which occurs at the time the household is converted to PBRA
 - A phase-in must not be applied after the household’s IC
 - Not done at the first AR or IR but at IC
 - Source of confusion



Rent Phase-in

- Resident file should reflect this determination based on if the override function was used at IC and then tested against the 10% or \$25 threshold
- If rent phase-in applies, the O/A must override the regular rent calculation by noting “Y” in the rent override field of the 50059




Phase-In Examples

- Phase-in is applied differently depending on when the property closed:

2012 through 1/12/2017


After 1/12/2017



Example: 3-Year Phase-In

2012 through 1/12/2017


- At conversion: Match 50058 TTP
 - Determine if they are eligible for phase-in
- Year 1 (1st AR or IR after conversion): 33% of the difference
- Year 2: 66% of the difference
- Year 3: Full rent



Example: 5-Year Phase-In

2012 through 1/12/2017

- At conversion: Match 50058 TTP
 - Determine if they are eligible for phase-in
- Year 1 (1st AR or IR after conversion) : 20% of the difference
- Year 2: 40% of the difference
- Year 3: 60% of the difference
- Year 4: 80% of the difference
- Year 5: Full rent



Example: 3-Year Phase-In

After 1/12/2017

- At conversion: Match 50058 TTP
 - Determine if they are eligible for phase-in
- Year 1(1st AR or IR after conversion): 33% of the difference
- Year 2: 50% of the difference
- Year 3: Full rent



Example: 5-Year Phase-In

After 1/12/2017

- At conversion- match 50058 TTP
 - Determine if they are eligible for phase-in
- Year 1 (1st AR or IR after conversion): 20% of the difference
- Year 2: 25% of the difference
- Year 3: 33% of the difference
- Year 4: 50% of the difference
- Year 5: Full rent



Rent Phase-In

- Phase-in ends when:
 - TTP is equal to or less than the previous TTP
 - End of the 3-year or 5-year term
- Generally, households that are eligible for rent phase in are:
 - Flat renters
 - Mixed families
 - Foster families



What is Flat Rent?

- HUD requires PHAs to allow families residing in PH a choice of rent annually
 - Income-based rent (based on TTP)
 - Flat rent (generally based on 80% FMR)
- Flat rents act as sort of the cap for tenant rent in PH
 - Similar to contract rent in standard PBRA



Phase-In Example: Adam East

- Adam East is a former PH resident paying the \$500 flat rent at the time of conversion
- But his TTP should be \$1,000 based on PBRA calculation rules



Phase-In Example: Adam East

- Date of conversion: November 1, 2024
- O/A has selected a 3-year phase in for all units that qualify



Phase-In Example: Adam East

- When the O/A entered Adam’s income data into their site software, it was noted that the difference between Adam’s 50058 TTP and the calculated 50059 TTP meets the \$25 or 10% test
- Adam is determined to be eligible for rent phase-in



Phase-In Example: Adam East

- At conversion:
 - Rent override: Y
 - Total Tenant Payment: \$500
 - TTP before override:\$1000
 - TTP at RAD conversion: \$500
 - No change on the date of conversion
 - O/A determines at this time that Adam is eligible for rent phase in



Phase-In Example: Adam East

- At the first AR, Adam’s new rent calculation under PBRA rules shows an increase to \$1,100
 - TTP at AR: \$1,100
 - TTP at RAD conversion: \$500
 - = difference of \$600
 - \$600 x 33% = \$198



Phase-In Example: Adam East

- TTP at conversion: \$500
- Amount to phase-in: \$198
- Year 1 TTP: \$698
 - TRACS will be as follows:
 - Rent override: Y
 - TTP: \$698
 - TTP before override: \$1100
 - TTP at conversion: \$500



Phase-In Example: Adam East

- Year 2
 - Two months later, Adam loses his job, and his new rent calculation shows a decrease to \$600
 - More than it was at conversion, but less than the last TTP resident was paying
 - O/A will conduct the IR and submit the 50059 data to TRACS



Phase-In Example: Adam East

- End of the phase-in for Adam because the income change was due to a job change not “strictly as a result of the conversion”
- TRACS :
 - Rent override: blank
 - TTP: \$600
 - TTP before override: \$600
 - TTP at conversion: \$500



Phase-In Example: Adam East

- At all IRs or ARs after this, the rent override will be left blank
- The TTP before override and TTP at conversion lines will also be \$0 after this



Rent Phase-in Notice

- PHA must communicate phase-in policy to affected residents
- O/A should provide family with notification of their eligibility on the date of conversion
- Should be in the resident file for review
- Notice should include:
 - TTP under PBRA vs. TTP under PH
 - Phase-in percentages
 - Phase-in term
 - Rules for when phase-in would end
 - Reporting requirements



Auditing

- Audit to ensure that only eligible households are receiving rent phase-in and that the correct percentages are being used
 - There has been a lot of confusion from O/A on who qualifies and how to process and track this
- Review to ensure the O/A is tracking this process and correctly phased-in rents



Auditing

- When selecting file to QC or for MOR review, make sure to review reports from TRACS and select files that show rent overrides
 - Ensures a review of the O/A's phase-in process and policy





Eligibility

No Rescreening

- All in-place tenants at the time of conversion are eligible to remain in the unit and receive assistance
- Not subject to:
 - Rescreening
 - Income eligibility - even if they are over income at the time of conversion
 - Income targeting



No Rescreening

- Grandfathered in for conditions that occurred prior to conversion
- Subject to ongoing eligibility requirements for actions that occur after conversion
- Facilitates right to return to the property



