Tenant Organizing after RAD Conversion
Today’s Roadmap

- Highlight Impacts of RAD
- Rights & Responsibilities
- Protected Activities
- Questions?
Impacts of RAD
Rental Assistance Demonstration (RAD)

What is RAD?
- A HUD program that seeks to preserve affordable housing by allowing a PHA to convert a public housing property’s HUD funding to either Section 8 project-based voucher (PBV) or Section 8 project-based rental assistance (PBRA).
- This allows the PHA to borrow money to make needed repairs.

Will residents have a right to organize after RAD conversion?
- Yes! Property owners must continue to recognize legitimate resident organizations, provide funding to support these organizations, and give reasonable consideration to the concerns raised by these organizations.
RAD Impacts

▪ What if there is no legitimate resident organization?
  ▪ HUD encourages property owners to actively engage residents and develop a constructive working relationship

▪ What makes a resident organization “legitimate”?
  ▪ Be established by the residents of the property;
  ▪ Meet regularly;
  ▪ Operate democratically;
  ▪ Represent all residents at the property; and
  ▪ Be independent from the property owner.
Will the resident organization still receive resident participation funding?

- Yes! after a RAD conversion, the property owner must continue to provide resident participation funding in the amount of $25 per occupied unit per year for resident education, organizing around tenancy issues, and training activities.

### RAD Impacts on participation funds

- At least $15 for Resident Participation
- Up to $10 to the Property Owner for administration

If a resident council has unused resident participation funds before RAD, that money will still be available after the conversion.
Rights & Responsibilities
Overview of 24 CFR §245
Residents in housing that has been converted to PBRA through RAD will have the right to establish and operate a resident organization in accordance with 24 CFR Part 245.

Under Part 245, you have a right to establish and operate a tenant organization to address issues related to your living environment.
Recognition of your Organization

The property owner **must:**

- Recognize legitimate tenant organizations and
- Give reasonable consideration to concerns raised such organizations.
Legitimate Tenant Organizations

- Established by the residents of the property;
- Meet regularly;
- Operate democratically;
- Represent all residents at the property; and
- Independent from the property owner.

Includes “organizing committees” newly formed by residents, and does not require specific structures, written by-laws, elections, or resident petitions.
Tenant Organizers & Canvassing

- What is a “tenant organizer?”
  - a tenant or non-tenant
  - assists tenants in establishing and operating a tenant organization, and
  - not an employee or representative of current or prospective owners, managers, or their agents.

- Owners & management agents must allow tenant organizers to assist in establishing & operating tenant organizations.
Tenant Organizers & Canvassing

- A non-tenant, “tenant organizer” must be accompanied by a tenant while on the property only if there is a consistently enforced, written policy against canvassing.
  - If there is not a non-canvassing policy, non-tenant organizers must be given the same rights and privileges as other uninvited outside parties.
Protected Activities
Protected Activities

The property owner and their agents must allow you to:

- Distribute leaflets in lobby and common areas, under tenants’ doors
- Post information on bulletin boards,
- Initiate contact with tenants, conducting door-to-door surveys to determine interest in establishing a tenant organization, and to offer information about the tenant organization,
- Offer assistance for tenants to participate in tenant organization activities, and
- Convene tenant organization meetings on-site in a manner that is fully independent of management representatives.
  - Management representatives may not attend such meetings unless invited by the tenant organization.
You also have a right to form responses to:

- Property owners’ requests for rent increases,
- Partial payment of claims
- Conversion from project paid utilities to tenant-paid utilities,
- A reduction in tenant utility allowances,
- Converting units to non-residential use, cooperative housing, or condominiums,
- Major capital additions, and
- Loan prepayment.
Participation Funding

- After a RAD conversion, the property owner must continue to provide resident participation funding in the amount of $25 per occupied unit per year
  - At least $15 for resident participation and up to $10 for property owner for administration

- Funds are for resident education, organizing around tenancy issues, and training activities.

- You must make written requests to the property owner for these funds.
  - Requests will be subject to approval by the property owner.
Meeting Space

- **Property owners must reasonably make available** the use of any community room or other available appropriate meeting space within the property **when requested by**:
  - Residents or Resident Organization and used for activities to operate the organization
  - Residents seeking to establish a resident organization or collectively address issues related to their living environment.

- Resident and resident organization **meetings must be accessible to persons with disabilities**, unless impractical for reasons beyond the organization's control.
  - If there is an accessible common area or areas, it will not be impractical

- **Property owners may charge a reasonable, customary and usual fee**, approved by HUD, **for the use of meeting space**. PHA may waive this fee.
Impediments to Exercising Your Rights

- Unreasonable denial of accessible meeting space to residents;
- Repeatedly sending management representatives to resident meetings when residents have requested management not to attend;
- Evicting, threatening to evict, withholding entitlements, or otherwise penalizing residents for organizing or asserting their rights;
- Attempting to adversely influence resident leaders by offering individual inducements such as employment, preferential transfers, rent abatements, favored repairs, or other benefits not available to all residents;
- Attempting to form a competing resident organization under the control of the management company or the property owner; and
- Running for office or otherwise serving as a member of the resident organization.
If Violation of Your Rights Occurs

- HUD encourages property owners & residents to work together to determine the most appropriate ways to foster a constructive working relationship.

- Residents are encouraged to contact the property owner directly with questions or concerns regarding issues related to their tenancy.

- Property owners are also encouraged to actively engage residents in the absence of a resident organization.

Tenant or tenant org may file complaint with evidence with HUD Field Office

HUD Field Office reviews & discusses with ALL parties

If enforcement action required, HUD sends Notice of Violation/ Default to owner

FO determines if complaint legitimate & enforcement required

Owner has 30 days to respond/ address issue.

If no response or issue not addressed, HUD will pursue further action

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Final Considerations
A resident organization is only a vehicle whereby residents can work on issues of mutual concern. Success doesn’t come automatically or easily!

Success for your organization will require:

- Residents to be unified in a common purpose
- Active, cooperative and enthusiastic leaders
- Good organization with an emphasis on completion of projects
- Accountability for all funds
- Avoiding conflicts of interest and personality feuds
A Few Final Considerations

Benefits for Residents

- Enhanced mutual support
- Increased sense of community and decreased isolation
- New experiences & relationships
- Shared responsibility, pride & joy of accomplishment
- Development of skills, especially leadership
- Delivery of new services, activities and opportunities

Benefits for Management

- Enhanced job satisfaction
- Better, more satisfying relationship with residents
- Reduced resident complaints
- Help in maintaining positive image for the property
- Support in resolving property problems
- Creation of an orderly communication channel between management and residents
Final Word

There is strength in numbers. A resident organization or association can be a catalyst to great things, including creating healthy working relationships among residents, management, and the broader community!

Examples of Activities:

- Create community gardens
- Help arrange on-site childcare
- Establish a Neighborhood Watch
- Organize on-site sports tournaments
- Establish a teens’ club
- Operate a food bank

The possibilities are open!
For more information

- 24 CFR Part 245
- PIH Notice 2012-32 REV 3
- H Notice 2014-12
- Your Property Owner/Manager
- Local HUD Field Office
Questions? Comments?
Thank you for your time!