

The contents 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 checklist summarizes the application requirements for the demolition and/or disposition of public housing in accordance with Section 18 of the 1937 Act, 24 CFR part 970, and PIH Notice 2021-07. This checklist does not apply to Section 18 dispositions proposed as part of a RAD/Section 18 Blend under PIH Notice 2021-07. For application requirements on the Blends, [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/repositioning/rad\\_section18](https://www.hud.gov/program_offices/public_indian_housing/repositioning/rad_section18) The basic Section 18 application requires:

- Completion of IMS/PIC application screens (e.g., selecting buildings/units)
- HUD-52860, HUD-52860-A, and HUD-52860-B (if applicable) required attachments as signed PDFs uploaded
- Supporting documentation pursuant to 24 CFR part 970 and PIH Notice 2021-07, as summarized in this checklist.

**☐ General Information.**

1. Date of application
2. PHA name & code
3. PHA contact
4. Local HUD Field Office (FO) of Public Housing and Expeditor

**☐ Property Description.**

1. Units/buildings (PIC numbers)
2. Acreage
3. Description of land (e.g., copy of the legal description; survey, site and lot map if for a portion of AMP)
4. Recorded Declaration of Trust (DOT) or Declaration of Restrictive Covenant (DORC)
5. Description of UFAS-accessible units distribution (at development and proposed for removal under S18)  
NOTE: PHAs report UFAS-accessible units for their entire Public Housing Portfolios in MicroStrategy. PHAs must ensure this information is current and complete. Incomplete UFAS-accessible data may delay FHEO review.

**☐ PHA Plan.**

The demolition/disposition must be included in a (HUD-approved) PHA Annual Plan or in a Significant Amendment to an Annual Plan. The description of the demolition/disposition in the Annual Plan must be identical to the description in the SAC application.

**☐ Local Government Consultation.**

1. Name local jurisdiction(s)
2. Mayor’s (or highest elected official) letter supporting the demo/dispo
3. Narrative description of consultation with dates, meetings, issues raised and PHA responses. If no response by government, description of attempts at government consultation.

**☐ Resident and Resident Group Consultation**

1. Resident. PHA develops demo/dispo application in consultation with residents to be displaced or otherwise affected. Provide date(s) and narrative of consultation process. Attach supporting documents (e.g., agenda, meeting notices; sign-in sheets; minutes, print-out of written or email consultation)
2. Resident Council. If there is a Resident Council, provide name of council and date and narrative of consultation.
3. Resident Advisory Board (RAB). Provide date and narrative of consultation.
4. Attach copies of all written comments from residents or resident groups/organizations during the consultation

<p><b>o Estimated Value of Property (Disposition Only)</b> Provide independent appraisal (within past year) of Property’s fair market value (FMV). Provide a summary, name of appraiser, and date. If the disposition is negotiated at below FMV, HUD may accept an alternative form of valuation (i.e., tax assessor opinion)</p>
<p><b>o Environmental Review (ER).</b> Completed under 24 CFR Part 50 or 58 identifying the demolition or disposition and any known future use. May include HUD-7015.16 to verify completion.</p>
<p><b>o Board Resolution.</b> Signed and dated after resident and local government consultation</p>
<p><b>o Demolition Justification and Description (Demolition or Demolition and Disposition)</b></p> <ol style="list-style-type: none"> <li>Property Identification (portion, non-dwelling)</li> <li>Cost of Demolition</li> <li>Source of Funds</li> <li>Justification (Physical condition, location, other factors) <i>(see Appendix A)</i></li> <li>Supporting documentation for demo (rehab estimate and 52860-B)</li> <li>If only a portion of property is demolished, narrative statement on viability of remaining property</li> <li>Future use of property after demolition (if known) (i.e. disposition, redevelopment as public housing)</li> </ol>
<p><b>Disposition Justification and Description (Disposition Only)</b></p> <ol style="list-style-type: none"> <li>Justification (check box on 52860-A; attach description and supporting documentation) <i>(see Appendix A)</i></li> <li>Disposition details—method of disposition (sale or ground lease); FMV or below FMV; name of acquiring entity (if known); proposed future use of property (if known) (including narrative of commensurate public benefit, if below FMV)<sup>1</sup> (optional--include Transaction Table(s) on Appendix C)</li> <li>Certificate of good standing (if negotiated at or below FMV)</li> </ol>
<p><b>o Proceeds (Disposition Only)</b></p> <ol style="list-style-type: none"> <li>Estimated amount of gross and net proceeds</li> <li>Use of gross proceeds for relocation costs and/or reasonable costs of disposition. Attach a brief narrative/budget</li> <li>Use of net proceeds (if known) (check box on 52860-A). Attach brief narrative, budget, or other supporting documentation). If unknown, indicate. Once known, Request SAC approval of proposed use.</li> </ol>
<p><b>o Resident Offer of Sale or Request for Exception (Disposition Only)</b></p> <ol style="list-style-type: none"> <li>Is PHA exercising an exception (check box on 52860-A)?</li> <li>If not exercising an exception, name all established eligible organizations. Provide the notifications to organizations and date sent. Summarize responses. Indicate if a proposal was received and if the PHA accepted it.</li> </ol>
<p><b>o Timetable.</b></p> <ol style="list-style-type: none"> <li>Begin and end relocations</li> <li>Execute contract (demo or sales)</li> <li>Remove property</li> </ol>
<p><b>o Relocation Plan.</b></p> <ol style="list-style-type: none"> <li>Occupied Units (automatically populated in PIC) (no data entry required)</li> <li>Number of individual residents displaced (from public housing lease, even if no physical displacement)<sup>2</sup></li> <li>Name of agency providing relocation counseling services to residents (if different from PHA)</li> <li>Description of relocation counseling and advisory services</li> </ol>