No Rescreening

- This applies to current PH residents of the converting project that will live in non-RAD PBRA units placed in a project that has RAD PBRA units (during relocation)
 - Families will otherwise be subject to all requirements of the applicable program
 - Specifically, the PBRA requirements governing the applicable contract for non-RAD PBRA units





In-Place Families

- O/A should be able to produce a report from their software identifying existing households who were in-place prior to RAD conversion
- Once remaining household moves out, unit must be leased to an eligible family




Initial Certification

- When creating the IC for each household, the O/A will set the “do not check eligibility” code in their site software
- This will allow TRACS to accept over income, or otherwise non-qualified households




Audit Initial 50059

- For in-place residents at the time of conversion, the IC will be effective the date of the HAP contract
 - It must be signed on or before that date
- Regardless of the effective date of the IC, the AR will also need to match the 50058



Audit Initial 50059

- The last completed 50058 from PH must be in the file so that the auditor can compare to the IC to ensure:
 - TTP matches the 50058
 - UA matches the 50058 (if applicable)
 - AR date matches the 50058
 - Household members match the 50058



Audit Initial 50059

- While not common, it is possible that the utility allowance changed on the effective date of the HAP contract
- If there was an increase in the tenant rent, residents must have been given 30-day notice of the rent increase



Audit Initial 50059

- It is not uncommon in PH to have late recertifications
 - It has been noted in some reviewed files, that the last completed 50058 may be years old
 - In this case the IC still must match “the last completed 50058 on the PH file”



**IC and Change in
Income/Composition**

- If, when the family is signing the initial lease and 50059, they report that there have been household or income changes since the last completed 50058, the IC matching the last 50058 must still be completed
- Process an IR per the PBRA regulations based on the newly reported information



EIV Income Report

- Once the IC is completed and signed, it will be sent to TRACS
- TRACS will verify and then send to EIV
- When the household passes verification, their data will be visible in EIV
- O/A must run the EIV Income Reports 90 days post submission to TRACS



Income Limits

- Income limits for Multifamily Section 8 are properties based on date of initial HAP contract
- | | |
|-----|---------------------|
| 80% | Prior to 10/1/81 |
| 50% | On or after 10/1/81 |
- Extremely low-income limit for income targeting
 - New admissions use low-income limit (80%)
 - Treated as pre-1981 contracts
 - Not applicable to in-place families



Income Targeting

- In-place residents at time of conversion are not counted toward income targeting requirements
- New move-ins after the date of conversion will begin the income targeting unit count requirement

Income Targeting

- Could really matter if the HAP contract closed late in the year
- Monitor in this case to make sure that the move-ins that happen in the last few months of the property’s fiscal year are meeting the requirements
 - Especially for the first year after conversion



Social Security Numbers

- No later than the first full certification, the O/A must collect documentation of social security numbers
 - NMA has advised our clients to move forward, from the PH file:
 - Birth certificates
 - Social security number documentation
 - Any non-expired photo ID (if required)



Social Security Number

- Standard PBRA rules will apply after conversion
- Once the IC is sent to TRACS, the household members will be verified in EIV
 - If any households are returned as failed, the O/A is required to address and correct all discrepancies within 30 days



Citizenship Status

- No later than the first full certification, the O/A will need to collect:
 - Citizenship declarations for each household member
 - Owner’s summary of family
 - Family summary sheet
 - Owner’s notice
 - Any relevant SAVE documents including immigration documents
- Could be moved forward from the PH file

Citizenship Status

- While the same regulations apply for PH, the forms used are PIH OMB forms, and the documentation requirements are very different, therefore they can not be moved forward from the PH files, and can not be used after conversion
 - New forms will have to be created/completed under the PBRA rules



Race and Ethnic Data Form

- This form does not exist in PH, so this will be new for the O/A and households
- Some O/As may need guidance on how to complete the top portion of the form



Race and Ethnic Data Form

- At lease signing, the Race and Ethnic Data Collection form must be collected for each household member, regardless of age
 - This form is optional, but still must be in the file if the household declines to completed
 - Needs to be noted if the household declined to report



Student Status

- At conversion, families that would be subject to the student rule are grandfathered in, but...
- The student rule is an ongoing eligibility requirement, so...
- At the first IR or AR *after conversion*, families must meet student rule eligibility requirements or have their assistance terminated
 - Note: there is no student rule in PH so this will be the first time conversion households have been tested against any student rule



Live-In Aides

- Any documentation located in the PH file relating to the approval of a live in aide will need to be moved forward to the PBRA file



Live-in Aides

- For anyone added after conversion, a full application and background check (with the exception of the ability to pay rent) must be in file
 - May be denied for issues in their background
- Documentation a live-in aide was requested and approved must be in the file
- In PBRA, a live-in aide addendum is required
- Live-in aide must be added to the 50059



Reasonable Accommodations

- If the household has a reasonable accommodation/modification approved under PH, these documents should be brought forward to the PBRA file
 - Do not make the disabled household members request RA again



