



# Tenant Organizing after RAD Conversion



[Presenter Info]

# 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.

# RAD Impacts on participation funds

- 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.**



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

# Right to Organize

- 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

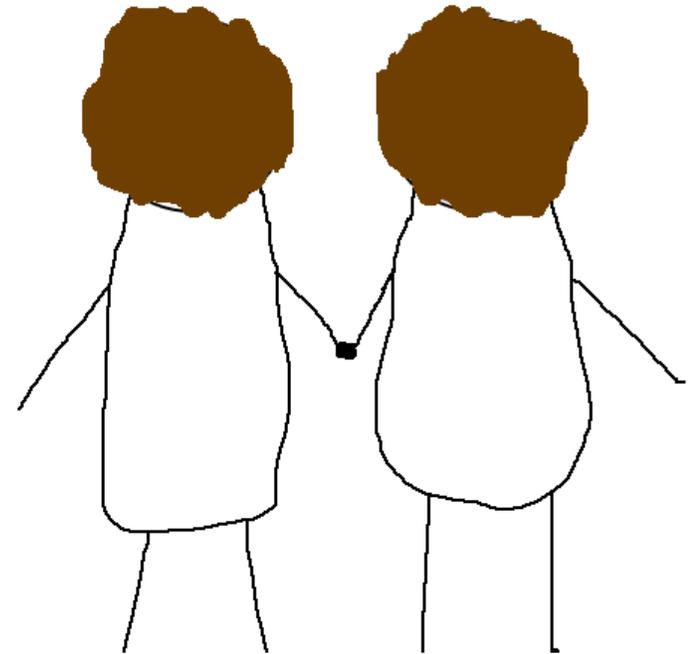
- Legitimate Tenant Organizations
  - Established by the residents of the property;
  - Meet regularly;
  - Operate democratically;
  - Represent all residents at the property; and
  - Independent from the property owner.
- Includes “organizing committees” newly formed by residents, and **does not require** 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.

# Protected Activities

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

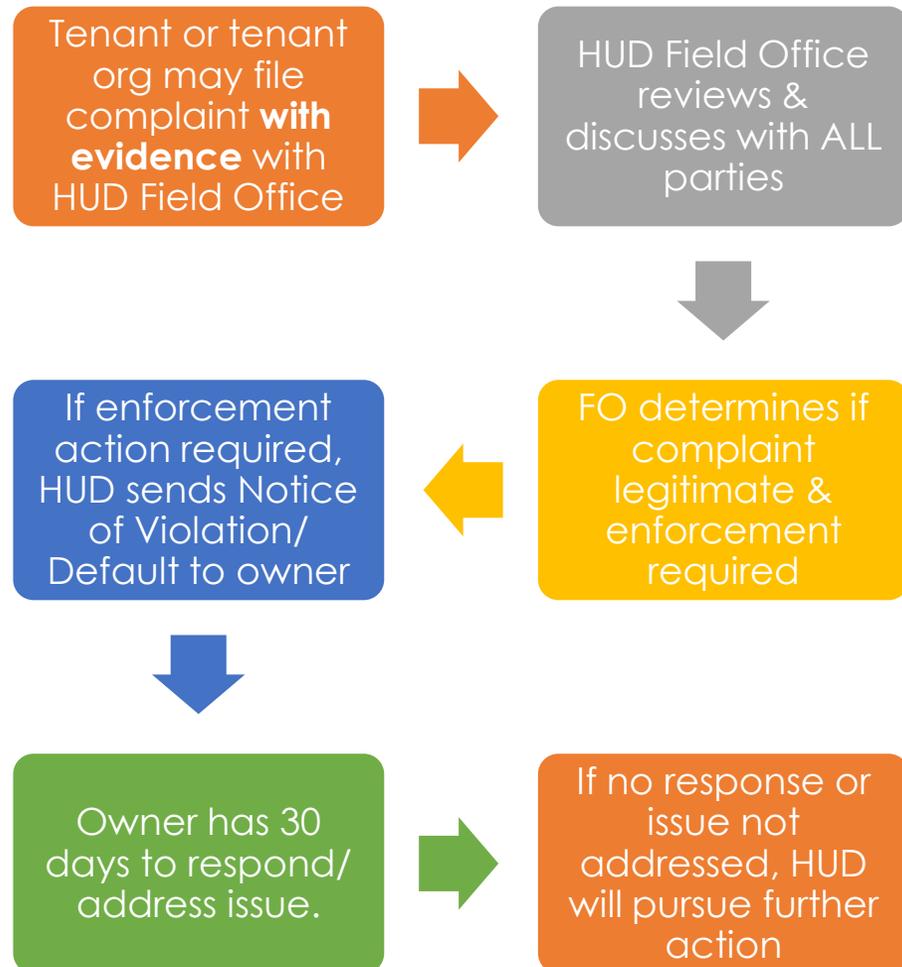
- Property owners must reasonably make available the use of any community room or other available appropriate meeting space within the property when requested by:
  - Residents or Resident Organization and used for activities to operate the organization
  - Residents seeking to establish a resident organization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





# Final Considerations

# A Few 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

- HUD Brochure:  
<https://www.hud.gov/offices/hsg/mfh/gendocs/mfhrrr.pdf>
- 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!