<sup>1</sup> If a PHA is planning on disposing of the property for below Fair Market Value (FMV) based on commensurate public benefit, the deal must be firm, subject to HUD approval.

<sup>2</sup> Form HUD-52860 requires PHAs to provide a summary of resident displacement by race/national origin and disability. HUD will review the data in the 50058 to confirm this information. Please ensure 50058 data is current.

5. Estimated cost and anticipated funding source for resident moves (actual and reasonable) and other relocation expenses (including counseling)
  6. If PHA does NOT administer an HCV Program, name of Section 8 HCV Administrating Agency (who agrees in writing) and approval from local HUD Office of Public Housing FO
  7. Number of TPVs requested, narrative supporting TPV request and proposed use for relocation (how TPVs will be offered, i.e. tenant-based voucher with or without the option to lease on-site, project-based voucher—existing, or project-based voucher—new/rehabilitated after an AHAP and development period)
  8. Comparable housing offered to displaced residents (check box on 52860). PHAs may offer more than one form of comparable housing. Consider family relocation preferences, households where a family member has a disability, and families not eligible for Section 8 HCV assistance (i.e., because over-income)
- PHAs may, but are not required to, submit a comprehensive written Relocation Plan. The Uniform Relocation Act (URA) does not apply. See 24 CFR 970.21**

**HUD-52860, HUD-52860-A, and HUD-52860-B (if justification is physical obsolescence)**

Submitted as PDFs (including signed certifications)

**HUD-5837 (required only if demo/dispo will remove all remaining units from the PHA's ACC inventory/PIC count)**

Submitted as PDF (including signed certifications)

**Energy Performance Contract (EPC) (if applicable).** Since PHAs receive Operating Subsidy to pay the EPC debt, the PHA must address the EPC debt in the SAC Section 18 application process.

- **EPC Debt:** When a PHA demolishes or disposes of Public Housing units which benefited from energy conservation measures installed as part of an EPC, prepayment of the EPC debt will most often be required. The PHA should establish its plans for addressing the EPC debt associated with EPC in conjunction with the development of their repositioning plans. If a PHA does not have sufficient EPC expertise on staff to determine the impact of the disposition or demolition on the EPC debt and EPC cash flow, they may need to procure such expertise. PHAs are required to submit EPC documentation for HUD's issuance of an amended EPC approval letter, which will identify the balance of EPC debt that can remain with public housing, as part of the demolition or disposition process.
- **Disposition:** SAC approval will state that the PHA cannot dispose/close on the conversion of units, and HUD will not release the DOT until the EPC debt is repaid in the amount determined by HUD. PHAs should submit the EPC Review Package (identified below) a minimum of 60 business days before their planned closing date.
- **Demolition:** Submit a complete EPC Review Package for an EPC Approval Letter at the time of submission of the DDA Section 18 demolition application, or no later than 60-business days prior to when the SAC demolition is anticipated. SAC will not approve the application until the EPC debt is repaid.
- **EPC Approval Letter:** PHAs must obtain a revised EPC Approval letter when the cumulative change is 5% or greater for units removed from the EPC and 10% or greater cumulative change in EPC costs or savings since the most recent EPC Approval Letter. Review time will take 45 business days from the time of receiving all the documentation necessary for the review. The best practice is to submit a complete EPC Review Package at the same time of submitting a Demolition or Disposition Application, or no later than 60-business days prior to when the EPC Approval Letter is required. Failure to supply all documentation can delay the process. PHA's should give themselves enough time and utilize the necessary expertise (e.g., consultants or ESCOs) to gather needed information for complete EPC review package.
- **Documentation:** The PHA should submit documentation for the EPC Review Package as defined at [https://www.hud.gov/sites/dfiles/PIH/documents/RAD\\_EPC\\_FAQs.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/RAD_EPC_FAQs.pdf) to the Energy Branch at [PIHEnergyBranch@hud.gov](mailto:PIHEnergyBranch@hud.gov). PHA's should give themselves enough time and utilize the necessary expertise to gather