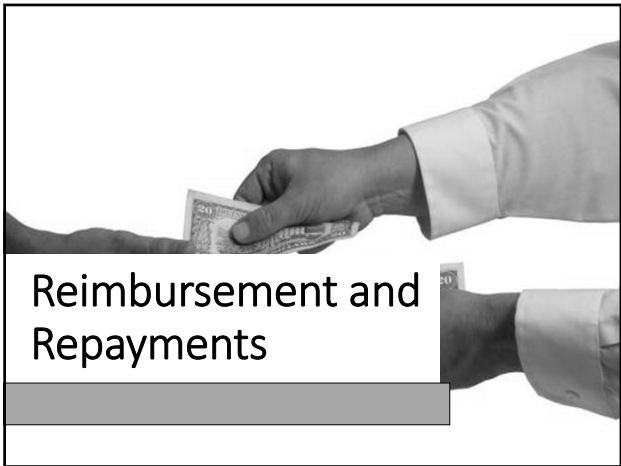
Summary

- When reviewing files for in-place families, see if the family was:
 - Rescreened at conversion
 - Subjected to income limits at conversion
 - Counted toward income targeting requirement
 - Grandfathered in for conditions that occurred prior to conversion; and
 - Held accountable for ongoing eligibility requirements
 - i.e. student rule

Summary

- When reviewing files for in-place families, see if the family:
 - Signed the lease and 50059 on or before the effective date of the HAP contract
 - Signed the race and ethnic data form
 - Has been verified through EIV
 - Had an IC created correctly
 - Had a rent phase-in applied correctly (if applicable)





Reimbursement and Repayments

Debts Owed by Residents

- If there are debts owed by the resident prior to conversion:
 - Money attributed to that time is out of control of MF
 - No recapture is needed
 - O/As may not add any debt under PH to resident ledgers under PBRA
 - Review to ensure debt was not moved from PH
 - i.e. past due rent, damage to the PH unit, past due late fee, etc.



Repayment

- Funds owed by the resident in the year of conversion
 - Money that is repaid is not returned through TRACS
 - O/A deposits the funds in the operating account
- Funds owed by the resident in subsequent years
 - Money is returned to HUD though the voucher adjustment process



EIV Debts Owed Module

- PIH version of EIV has a module called *Debts Owed to PHAs and Terminations*
- PHAs must enter information on families terminated from the HCV or public housing programs under adverse terms or owing a debt
- Once the property converts, O/A moves to the Multifamily version of EIV



Debts Owed Module

- HUD has been clear that the Debts Owed Module can not be used for MF files
 - Common to see these reports in the PBRA files
 - When auditing, ensure Debts Owed module is not used in the RAD PBRA files



Repayment Example

- RAD property with a HAP contract effective 7-1-24
- Resident misreported income on 5-1-24 AR for PH
- Resulted in a \$20 monthly overpayment
- Resident starts paying correct TTP on 2-1-25
- The total amount due for overpayment of subsidy is \$180
 - 9 month at \$20 per month



Repayment Example

Breakdown of amounts due:

May-June 2024	\$40	No action
July-Dec 2024	\$120	Deposited in operation account
January 2025	\$20	Returned to HUD



Audit

- Audit to ensure the property:
 - Didn't recapture any monies owed for periods prior to conversion
 - Collected and placed in their operating accounts any amounts owed for periods during the year of conversion
 - Collected and returned to HUD any amounts owed after the year of conversion



Resident with Unpaid Rent

- If a resident has unpaid rent, security deposit, or damages, it is up to the O/A to decide if they will allow a repayment agreement
- If the O/A allows as agreement for unpaid rent, no HUD regulation about what agreement must contain
 - State and local law apply
 - Recommended that the owner have a written policy for when this will be allowed



Resident Reimbursement to Owner

- Resident must reimburse owner if resident was charged a lower rent amount than they would have because they:
 - Failed to provide owner with changes in income or any other factor that would affect resident rent
 - Submitted incorrect information
 - Failed to report any income



Resident Repayment Options

- Monthly payment must be affordable
- Monthly payment plus resident's TTP should not exceed 40% household's monthly adjusted income
- To ensure payment amount is affordable, may have to extend repayment period



Resident Repayment Agreement

- All RPAs must include:
 - All retroactive amounts due
 - Any lump sum paid when RPA was signed
 - Monthly payment amount
 - References to applicable paragraphs in the lease



Resident Repayment Agreement

- All RPAs must include:
 - Clause stating terms of RPA may be renegotiated if household has an income increase/decrease of \$200 or more per month
 - State monthly RPA amount is due in addition to, not in lieu of, monthly rent



Resident Repayment Agreement

- All RPAs must include:
 - Language stating that late and/or missed payments constitute a default of the RPA and may result in termination of assistance and/or tenancy
 - Signatures and dates for both resident and owner



Repayment Agreement

January 9, 2025

Jane Doe
1234 Main St
Boise ID 12345

Dear Resident-

Failure to properly report income earned from 4/1/23 through 9/1/23 has resulted in a Housing Assistance Payment (HAP) overpayment of \$2580.00.

Per HUD Handbook 4350.3 REV-1 Chapter 7 Section 2: If the tenant does not comply with the interim reporting requirements and the owner discovers the tenant has failed to report changes as required under #15c reporting changes between regularly scheduled recertifications of the lease, the owner initiates an interim recertification. Owners must implement any resulting rent increase retroactive to the first of the month following the date that the action occurred.


To resolve this issue:

1. Within 10 calendar days from the date of this notice, you have the right to request a meeting with the owner to discuss the matter. Persons with disabilities have the right to request a reasonable accommodation to participate in the meeting.

2. Remit the amount due within 10 calendar days from the date of this letter (or)

3. Remit a minimum of the current amount due for the repayment plus the current tenant rent by the date listed below, along with the executed (signed and dated) repayment agreement.

I, Jane Doe, agree to reimburse a total of \$2580.00 for the Housing Assistance overpayment created by my failure to report income as required by my lease. I have made an initial payment of \$558.60 and will pay \$261.00 per month on the HAP overpayment in addition to my regular month tenant rent beginning October 1, 2023, through May 1, 2024.



