



# **Rental Assistance Demonstration (RAD) Relocation Requirements Notice**

**July 2014**





# SECTION 1- PURPOSE OF NOTICE



- Provide guidance on RAD relocation requirements and how the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA) applies to RAD's first component Public Housing conversions
- Clarify how the “right-to-return” policy intersects with relocation requirements
- Clarify when relocation may begin for RAD conversions
- Provide sample notices



# FAIR HOUSING & CIVIL RIGHTS



**All relocation conducted as part of RAD conversions and all relocation provided under URA must be consistent with applicable fair housing and civil rights laws, including, but not limited to:**

- Fair Housing Act
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973



## SECTIONS 2, 3, & 4 - BACKGROUND, AUTHORITY, & PLANNING



- **Description of RAD and URA**
- Questions sent to [rad@hud.gov](mailto:rad@hud.gov) or Transaction Manager (TM)
- **Legal Authorities for RAD, URA, FHEO, and Section 104(d)**
- **Relocation Planning**
  - General sequencing of relocation planning activities within RAD milestones



# SECTION 5 - RESIDENT RIGHT TO RETURN

- **RAD program rules prohibit the permanent involuntary relocation of residents as a result of conversion.**
- **Residents that are temporarily relocated retain the right to return to the project once it has been completed and is in decent, safe, and sanitary conditions.**
  - In transfers of assistance to a new site, residents of converting project have right to reside in assisted unit at new site.





## SECTION 5 - RIGHT TO RETURN, CONTINUED

- **If proposed plans for a project would preclude a resident from returning to the RAD project, the PHA must either:**
  - Alter the project plans to accommodate the resident in the converted project, OR
  - Secure informed, written consent from the resident to receive permanent relocation assistance and payments consistent with URA and acknowledge that acceptance of such assistance terminates the resident's right to return to the project.





# SECTION 6 - RELOCATION ASSISTANCE

## Varies depending on length of time relocation is required

A. If anticipated to be >12 months; PHA must offer resident choice of:

- Temporary relocation, retaining resident's right to return
- Permanent relocation at URA levels, terminating resident's right to return

B. If anticipated to be <12 months, PHA provides temporary relocation assistance





## SECTION 6 - RELOCATION ASSISTANCE

**If Temporary Relocation exceeds 12 months, then PHA must offer resident permanent relocation assistance pursuant to URA**

- Resident may choose to remain temporarily relocated and retain right to return, OR
- Resident may voluntarily accept permanent relocation, terminating their right to return







# SECTION 7 - INITIATION OF NEGOTIATIONS DATE

- Eligibility for URA relocation assistance is generally effective on the date of initiation of negotiations (ION) (49 CFR 24.2(a)(15))
- For RAD projects, the ION date is the date of the issuance of the RAD Conversion Commitment (RCC)





# SECTION 8 - RESIDENT NOTIFICATIONS



## Details requirements of the following notices:

- **General Information Notice (GIN)** – Informs residents of possible relocation, sent prior to CHAP
- **RAD Notice of Relocation** – Informs residents of applicable assistance at ION date (RCC)
- **Notice of Intent to Acquire** – If project involves acquisition, provides resident notification prior to RCC with HUD approval
- **URA Notice of Relocation Eligibility** – When temporary relocation exceeds one year
- ***Notice of Nondisplacement*** – *Not required*



# SECTION 9 - INITIATION OF RELOCATION



- **Unless otherwise approved by HUD, relocation starts at or after closing**
  - PHAs must provide residents being temporarily relocated at least 30 days advance written notice of required move
  - PHAs must give residents being permanently relocated at least 90 days advance written notice of required move
- **With prior HUD approval and in rare cases, relocation may begin prior to closing**
  - Public Housing requirements apply
  - Discuss plans with TM as early as possible
  - Requires HUD approval



# SECTION 10 - FAIR HOUSING & CIVIL RIGHTS

## Requirements:

- Effective communication for person with disabilities
- Accessible meeting facilities for person with disabilities
- Meaningful Access for persons with Limited English Proficiency (LEP)
- Comparable housing for persons with disabilities
- Advisory services





# SECTION 11 - OTHER REQUIREMENTS



- **Public Housing Program Compliance**

- Resident provisions related to occupancy and termination remain in effects until execution of the PBV or PBRA HAP contract

- **Evictions for Cause**

- If eviction was in accordance with state and local law for serious or repeated violations of material terms of lease, and not for purpose of evading relocation obligations, then resident is not entitled to relocation payments and assistance under URA



# SECTION 4 - RELOCATION PLANNING OVERVIEW



- **Prior to Application Submission**
  - Determine relocation potential, meet with and get feedback from residents on plans, right to return, provide GIN, survey residents to prepare Relocation Plan and cost estimate
- **After Commitment to enter HAP (CHAP) Issuance**
  - Prepare Significant Amendment to PHA Plan, assess and refine need for relocation, develop Relocation Plan, identify relocation housing options
- **Preparing Financing Plan**
  - Budget for relocation expenses, submit FHEO Accessibility & Relocation Checklist (may also submit Relocation Plan)



# SECTION 4 - RELOCATION PLANNING OVERVIEW



- **Receipt of RAD Conversion Commitment (RCC)**
  - RCC marks ION date, provide residents with appropriate notice informing them of relocation plans and any associated relocation assistance, meet with residents to describe approved conversion plans and discuss any required relocation
- **Closing/RAD Conversion**
  - Generally relocation should not begin until after closing (if seeking to move resident prior, must receive HUD approval), PHA must adhere to notification requirements



# APPENDICES



- **Recommended Relocation Plan Content**
- **Sample Notices**
  - General Information Notice (GIN)
  - RAD Notice of Relocation
  - URA Notice of Eligibility for Relocation Assistance





# QUESTIONS



- Received via [rad@hud.gov](mailto:rad@hud.gov)
- Does URA apply to relocations lasting less than a year?
- Does the RAD Relocation Notice take the place of the Notice of Nondisplacement?
- Will PHAs receive Tenant Protection Vouchers (TPVs) for relocation?
- My PHA would like to move residents before closing? Do we give residents the Notice of Intent to Acquire?



# QUESTIONS



- Email [rad@hud.gov](mailto:rad@hud.gov)
- Transaction specific questions to TMs and copy [rad@hud.gov](mailto:rad@hud.gov)
- **Coming Soon:**
  - Responding to questions, posted as FAQs on RAD website [www.hud.gov/rad](http://www.hud.gov/rad)
  - Further training as necessary