**Capital Fund Financing Program (CFFP) and Repayment Agreement(s).** If obligation impacts units, repayment required before SAC approval

**Community Supportive Services (CSS) program.** If property has an existing Resident Opportunities and Self Sufficiency (ROSS), Family Self Sufficiency (FSS), or Jobs Plus (JP) grant, review conversion impact to grant/families. See <https://www.hud.gov/sites/dfiles/PIH/documents/CSS%20Matrix.pdf>. For FSS or ROSS, contact PIH Field Office with questions. For JP, contact your Grant Manager with questions.

## APPENDIX A Justification Options for Demolition

PIH Notice 2021-07

**NOTE: Demolition Applications (including Demolition and Disposition Applications) are submitted when a PHA plans to demolish property while it is under a HUD Declaration of Trust (DOT). The PHA demolition must comply with Section 3, Davis-Bacon and other public housing requirements (and PHA may use Capital Funds). If the PHA plans to transfer obsolete property so that a LIHTC entity or other third-party can complete the demolition (with outside funds), it submits a Disposition only Application.**

Justification	Submission Requirements and Supporting Documentation
<b>Obsolete: Physical Condition</b>	<p>Evidence substantial physical issues of the buildings/units (i.e., critical structural issues, deficiencies in major systems, deterioration due to prolonged deferred maintenance) that are not cost-effective to repair (rehab costs exceed 57.14% of TDC for elevator buildings and 62.5% of TDC for elevator buildings).</p> <p>Required: HUD-52860-B (TDC analysis), Excel document of list of specific and detailed work-items that require rehabilitation or repair within next 3 years, preferably prepared by an outside engineer or architect that includes SCOPE OF WORK and COST-ESTIMATES. See PIH Notice 2021-07</p> <p>Optional: Physical Needs Assessment (PNA), government inspections (including condemnation orders), and/or independent architect or engineer’s reports (reports are required to support structural defects, and asbestos and lead remediation).</p>
<b>Obsolete: Location</b>	<p>Evidence the location causes obsolescence (i.e. environmental or proximity to highway/factory make property no longer suited for residential use)</p> <p>Required: Narrative and third-party documentation; cost-test (PHA’s cost to cure/mitigate)</p>
<b>Obsolete: Other Factors</b>	<p>Evidence conditions impacting the marketability, usefulness, or management of the units that seriously impede operations for residential use supported by third party documentation.</p>
<b>De Minimis</b>	<p>In any 5-year period, a PHA may demolish the lesser of 5 dwelling units or 5 percent of the total public housing dwelling units.</p> <p>CERTIFY the resulting space is used to meet the service or other needs of the residents or the PHA determines the unit(s) are beyond repair.</p> <p>SAC approval not required but prior to demolition, the PHA must submit a PIC application and wait for SAC to acknowledge the action (and ensure environmental compliance).</p>

