

The content of this document, except when based on statutory or regulatory authority or law, does not have the force and effect of law, and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

This document addresses questions pertaining to residents that are part of a public housing repositioning action e.g., demolition, disposition, Streamlined Voluntary Conversion. It does not address the Rental Assistance Demonstration (RAD) program, which offers tenants protection. If your building is part of a RAD conversion, visit: www.hud.gov/RAD/residents. **This document addresses resident questions that are not part of a RAD conversion.**

1) What does “Repositioning” mean?

“Repositioning” means your public housing agency (PHA) is moving one or more public housing units out of the public housing program. Tenants will receive replacement housing, subject to the specific requirements of the program, which may be in the form of project-based or tenant-based assistance. PHAs and local communities may reposition their units using three primary options:

- Rental Assistance Demonstration (RAD) (see box above to link to further RAD information).
- Streamlined Voluntary Conversion (SVC) (further SVC information can be found here: <https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2019-05.pdf>).
- Section 18 Disposition or Demolition (Section 18) (further Section 18 information can be found here: <https://www.hud.gov/sites/dfiles/PIH/documents/pih2018-04.pdf>).

Each repositioning tool provides residents with different options and PHAs with different requirements related to resident relocation. HUD highly recommends that residents review these notices to understand their choices and if questions remain, reach out to your local HUD field office for answers. Additionally, your PHA is required to explain which repositioning tool is under consideration so residents can understand their options.

2) What does tenant-based HCV assistance mean?

Tenant-based HCV assistance means that your assistance follows you and is not tied to a specific unit. You get to choose a unit in the private rental market where the landlord is willing to accept the voucher and if the unit meets certain requirements (including that the rent for the unit is reasonable and that it meets HUD’s housing quality standards). You may be able to use your HCV for your current unit. You can use the assistance anywhere in the United States within the jurisdiction of a PHA that runs an HCV program (this is called portability). In some cases, you may need to wait a year before you can use portability. Find out more about HCVs here:

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/about/fact_sheet.

3) What does a PBV mean?

PBV assistance means that vouchers are attached to specific units in a building. The voucher stays with the unit even after a tenant moves out. If you live in a PBV unit, you have a right to request tenant-based rental assistance after the first year of occupancy, but you may have to wait for the tenant-based assistance to become available. Tenant-based rental assistance is typically a tenant-based HCV (see question 2), but it may also be another form of comparable tenant-based rental assistance, such as a State or local tenant-based rental assistance program. Once you get tenant-based assistance, you may move to a unit of your choice. Find out more about PBVs here:

https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/project.

4) Is the PHA required to notify the public before repositioning?

Yes. PHAs must notify the public at a hearing and/or describe their repositioning in a PHA Plan if required. PHAs' Boards of Commissioners must approve the repositioning. If you want to attend the public board meeting, ask your property manager, or check your PHA's website for the board agendas. Residents are encouraged to attend and participate. If your PHA has a Resident Board Member, this person may be a good contact with whom to share your concerns.

5) Is the PHA required to consult with residents before repositioning?

Yes. Before your PHA applies for SVC or Section 18, your PHA must consult impacted residents, any Resident Council, and the Resident Advisory Board. Your PHA must have a meaningful way to consult with residents, such as in-person or virtual meetings. During this consultation, you can learn about the plans, ask questions, express concerns, and provide written comments. The PHA submits tenant comments with responses to HUD. For SVC, an added requirement is that your PHA must hold at least one meeting with residents of each site (and any Resident Council). At the meeting, your PHA must explain SVC requirements and distribute a draft SVC plan.

6) Will repositioning affect my housing assistance?

Yes. Under Section 18 and SVC, your current Public Housing lease will end and your PHA must offer you comparable housing assistance, possibly as a Section 8 Housing Choice Voucher (HCV) or a Project-Based Voucher (PBV). Comparable housing may also be a public housing unit at a different location or another property where the rent is comparable to your current rent.

If the public housing property is repositioned using SVC and remains as rental housing after repositioning, a voucher under the HCV Program becomes your assistance if you are eligible. You have the right to use your HCV to stay in your unit or move off-site. If you are not eligible for HCV assistance, the PHA must offer you comparable housing.

7) Do I have to move?

Maybe. It depends on the repositioning plan that is approved by HUD. The answer depends on several factors including the type of repositioning, whether units are in good condition, and how the property will be used after repositioning. You may have to move temporarily if the property is renovated.

If you are required to move, your PHA must give you at least 90 days advance notice, counseling and offer you comparable housing. In most cases, your PHA pays actual, reasonable moving expenses if you are required to move. Persons with disabilities can request reasonable accommodations within the comparable housing offered and for assistance with moving.

8) Will my rent go up?

In most cases your rent will not increase. Individuals who were previously paying a flat rent as a Public Housing resident may experience a rent increase because Section 8 rents are income-based. Generally, you will not pay more than 30 percent of your monthly adjusted income in rent. You can request for your PHA to explain changes in the rent you pay.

9) Do I need to be eligible for the voucher program, or does my public housing eligibility extend to the voucher program?

The PHA that will issue you the voucher will rescreen you to determine your eligibility under HCV/PBV program requirements. If you are determined ineligible under voucher requirements, the PHA must still offer you another form of comparable housing. Examples of other types of comparable housing are another public housing unit, PHA-owned units that receive a state subsidy, and/or PHA-operated units that receive no federal or state/local subsidy but are rent-controlled.

10) I am not in good standing due to unpaid rent. Will I lose assistance?

Depending on your PHA's policies, you could be denied admission to the HCV/PBV program if your family owes rent or other amounts to the public housing program. Regardless, the PHA must still offer you another form of comparable housing. As mentioned previously, examples of other types of comparable housing are another public housing unit, PHA-owned units that receive a state subsidy, and/or PHA-operated units that receive no federal or state/local subsidy but are rent-controlled.

11) What about the Public Housing Resident Opportunities and Self-Sufficiency (ROSS) program?

Unless you transfer to another public housing unit that is served by ROSS or your building is part of a RAD conversion, you lose access to ROSS after repositioning because federal law restricts ROSS to public housing or units repositioned through RAD. However, all Section 8 voucher participants are eligible for the Family Self-Sufficiency (FSS) program, regardless of any repositioning, if the PHA currently operates a FSS program. Additional information on both programs can be found here:

<https://www.hud.gov/sites/dfiles/PIH/documents/CSS%20Matrix.pdf> and
https://www.hud.gov/sites/documents/FSSFACTSHEET_FEB2016.PDF.