I understand that failure to remit the monthly repayment amount in addition to the current monthly rent by the 5th day of the month in which the payment is due constitutes default of the repayment agreement and will result in termination of assistance and/or tenancy.

The terms of the agreement will be renegotiated if there is a decrease or increase in the family's monthly income of \$200 or more per month.

Current Amount Due:	Due Date:	Amount Paid:	Date Paid:
\$261.00	10/1/2023	_____	_____
\$261.00	11/1/2023	_____	_____
\$261.00	12/1/2023	_____	_____
\$261.00	1/1/2024	_____	_____
\$261.00	2/1/2024	_____	_____
\$261.00	3/1/2024	_____	_____
\$261.00	4/1/2024	_____	_____
\$194.60	5/1/2024	_____	_____

Resident Signature


Date

Resident Signature

Date

Owner/Agent Signature

Date




Repayment Agreements

▪ Lots of questions about repayment agreements, how they work, how they are reported to HUD

▪ It needs to be clear to the O/A what HUD requires

▪ Some O/A have submitted unpaid rent repayment agreements through the repayment agreement tracker on the HAP voucher

▪ This may be an area that needs some additional training





Move-In Inspection

- If the site went through rehab as part of the RAD conversion:
 - No move-in inspection until after work is completed in the unit
- If the site did not go through rehab:
 - Move-in inspection from PH should be moved forward to the PBRA file
- Either way, it is best practice to add a place holder to the file to note circumstances



Initial Lease Execution

- Must use the current HUD model lease
 - HUD 90105-A Model Lease for Subsidized Programs
- For in-place tenants, effective date of lease must equal HAP contract effective date
- Must be signed by O/A and all adult household members on or before HAP contract effective date



Lease Addenda


▪ At the time of the initial lease signing, the O/A will also need to obtain:

▪ RAD lease addendum

▪ VAWA lease addendum (one for each adult HH member)

▪ Lead-based paint disclosure form (if applicable)

▪ Provide LBP brochure and LBP disclosure



Lease Addenda

At the time of the initial lease signing, the O/A will also need to obtain:


▪ Pet Addendum (if applicable)

▪ House Rules

▪ Owner’s live-in aide addendum (if applicable)

▪ Owner’s police or security personnel addendum (if applicable)


▪ Utility company release form(s) (if applicable)



RAD Lease Addendum

▪ Since RAD’s inception, RAD PBRA properties have been required to incorporate additional resident rights into their Section 8 leases

▪ As of October 2024, to ensure residents are informed of their rights and to simplify the inclusion requirements, HUD created an updated RAD PBRA Addendum to the Section 8 Model Lease that can be a standard attachment to the Model Lease



- **Used in all RAD PBRA properties**
- **New RAD Lease Addendum updates the previously used House Rules**
- **All RAD-specific resident rights are incorporated into this new form**



- For residents in properties converted prior to October 2024, the addendum will need to be signed for all existing households at their next AR
- This new form incorporates:
 - The additional notification requirements
 - Grievance procedures
 - Choice Mobility



[illegible]

RAD Lease Addendum

- This form does not currently have an OMB number and therefore just a sample
- May have to be altered for things like a waiver to the Choice Mobility requirements
 - It is suggested to not alter any other part of the form, as that would require separate HUD approval



VAWA Lease Addendum

- Under PH, properties are not required to use this form
 - This will be new for all RAD PBRA residents
 - Remember that it is one per adult household member



HUD MF VAWA Q&A #26

- Clarified that each adult must sign the 91067 addendum and that the O/A is not allowed to add additional lines/alter the document
 - HUD is in the process of updating this form
 - Note that the stock version in Yardi has altered this form and added lines against the HUD requirements



VAWA MF Q&A #26

- Question: Is each adult household member required to sign a separate VAWA Lease Addendum (form HUD-91067) or can management add additional signature lines so all adult household members can sign just one form?
- Answer: Each adult household member must sign the VAWA Lease Addendum form. HUD will add additional signature lines in the updated VAWA Lease Addendum (form HUD-91067).



Lead-Based Paint

- Prior to signing the initial lease
- Lead-Based Paint Brochure
 - If applicable
- Lead-Based Paint Disclosure
 - Because of the RAD work, there will be new reports to provide



Lead-Based Paint

- It is somewhat common to have full remediation of LBP issues during the RAD rehabilitation activities
 - So even though there are many RAD properties built prior to 1978, they may no longer be subject to the LBP requirements
 - Properties must have the reports documenting the status of LBP at the property for review at MOR

Pet Rules

- Existing pets must be grandfathered into the property at RAD conversion
- O/As may restrict pets to households that were part of the conversion
- O/As are allowed to have a no pet policy after conversion



Pet Rules

- If the household had a pet approved under PH, the documentation should be brought forward for the PBRA file
- Only the actual pet that was approved in the unit on the date of conversion is grandfathered into the property

Pet Addendum

- If the O/A decides to allow pets, they must develop pet rules using the 4350.3 requirements
- If the household has a pet, or the O/A established a pet policy after conversion, the O/A must have lease addendum (HUD-approved) adding language regarding pets from 202 lease

House Rules

- For properties that converted prior to October 2024, RAD PBRA sites were required to have House Rules that included resident rights as listed in Attachment 1E of RAD notices
 - Termination notification
 - Grievance procedures
 - Choice mobility
- Now included on the RAD lease addendum



