

**Rental Assistance Demonstration (RAD);  
Rider to the Section 8 Project-based Voucher  
(PBV) Housing Assistance Payments (HAP)  
Contract for Existing Housing (Section 8  
Moderate Rehabilitation, including Single  
Room Occupancy, Program Conversions;  
Second Component)**

**U.S. Department of Housing  
and Urban Development  
Office of Public and Indian  
Housing**

**Public reporting burden** for this collection of information is estimated to average 30 minutes 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. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information is required to apply to the Rental Assistance Demonstration program as authorized by the Consolidated and Further Continuing Appropriations Act of 2012 and subsequent appropriations. Requirements for RAD were established in PIH 2012-32 and subsequent notices. The information will be used to enter into a contract for housing assistance payments. There are no assurances of confidentiality.

**1. Purpose**

This Rider is to be executed between the Public Housing Agency (PHA) and the owner of an eligible project in connection with HUD approval of the use of tenant-protection vouchers issued under section 8(o) of the United States Housing Act of 1937 (1937 Act), for PBV assistance under RAD. This Rider is used when the project qualifies as PBV “existing housing” under 24 C.F.R. § 983.3, and must be attached to the PBV HAP Contract for Existing Housing (HAP Contract).

**2. Authority**

The Consolidated and Further Continuing Appropriations Act, 2012, (Pub. L. 112–55, signed November 18, 2011, as amended), authorizes the conversion of certain properties assisted under section 8(e)(2) of the 1937 Act.

**3. HUD Requirements**

The owner and the PHA must comply with all HUD requirements, as defined in section 2 of the HAP Contract. HUD requirements include Notice H 2019-09 PIH 2019-23 (HA); Rental Assistance Demonstration—Final Implementation, Revision 4, as revised or amended from time to time (or any successor document) (RAD Notice).

**4. Special Requirements Under RAD**

Except as stated in this Rider, RAD projects are subject to all HUD requirements, including the PBV regulations in 24 C.F.R. part 983. Notwithstanding anything else in the HAP Contract, the following provisions apply:

- A. **Owner Proposal Selection Procedures.** Projects will be selected for assistance in accordance with the provisions in the RAD implementing notice. Therefore, 24 C.F.R. § 983.51 does not apply.

- B. **Term of Initial HAP Contract.** In order to participate in RAD, PHAs and owners must agree to an initial term of [15/20] years. The initial Contract term may not be for a lesser term, nor may it exceed the [15/20]-year limit.
- C. **Extension of Term.** The PHA and the owner may agree to enter into an extension of the HAP Contract at the time of initial HAP Contract execution or any time prior to expiration of the Contract. The extension may be for a maximum period of [15/20] additional years. Any extension, including the term of such extension, must be in accordance with HUD requirements. The PHA must determine that any extension is appropriate to achieve the long-term affordability of the housing or expand housing opportunities.
- D. **Percentage Limitation.** Section 8(o)(13)(B) of the 1937 Act and 24 C.F.R. § 983.6 do not apply to assistance provided under RAD.
- E. **Consistency With PHA Plan and Other Goals.** Section 8(o)(13)(C)(ii) of the 1937 Act and 24 C.F.R. §§ 983.57(b)(1) and (c)(2) do not apply.
- F. **Non-Applicability of Income Mixing Provisions.** There is no cap on the number of units that may receive PBV assistance in a project. Section 8(o)(13)(D) of the 1937 Act and related regulatory provisions at 24 CFR §§ 983.56, 983.257(b), and 983.262 do not apply.
- G. **Under-Occupied Units.** Otherwise eligible households of two or more individuals occupying a unit determined by the PHA to be under-occupied shall, upon conversion to PBV, be allowed to remain in those units until such time as an appropriate size unit becomes available in the project. This protection extends to single elderly or disabled individuals regardless of unit size. When an appropriate-sized unit becomes available, the family living in the oversized unit must move to the appropriate-sized unit within a reasonable time, as determined by the PHA. If the unit size does not physically exist at the project, the family shall remain in its current unit unless and until a more appropriate-sized unit is available, at which point, the family must move to the smaller-sized unit. Under-occupied units of households consisting of single individuals who are not elderly or disabled shall not be included in the HAP Contract.
- H. **Section 8 Mod Rehab SRO Conversions**
- Check the adjacent box if property has converted assistance from a Mod Rehab SRO contract, in which case the following provisions apply:
- a. **Homeless Preference.** The PHA shall adopt and at all times maintain an admissions preference for homeless individuals or families consistent with the provision of RAD Notice (section 2.7.A or successor provision). If the PHA adopts or has adopted preferences, the PHA agrees that the Administrative Plan will at all times reflect that the preference required under this section will have priority over all other preferences. The preference shall not apply to individuals or families who are assisted at the time of conversion. However, this requirement shall otherwise apply for the full initial term of the HAP Contract and for each renewal term.
  - b. **Data Submission Requirements.** In order to maintain data on the project's ongoing housing of formerly homeless persons, the owner will continue to report on residents served at the project in the CoC's Homeless Management Information System (HMIS) and the annual Housing Inventory Count (HIC).

- I. **Change in Unit Configuration.** For Moderate Rehabilitation and SRO conversions, Owners may, with HUD and PHA consent, change the unit configuration of a project following conversion consistent with the provision of the RAD Notice (Section 2.4.I. or successor provision). To implement this provision, section 7.a. of the HAP Contract is revised to read as follows:

“Notwithstanding any other provision of this HAP Contract, the Owner certifies that during the term of the Contract: a. All Contract units meet HQS, or any successor standard, or will meet HQS no later than the date of completion of initial repairs (including any reconfiguration of units and any environmental mitigation measures) indicated in the RAD Approval Letter. The date for compliance with HQS stated in the RAD Approval Letter is \_\_\_\_\_. An extension of this deadline may only be granted in writing by HUD. Until the initial repairs are complete and the units meet HQS, as determined by a PHA inspection, no housing assistance payments may be provided for the units.”

J. **Labor Standards.**

- Check the adjacent box if the conversion will include construction or repair work that will constitute “development,” within the meaning of section 3(c)(1) of the United States Housing Act of 1937 42 U.S.C. 1437 et seq, on units that were not previously rent assisted or rent restricted and will be newly assisted as a result of the conversion transaction (including, without limitation, through transfer of assistance)., in which case the “Addendum to the HAP Contract—Labor Standards” shall be attached to this HAP Contract. See RAD Notice, section 2.5 I., or successor provision, and 80 Fed. Reg. 12511 (Mar. 9, 2015).

By execution of the HAP Contract, the Owner warrants that construction or repair work on the project that is initiated within eighteen (18) months of the effective date of the Contract shall be in compliance with applicable labor standards, including Davis-Bacon wage requirements. (This section shall apply only if the box in the preceding paragraph is checked.)

K. **Replacement Reserve Requirement**

- a. The Owner shall establish and maintain a replacement reserve in accordance with the Approval Letter.
- b. The amount of the deposit to the replacement reserve will be adjusted each year at least by the amount of the operating cost adjustment factor (OCAF) established by HUD and may be increased by such additional amounts as required in connection with HUD-approved financing.
- c. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. Should the reserve achieve that level, the rate of deposit to the reserve may be reduced with the approval of HUD.
- d. All earnings including interest on the reserve must be added to the reserve.

**Signatures:  
Public Housing Agency**

**Owner**

\_\_\_\_\_  
Print or Type Name of PHA

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Print or Type Name of Owner

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Signature

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Signature

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Print or Type Name and Title of Signatory

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Print or Type Name and Title of  
Signatory

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Date (mm/dd/yyyy)

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