## APPENDIX B

### Justification Options for Dispositions PIH Notice 2021--07

Justification	Submission Requirements and Supporting Documentation
<b>Surrounding Area-Health and Safety 970.17(a)</b>	<ol style="list-style-type: none"> <li>Evidence conditions in the area that present serious obstacles to maintaining units as healthy/safe housing (ideally from third party; may include part 58 ER determination).</li> <li>Narrative of why conditions cannot be cured or mitigated in a cost-effective manner.</li> </ol>
<b>Surrounding Area-Infeasible Operation 970.17(a)</b>	Evidence the lack of demand for the units (i.e., long-term vacancy issues, notwithstanding due diligence in marketing, census tract data on declining populations; isolated area with limited access to transportation and infrastructure; high turnover rates).
<b>Improved Efficiency/Effectiveness Off-Site Development 970.17(b)</b>	<ol style="list-style-type: none"> <li>Evidence of firm plans to replace with PH or PBV               <ol style="list-style-type: none"> <li>Public housing units. Submit development proposal under 24 CFR 905</li> <li>PBV. Submit "intent to project-base" notification to HUD pursuant to 24 CFR § 983.6(d), as amended, and PIH Notice 2017-21 Att.</li> </ol> </li> <li>No minimum number (or 1-1 replacement) required, but evidence why replacement units are preferred.</li> </ol>
<b>Improved Efficiency/Effectiveness On-Site Development 24 CFR 970.17(c)</b>	See above. If same units are proposed (i.e., change from PH to PBV) then the plan must include modernization/rehabilitation of the units.
<b>Unit obsolescence (PHYSICAL only) (cannot be used for LOCATION or OTHER FACTORS)</b>	Evidence units are obsolete as to physical condition in accordance with applicable demolition criteria (i.e. rehab cost-estimate and HUD-52860). See above.
<b>Very Small PHAs</b>	Evidence operation of 50 or fewer public housing units and commitment to closeout under PIH Notice 2016-23. Generally, a narrative (story) of how PHA proposes disposition and closeout (i.e., in connection with method of disposition, need for TPVs and partnering with voucher agency, use of proceeds, consolidation vs. closeout).
<b>Blend with Rental Assistance Demonstration (RAD)</b> <ul style="list-style-type: none"> <li>Construction</li> <li>Small PHA</li> </ul>	PHA REQUESTS THE SECTION 18 BY SUBMITTING A RAD APPLICATION ONLY. PHA SHOULD BE ADVISED TO SUBMIT A RAD APPLICATION THAT REQUESTS THE BLEND
<b>Scattered Site Units</b>	<ol style="list-style-type: none"> <li>Evidence units are unsustainable to operate and/or maintain as public housing (narrative, operating budgets, distance between units, description of different systems-HVAC).</li> <li>Evidence units are in non-contiguous buildings</li> <li>Evidence buildings have four or fewer total units NOTE: Any building configuration is acceptable provided 4 or fewer units on a block (i.e. 4 single-family homes next door to one another)</li> </ol>
<b>Non-dwelling 24 CFR 970.17(d)</b>	Narrative statement and supporting documentation that non-dwelling buildings or vacant land exceeds the needs of the project after the date of full availability (DOFA); or the disposition of the property is incidental to, or does not interfere with, continued operation of the remaining portion of the project.

## APPENDIX C Transaction Chart

The completion of these charts is OPTIONAL and are being provided to assist the PHA in describing/summarizing the disposition transaction as part of its SAC Application. PHAs may change this chart to meet their particular disposition/transaction and delete lines that do not apply. If a PHA is disposing of property to more than one entity, for different purposes, complete separate charts

For All Dispositions	
<b>Property Proposed for Disposition: XX dwelling buildings (XX dwelling units and XX non-dwelling units); XX non-dwelling buildings; XX acres at XXX (name and number of AMP/development)</b>	
<b>Approved Method of Disposition:</b> e.g., Public bid (auction or MLS); Negotiated Sale (Below FMV); Negotiated Ground Lease for XX Years (FMV); Seller (PHA) financing	
<b>Acquiring Entity (if known/ Negotiated)</b>	e.g. ABC Development, LP (state N/A if public bid)
<b>Disposition Amount</b>	e.g. \$1/ sale; \$1/year ground lease
<b>Approved Building Numbers in PIC and/or attached legal description (for dispositions of a portion of an AMP)</b> XXX	

Below FMV Dispositions based on Commensurate Public Benefit (24 CFR 970.19)					
Total Units XXX	Affordable Housing for families at 80% and below AMI				
	ACC	PBV (proposed)*	Other Affordable	Market Rate (Manager)	Market Rate (Other)
Rental	XXX	XXX	XXX	XXX	XXX
Non-Dwelling Uses of Property	e.g. community building				
Summary	<b>COMPLETE SUMMARY:</b> e.g., FOR RENTAL DWELLING UNITS: existing units will be maintained as Affordable Housing, existing units will be substantially rehabbed using LIHTC, existing units will be demolished and new construction of LIHTC unitse.g., FOR NON-DWELLING, Property will primarily serve families at or below 80% of AMI as				