House Rules

- O/A may develop additional house rules consistent with HUD requirements
- At the time of the initial lease signing, O/A must provide a copy of the new House Rules to all households and obtain signature of receipt
 - Full copy of the house rules must be in the resident file, not just the signature page
 - House rules are new to RAD PBRA sites



Live-In Aide Addendum

- If the household had an approved live-in aide under PH, those documents should be moved forward from the PH file
- Household needs to sign the PBRA Live-In Aide Addendum
 - This does not have to be HUD approved, as it is already an approved attachment to the lease



Live-In Aide Addendum

- **Live-in Aide Addendum**
 - Must establish that a live-in aide is not eligible to remain in the unit once the tenant is no longer living in the unit
 - Regardless of the circumstances for the tenant’s departure
 - May give the O/A the right to evict a live-in aide who violates any of the house rules



Police and Security Addendum

- PBRA allows for units to be rented to police officers and security personnel and waive income requirements in certain circumstances
- Lease for units must include a provision that states that the police officer or security personnel's right of occupancy is dependent on the continuation of the employment that qualified him/her for residency in the property under the plan



Police and Security Addendum

- While this is allowed in PH, it does not exist in the same way
 - There is no model addendum in PH
 - The lease addendum does not have to be HUD- approved, as it is already an approved attachment to the lease



Auditing

- Audit to ensure there are no additional attachments or addenda to the lease without HUD approval
- In PH it is common for PHAs to have separate attachments or addendums (e.g.: No Smoking Addendum, Parking Addendum, etc.)
 - Generally, these are not HUD AE-approved and not in compliance with PBRA requirements



No Smoking Policies

- **Note:** as of July 31, 2018, all PH sites were required to have a no smoking policy implemented at all properties
 - Once they convert through RAD, this requirement goes away
 - O/A may continue with the no smoking policy or allow smoking again
 - If they continue, the policy must be added to the house rules and not a separate policy



Utility Company Release Form

- Under PH, the UA is not calculated based on actual usage
- After conversion, property follows PBRA rules for UA calculation
- While not a HUD requirement, as a best practice to understand the release of information requirements for the property’s utility provider(s), collect the release at lease signing



Information Given to Families

- Additionally, at initial lease signing, the O/A must provide copies of all of the following:
 - EIV & You Brochure
 - HUD 9887A Fact Sheets
 - Race and Ethnic Data form instruction pages
 - Fact Sheet – How Your Rent is Determined
 - Resident’s Rights and Responsibilities Brochure
 - Is Fraud Worth it?
 - VAWA 5380 and 5382



Information Given to Families

- The O/A will also need to collect:
 - Signed 9887/9887A
 - Executed General Release
 - Acknowledgement of receipt of HUD required documents (documents on previous slide)
 - Initial notice of recertification




**Security Deposits
In-Place Families**

- O/As may continue recognizing security deposits that have been previously provided by in-place tenants
- If in-place tenants were not previously required to provide a security deposit, O/As may not require one at conversion




Security Deposits In-Place Families

- For in-place families, O/A needs to move forward (or print for the file from their software) documentation of the security deposit collected under PH
- Also applicable to any pet deposit paid under PH



Security Deposits New Tenants

- Security deposit: Greater of one month's TTP or \$50
- Since HAP contract is effective after 1979, RAD PBRA properties are required to have security deposits kept in a segregated, *interest-bearing* account
 - This is likely new for them as well, and will be monitored on the model lease at MOR
- Local law governing interest earned on security deposits may differ



Other Occupancy Issues



Earned Income Disallowance (EID)

- Applies to adult family members who had an increase in earned income and met certain criteria prior to RAD conversion
- Tenants receiving EID at time of conversion continue to receive the exclusion until:
 - Break in employment
 - Ceases to use the exclusion
 - Exclusion expires (after 24 months)
- Rents are not phased-in, automatically adjusted to appropriate level

Earned Income Disallowance (EID)

- No family may qualify for the EID after conversion, as it doesn't exist in Multifamily
- HOTMA removed the statutory authority for the EID
 - Any family receiving EID prior to 1/1/24 continues to qualify
 - EID fully sunsets 1/1/26, even with the delays in HOTMA implementation, this part is still effective
- Documentation will need to be moved forward to the PBRA file for any household that was receiving the benefit prior to conversion

Late Fees

- HUD model lease states that an owner may collect late fees of:
 - \$5 late fee on 6th of month
 - \$1 a day for remainder of month until that month's rent has been paid (up to \$30)
- PH does not require late fees
 - Some PHAs do not charge late fees
 - No set amount for late fees in PH as long as they are reasonable



Late Fees

- It has been noted that after conversion some O/As are charging the new late fee structure, some are not charging any late fees, and some are still charging the old late fees they did under PH



**RAD PBRA
Anniversary Dates**

- In-place residents are not recertified at conversion
- Residents maintain the same annual date they had as PH residents
- Should complete initial 50059 certification using same information previously found on 50058



Annual Recertification Notification



Annual Recertification

- PH does not require four reminder notices
 - PBRA notification requirements and timing is all new to RAD properties
 - Termination of assistance without an eviction does not exist in PH

Termination and Grievance Process

- Additional requirements for termination notifications and grievances for RAD PBRA properties
- Must be included in the House Rules as an attachment to the lease
 - As of October 2024, in the RAD Lease Addendum
- Must follow some of the previous PH policy/procedures for termination notices and grievances

RAD PBRA: Notice of Termination

- The termination procedure additionally requires the O/A provide adequate written notice of termination of the lease which shall be:
 1. A reasonable period of time, but not to exceed 30 days for exigent issues related to health and safety
 2. Not less than 30 days in the case of nonpayment of rent; and
 3. 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



