



# Resident Consultation, Resident Rights & Relocation

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# Resident Consultation

# Before Application

- Deliver the Resident Information Notice
- Notify the resident organization
- Assess resident needs and any temporary or permanent relocation
- Conduct at least two resident meetings to talk about plans and ideas. At a minimum, cover your current thinking on:
  - Whether to transfer assistance to a new site
  - Whether to partner with a developer
  - Whether to change the number or configuration of assisted units
  - Whether any changes might impact a household's ability to re-occupy the property following repairs or construction
  - Whether long-term vacant units will be replaced, and
  - The potential scope of construction work.



# Any Time (Before or After CHAP)

- Issue the URA General Information Notice as soon as possible when URA is applicable
- Prepare relocation plans (written plans preferred and sometimes required)
- Incorporate the RAD Plans into the PHA Annual Plan
  - Annual Plan process or Significant Amendment requires standard resident consultation and public hearings
- Conduct additional meetings, particularly as the plans evolve and change
- Consult with residents regarding how the plans impact them, particularly if relocation is involved
- Consider fair housing compliance when planning all meetings and resident communication (meaningful access, language barriers, etc.)



# After Issuance of the CHAP

- At least one additional meeting before submitting the Financing Plan is required
- More meetings are required if there are any material changes from the pre-application discussion
- Material changes are likely - most PHA's plans are quite rough when the application is submitted
- Best practice points to frequent and regular consultation with residents





# Residents' Rights in RAD

# Resident Rights During Conversion



- Right to Return - No permanent involuntary relocation
  - No new eligibility screening, including for “over-income” households under LIHTC or other programs
  - May be housed in an oversized unit initially if necessary to preserve the right to return
- Substantial replacement of units (almost 1 for 1)
- Relocation assistance beyond URA requirements
- Phase-in of any tenant rent increase
- Meetings and information about plans
- Ability to form a resident organization

# Resident Rights in Continued Occupancy



- Choice Mobility
  - After 1 year for PBV conversions
  - After 2 years for PBRA conversions
- Termination notification requirements
- Grievance procedures
- Continuation of certain FSS, ROSS-SC and Jobs Plus program benefits (although note limitations)
- Ability to form a resident organization
- Resident participation funding
- Long-term public or non-profit ownership or control of the property





# Relocation

# Multiple Relocation Authorities

- The RAD Fair Housing, Civil Rights, and Relocation Notice H 2016-17/PIH 2016-17
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Section 104(d) of the Housing and Community Development Act of 1974
- Fair housing and civil rights considerations implicated by relocation activities



# Key Relocation Considerations

- Events which trigger URA or Section 104(d) Compliance
- Planning & Communication
- Notices
- Advisory Services
- Permanent Displacement under URA
  - Note - Permanent involuntary relocation is prohibited under RAD
- Relocation Payments
- Compliance Monitoring





# Discussion of Best Practices