\*PHA has indicated this as the number of units that it plans to attach PBV assistance to at the property. However, this chart is not HUD approval of the PBV assistance to the units. PHA and/or PBV Project Owner must independently and separately comply with all applicable PBV program requirements including section 8(o)(13) of the 1937 Act (as amended by HOTMA, Public Law 114-201, 130 Stat. 782), HUD regulation at 24 CFR part 983, and other applicable HUD guidance. These include, but are not limited to, HOTMA Federal Register (FR) Implementation Notice at 82 FR 5458 (January 18, 2017), 82 FR 32461 (Jul. 14, 2017) (HOTMA Correction), 85 FR 12001 (Feb. 28, 2020) (SLR), PIH Notice 2017-21 (HA), and environmental requirements outlined in PIH Notice 2016-22 (HA).

APPENDIX D

(Section 18 Order of Operations)

This Appendix is intended to assist PHAs in planning Section

18 demolitions and dispositions. The steps below are a framework to enable PHAs to track the main required steps in order to complete the Section 18 process. Note: This is not intended to be a comprehensive list of all requirements.

1. PHA begins the Environmental Review process under part 58 (or Part 50).
2. PHA secures information needed for justification (e.g. rehab cost-estimate for obsolescence)
3. If PHA is a public housing only PHA, PHA begins process to find an agency with an HCV program to administer the TPVs and requests HUD FO approval of the agreement between the two PHAs
4. PHA includes the Section 18 Annual PHA Plan, either through significant amendment, or the regular Annual Plan process. PHA holds required public comment period for its Annual Plan. PHA submits Annual Plan to HUD FO for approval. Qualified PHAs discuss Section 18 demolition or disposition at a hearing
5. PHA consults impacted residents, resident council, RAB
6. PHA consults local government officials on Section 18. PHA obtains a letter of support(s)
7. PHA obtains Board Approval
8. PHA submits Section 18 Application via HUD-52860, HUD-52860-A and HUD-52860-B (if applicable) via IMS/PIC
9. HUD's Special Applications Center (SAC) reviews application and issues a response (e.g. approval)
10. PHA issues 90-day notice on relocation to families (even if no physical displacement). Notice describes offer of comparable housing (e.g. tenant-based assistance, PBV unit, another public housing unit). PHA may not force family to relocate prior to 90-days but family may voluntarily choose to relocate as soon as comparable housing resource (i.e. TPV, another public housing units) is available
11. PHA applies for TPVs (30-60 days before planned start of relocation)
12. PHA relocates families off-site. PHA provides TPVs to families who have selected tenant-based assistance as their first preference for comparable housing. PHA assists in relocation and ensuring families are leased-up. PHA holds oral briefing required by 24 CFR 982.301. When a family leases a unit with the TPV, PHA puts family in "End of Participation (EOP)" status in the public housing program and adds family to HCV in HUD-50058
13. If demolition—PHA enters into demolition contract and proceeds with demolition
14. If disposition and project will not be used as rental housing after disposition, PHA requests a release of the DOT from the HUD FO (based on approved Section 18—e.g. transfer of property to another entity. HUD releases DOT and use restriction is recorded, if applicable)
15. If disposition and project will be used as rental housing after disposition:
  - If PHA plans to attach project-based voucher (PBV) assistance to the units, PHA takes necessary steps to enter into a PBV HAP for the units in accordance with 24 CFR part 983, PIH Notice 2017-21 (e.g. HQS inspections, sending notification email to HUD PBV submission mailbox)
  - PHA complies with relocation requirements noted above, by issuing 90-day notice to families. PHA may offer families comparable housing in their current units (as tenant-based or PBV assistance).
  - PHA requests a release of the DOT from the HUD FO (based on approved Section 18—e.g. transfer of property to another entity). PHA submits draft use agreement, if applicable. HUD releases DOT and use restriction is recorded, if applicable
  - In accordance with voucher rules at 24 CFR parts 982, 983, as amended, the PHA enters into HCV HAP or PBV HAP contracts for families remaining with tenant-based or project-based assistance
  - PHA "relocates" families who will remain at the project with HCV assistance by putting them in EOP status in public housing program and adding them to HCV assistance in HUD-50058
16. Deposit proceeds from disposition (if applicable) in an account subject to a HUD-51999 GDA. Record proceeds as a "restricted" asset on the associated project's financial data schedules (FDS)

17. Within 7 days after the disposition occurs, PHA requests (through IMC/PIC) that HUD FO change the status of the units/property to “Removed from Inventory” in IMS/PIC