RAD PBRA: Notice of Termination

- In all other cases, requirements at 24 CFR 880.603, the Multifamily HUD Model Lease, and any other HUD Multifamily administrative guidance applies
 - Attachment 1E of H 2019-23 and all other RAD notices



Grievance Process

- HUD requires that residents be provided with notice of:
 - The specific grounds of the O/A proposed adverse action
 - Their right to an informal hearing with the O/A

Grievance Process

- Residents have an opportunity for an informal hearing with an impartial member of the O/As staff within a reasonable period of time
 - Many PHAs have hearing officers on staff

Grievance Process

- Residents have the opportunity to:
 - Be represented by another person of their choice
 - Ask questions of witnesses
 - Have others make statements at the hearing
 - Examine any regulations and any evidence relied upon by the O/A as the basis for the adverse action

Grievance Process

- With reasonable notice to the O/A, prior to hearing and at the residents’ own cost, residents may copy any documents or records related to the proposed adverse action
- O/As provide the resident with a written decision within a reasonable period of time stating the grounds for the adverse action and the evidence the O/A relied on as the basis for the adverse action

RAD PBRA: Grievance Process

- This is only applicable to RAD conversion properties
- It is not applicable to traditional PBRA properties, even if they are owned by a PHA
- But is applicable to all residents, not just in place households at the time of conversion





EIV for Multifamily

- EIV for Multifamily is different than for PIH
- MF rules for EIV are stricter than PIH rules
- MF EIV does not have some of the reporting capabilities PIH EIV has

EIV Access

- Must remove PIH access effective the execution date of the HAP contract
 - Contact EIV Coordinator at HUD
- Must obtain access to the Multifamily system within 90 days from the date the HAP contract is signed
 - Reliant on HUD getting them active in iREMS

EIV Master File

EIV master binders are not required under PH

Identity Verification Reports (Failed Pre-screening, Failed Verification)

Multiple Subsidy Summary

New Hires Summary

Deceased Tenant Report

This process is all new after conversion and O/As may need guidance on systems

EIV Master File

The same is true for permanent records binders

EIV Use and Security Policy

Original CAAFs and UAAFs

Security awareness questionnaire

Cyber Security training certificate

Any training or EIV use information (including who attended)

ROB

Use and Security Policy

Also new for O/As is the requirement for the EIV Use and Security Policy

O/As may need guidance on what is expected from this document and the initial review

What should you look for?

- Audit to ensure the O/A obtained access to EIV within 90 days of the HAP contract *signing*, not the HAP *effective date*
- Ensure the O/A had PIH EIV access removed effective the HAP Contract *signing date*, not the contract *effective date*



What should you look for?

- Discrepancies are resolved and properly documented within 30 days
- Property is pulling reports according to their EIV Policies
- Master binders are set up correctly and discrepancies are being addressed within the 30-day timeframe





**Family Self-Sufficiency (FSS)
Program**

- FSS program is being covered here because you are more likely to see the program on a RAD PBRA property
- Many PHAs have FSS programs and want to carry them over to Multifamily Housing after conversion



FSS

- In PH, PHAs are eligible to receive grants to fund their FSS Coordinator and Program Coordination Committee
- For the first time ever, from 2022 through 2024 Congress allocated some FSS grant funds for Multifamily O/As
- In MF, costs for the support of the FSS program for O/As who do not receive the grant can be paid from property's Residual Receipts



RAD PBRA FSS

- Current PH participants will continue to be eligible after conversion for the duration of the grant's period of performance
- PBRA O/As may administer their own FSS program, enter into a Cooperative Agreement with the PHA, another PHA, or another owner
 - Partner entity provides service coordination to PBRA participants



RAD PBRA FSS

- In all program administration scenarios, the Project Owner must submit an FSS Action Plan to HUD for approval upon RAD conversion where there are converted participants
- Under a Cooperative Agreement, the Project Owner must assume responsibility for the administrative duties associated with FSS



RAD PBRA FSS

- Project Owner may choose to continue to enroll new participants but is not required to
- If, upon conversion, the PHA no longer has PH or HCV, or if the PHA converts all units that were eligible for FSS and no longer wishes to run an FSS program, the FSS grant may be transferred to the PBRA Project Owner for the remainder of the FSS grant period of performance



RAD PBRA FSS

- Current PH participants will continue to be eligible after conversion for the duration of the grant's period of performance
- All current escrow funds will be transferred to PBRA escrow account
- PH grant funds cannot be used to provide services to MF new participants



FSS in PBRA

- **FSS program – Notice H 2016-08 and 2022 FSS final Rule**
 - Provides incentives and supports to help families increase their earned income and reduce their dependence on public assistance programs
 - Participation in the program is voluntary for owners and families
 - O/A may change the HOH on the 50059 to the person who executes the FSS Contract of Participation (CoP)



FSS in PBRA

- As long as the HOH participates, other adult family members may also
- Each participant must have their own Individual Training and Service Plan (ITSP)
- O/As establish escrow account for each family
 - Funded by HUD thru adjustments to HAP



FSS in PBRA

- The family gets the money in escrow when:
 - All HH members have been free of welfare assistance (TANF) for at least a year before expiration of the CoP
 - The family has fulfilled all obligations of the CoP (unless there was good cause)
 - The family has complied with the lease
 - HOH has sought and maintained suitable employment (there is no minimum employment period)



FSS in PBRA

- To ensure that HAP payments are processed correctly, and until TRACS is modified, the O/A must notify MF_FSS@hud.gov that there are current FSS participants residing in the RAD PBRA property

FSS in RAD PBRA Properties

- While conducting the onsite portion of the MOR, determine if the property has an FSS program, and if so:
 - Look at an FSS participant’s file and ensure the Contract of Participation (CoP) is properly executed
 - Look at the escrow documentation to determine if it is being calculated correctly



FSS in RAD PBRA Properties

- If the property is still in year one of the program, if an issue of noncompliance is found, make a comment in the MOR report with a recommended corrective action;
- In year 2, if there is a repeat issue of noncompliance, make it a finding with the appropriate corrective action



FSS in Multifamily Properties

- Until the new 9834 and MOR guidance is released, include any FSS comment or question where the Service Coordinator questions are





Resident Participation

Resident Participation

- Resident Advisory Boards (RABs) are required in PH
- Residents of RAD PBRA projects have the right to establish and operate a resident organization
- O/A must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate tenant organization



Resident Participation

- Resident participation funding applies to:
 - All occupied units
 - Units which would have been occupied if not for temporary relocation
- These funds must be used for resident education, organizing around tenancy issues, and training activities



Resident Participation

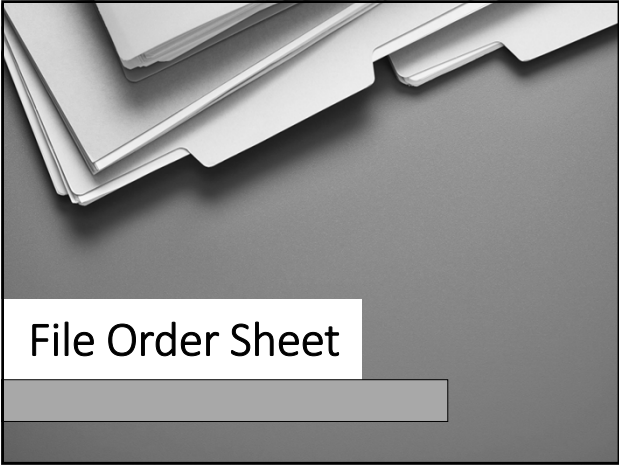
- Residents must make requests for these funds in writing
 - These requests will be subject to approval
- See PIH Notice 2013-21 for more detailed information



Resident Participation

- Some examples of allowable use of funds:
 - Activities that inform residents on issues and/or operations Resident surveys
 - Annual membership events or site-based community activities that enhance resident participation
 - Resident council elections and organizing
 - Reasonable refreshment and light snack costs that are directly related to resident meetings for the activities
 - Resident management training






File Order Sheet

FILE SETUP – RAD PBRA- CONVERSION FILES

Order in each section is listed from top to bottom.

SECTION ONE: Application Information


- ☐ Application Note RAD file with place holder that this will be missing
- ☐ Supplement to the Application (Form HUD-92006) Collect at lease signing or move forward from PH
- ☐ Owners Summary of Family Collect at first IR or AR
- ☐ Family Summary Sheet Collect at first IR or AR
- ☐ Owner's notice Collect at first IR or AR
- ☐ Citizenship Declarations- 1 per household member Collect at first IR or AR
- ☐ (if applicable) Resident notice, Immigration documents and SAVE forms if ran, move forward from PH file
- ☐ Race/Ethnicity Forms- 1 per household member Collect at lease signing
- ☐ Existing Tenant Search- 1 per household member Note RAD file
- ☐ Landlord References Note RAD file
- ☐ Criminal Screening (including sex offender search) and Credit Report Note RAD file
- ☐ Denial, Appeal letters (if applicable) Note RAD file
- ☐ Approval Letter Note RAD file
- ☐ Photo ID (if required) if not expired, move forward from PH file
- ☐ Social Security Cards, and Birth Certificates Move forward from PH file
- ☐ Proof of security deposit paid Move forward from PH file



File Order Sheet

Adding new Household Member or Live in Aide after MI - All documents in this section will go into section 1 unless otherwise noted

- ☐ Application
- ☐ 50059 to add the member (AR or IR) this will be filed in section 6
- ☐ Income/Asset Declaration these will all be filed in section 6 (if they are an adult)
 - o Any associated verification forms for income/asset/expenses
- ☐ Supplement to the Application (Form HUD-92006) if adult
- ☐ Owners Summary of Family/Family Summary Sheet updated with new member
- ☐ Citizenship Declarations- for new member
 - o (if applicable) Resident notice, Immigration documents and SAVE forms
- ☐ Race/Ethnicity Forms- for new member
- ☐ Existing Tenant Search- for new member
- ☐ Landlord References if adult
- ☐ Criminal screening and credit report if adult
- ☐ Photo ID, Social Security Cards, and Birth Certificates Photo ID only if adult



File Order Sheet

SECTION TWO: Move-In Information

- ☐ Initial (Move In) 50059 Certification Move the last 50058 from the PH file forward (only the form not the supporting documentation) Create the IC and have signed at lease signing. Note file that this was conversion tenant and therefore a MI 50059, and supporting documentation will not be present, only the conversion IC. Note: the TTP, AR date and UA (if applicable) on the 50058 MUST match the IC 50059
- ☐ EID documentation (if applicable)
- ☐ 90-day EIV Income reports run 90 days after the IC is submitted to TRACS
- ☐ Rent phase in notification (if applicable) Provide at lease signing
- ☐ Household Questionnaire Note RAD file
- ☐ Medical Expense Questionnaire only if elderly/disabled Note RAD file
- ☐ Calculation worksheet for income Note RAD file
- ☐ Verification of income Note RAD file
- ☐ Calculation worksheet for assets Note RAD file
- ☐ Verification of assets Note RAD file
- ☐ Calculation worksheet for expenses Note RAD file
- ☐ Verification of expenses Note RAD file
- ☐ Student Status affidavit Note RAD file
- ☐ Initial Notice of Recertification Collect at lease signing
- ☐ 9887 and 9887-A, 1 per adult Collect at lease signing
- ☐ General Release collect at lease signing

File Order Sheet

SECTION THREE: Lease and Addenda

- ☐ Lease Collect at lease signing
- ☐ RAD Lease addendum Collect at lease signing
- ☐ YAWA lease Addenda Collect at lease signing
- ☐ Pet Addendum (if applicable) Collect at lease signing
- ☐ Pet Rules (if applicable) Collect at lease signing
- ☐ Acknowledgement of receipt of HUD forms Collect at lease signing
- ☐ Utility company Release form (if applicable) Collect at lease signing
- ☐ Lead-based paint (LBP) disclosure (if applicable)? Collect at lease signing
- ☐ Live in Aide Addendum (if applicable) Collect at lease signing
- ☐ Police and Security Personnel Addendum (if applicable) Collect at lease signing
- ☐ House Rules Collect at lease signing



File Order Sheet

SECTION FOUR: Notices to Tenants/Lease Violations and Other Correspondence

- ☐ Notices to Tenants/Lease Violations Do not move forward from PH. Only add if issued after conversion
- ☐ Live in Aide documentation- if approved under PH move forward from file
 - Request, verification, and approval
 - Note: all background information will be in section 1 and the live in aide addendum will be in section 3. Reminder that the live in aide must be added to the 50059 and IR must be conducting when adding after move in
- ☐ Reasonable Accommodation documentation- modifications if approved under PH, move forward from file
 - Request, verification and approval
 - Documentation of work completed
- ☐ Reasonable Accommodation documentation- Assistance Animal if approved under PH, move forward
 - Request, verification, and approval
 - Service Animal Agreement
 - Emergency contact form
 - Photo
 - Proof of registration
 - Proof of vaccinations

File Order Sheet

SECTION FOUR: Continued

- ☐ Pet requests and documentation *If approved under PH, move forward*
 - ☐ Request, verification, and approval
 - ☐ Pet deposit payment agreement (if applicable)
 - ☐ Emergency contact form
 - ☐ Photo
 - ☐ Proof of registration
 - ☐ Proof of vaccinations
- ☐ Proof of Pet deposit paid if paid under PH, move forward
- ☐ Repayment Agreement- Over paid Subsidy
- ☐ Repayment Agreement- past due rent
- ☐ Payment Agreement- security deposit
- ☐ Relocation notices move forward from PH file
- ☐ Other Correspondence *Do not move forward from PH. Only add if issued after conversion*

File Order Sheet

SECTION FIVE: Inspections

- ☐ Inspections *Only move the move in inspection forward from PH, if there is no rehab at the site. Only add annual inspections after conversion. If there is rehab at the site, note RAD file*
- ☐ Post rehab inspection
- ☐ Inspection Notices *Do not move forward from PH. Only add if issued after conversion*



File Order Sheet

SECTION SIX: Recertifications

- ☐ AR 50059
- ☐ Household Questionnaire
- ☐ EIV Income reports
- ☐ Medical Expense Questionnaire *Only if the household is elderly/disabled*
- ☐ Verification of income calculation worksheet
- ☐ Verification of income
 - ☐ Employment
 - ☐ SSA/SSDI
 - ☐ Child Support
 - ☐ Unemployment
- ☐ Verification of asset calculation worksheet
- ☐ Verification of assets
 - ☐ Checking
 - ☐ Savings
 - ☐ Direct Express
 - ☐ Retirement accounts

SECTION SIX: Recertifications

- ☐ *Verification of expense calculation worksheet*
- ☐ *Verification of expenses Only if applicable*
 - ☐ *Medical*
 - ☐ *Disability Allowance*
 - ☐ *Childcare*
- ☐ *Student Status certification Only if the household answers yes on the questionnaire*
- ☐ *Initial Notice of Recertification*
- ☐ *9887 and 9887-A, 1 per adult*
- ☐ *Acknowledgement form*
- ☐ *Sex Offender Search 1 per adult*
- ☐ *First reminder notice no later than 120 days prior to AR*
- ☐ *Second reminder notice If applicable no later than 90 days*
- ☐ *Third reminder notice If applicable no later than 60 days*

SECTION SIX: Recertifications

Interim Recertification

For Interim recertifications in PBRA, you only verify what has changed. All other information is still good for income/asset/expense items until the next AR

- ☐ *IR 50059*
- ☐ *Interim Recertification request*
- ☐ *EITF Income reports*
- ☐ *Verification of income only if this is what changed with calculation worksheet*
- ☐ *Verification of assets only if this is what changed with calculation worksheet*
- ☐ *Verification of expenses only if this is what changed with calculation worksheet*
- ☐ *Student Status certification only if this is what changed*
 - ☐ *Supporting documentation for exception met if applicable*

Note: The most current certification should be on top with subsequent certifications in date order separated by a colored sheet of paper. Three years of recertifications should be in the working file and a second file should be created for documents older than the three-year term. Never destroy ANY documents for a current resident.

nmd

RAD PBRA Overview for PBCAs and Owners

Additional materials relevant to this course
are available for download at:

<https://radpbrareferences.nanmckay.com>

No login information is required.

The materials may be accessed and downloaded
as often as needed.

