

Housing Authority of the City of Beaumont

FY 2027 Annual Plan

PUBLIC COMMENT VERSION

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Board Chair

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HOUSING AUTHORITY

of the City of Beaumont, Texas

Summary of Changes to the FY2027 Annual Plan

****** All changes required by the Housing Opportunities Through Modernization Act (HOTMA) will be implemented in accordance with HUD guidance. If HUD guidance has not been issued at the time of review, then the 2024 policies and procedures will prevail. ******

Changes to the Annual Plan

- The Plan details possible repositioning strategies for BHA's public housing program, including the disposition of units, conversion to Project Based or Tenant Based vouchers, and other strategies allowed under HUD regulations. Please reference Attachment B.
- The definitions of substantial deviation and significant amendment have been updated. Please reference Attachment A.

Changes to the Admissions & Continued Occupancy Plan (ACOP)

- Removed references to Equal Access Rule (2.I.B and throughout book)
- Updated language on current requirements for LEP persons including accommodations for LEP persons (Part 2.III and throughout book)
- Added more language regarding requirements for the PHA for foster children (3.I.K and throughout)
- Added Section 3.II.B. on Occupancy by Over-Income Families (3.II.B)
- Updated language regarding proof of citizenship (3.II.C and throughout)
- Updated language throughout that PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history (3.III.A and throughout)
- Updated PHA policy for Eligibility Determination Process (4.III.D)
- Added Section on Anticipating Annual Income (6.I.C)
- Removed section on Calculating Annual Income
- Removed section on Earned Income Disallowance
- Updated definition of Independent Contractor (6.I.E)
- Changed language that retirement payments are included in annual income (6.I.G)
- Updated Chapter 6.II. regarding Adjusted Income (6.II.)
- Updated Chapter 6.III. regarding Calculating Rent (6.III.)
- Added Exhibit 6-1: Annual Income Inclusions
- Added Exhibit 6-2 Annual Income Exclusions
- Updated language throughout on EIV security requirements (7 and throughout)
- Added PHA Policy on family consent (7.I.A)
- Updated PHA Policy on Penalties Failing to Consent (7.I.A)
- Updated section on Overview of Verification Requirements (7.I.B)
- Updated PHA Policy on Streamlined Income Determinations (7.I.C)
- Updated PHA policy on Business and Self-Employment Income (7.III.B)
- Removed section on Federal Tax Refunds or Refundable Tax Credits
- Updated section on Retirement Accounts (7.III.G)
- Updated section on Zero Income Families (7.III.I)
- Updated PHA Policy on Streamlined Income Determinations (7b.I.C)



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- Updated HUD-published asset threshold amount to \$52,787 for 2026 (Throughout book)
- Updated policy on EIV & Self-Certification
- Added section on Imputed Assets (7b.I.H)
- Updated section on Verification of Student Status (7.II.E)
- Updated PHA Policy on Verifying Income and Assets (7.III)
- Updated PHA Policy regarding family self certification (7.III.F)
- Removed section on Calculating Annual Income at Annual Reexamination
- Removed section on Other Considerations
- Updated section on Changes Affecting Income or Expenses (9.III.C)
- Removed Section on Non-Interim Reexamination Transactions
- Updated Ch. 10 title to add Assistance Animals and Updated Overview (10)
- Updated the PHA Policy regarding General Consideration requiring verification from PHA for assisted animal (10.I.B)
- Updated section on Other Serious or Repeated Violations to include repeated disconnection on utility services to unit (13.III.B)
- Added unlawful possession of a firearm to PHA Policy on Other Authorized Reasons for Termination (13.III.C)
- Added property damage as a property protection against termination under VAWA (13.III.F)
- Added under Family Debts that families that owes an amount over \$3,500 because of program fraud will be terminated (16.III.B)
- Added definition of “victim” to Definitions for VAWA (16.VII.B)
- Updated Exhibit 16-1: Notice of Occupancy Rights Under VAWA
- Updated Exhibit 16-2: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Updated Exhibit 16-3 Emergency Transfers for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Updated Exhibit 16-5 Schedule of Utility Allowances
- Updated 16-6 Flat Rent Table

Housing Choice Voucher Administrative Plan Changes

- Updated I.III.B. Contents of the Plan (I.III.B)
- Removed references to Equal Access Rule (2.I.B and throughout book)
- Added language regarding notices given to families with disabled member (2.II.G)
- Updated language on current requirements for LEP persons including accommodations for LEP persons (Part 2.III and throughout book)
- Added more language regarding requirements for the PHA for foster children (3.I.K and throughout)
- Updated language regarding proof of citizenship (3.II.B and throughout)
- Updated language throughout that PHA must prohibit admission for certain types of criminal activity and give the PHA the option to deny for other types of previous criminal history (3.III.A and throughout)
- Updated definition of Independent Contractor (6.I.F)
- Changed language that retirement payments are included in annual income (6.I.G)
- Updated Chapter 6.II.A regarding Adjusted Income (6.II.A)
- Removed section on Earned Income Disallowances for Persons With Disabilities



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- Updated Language on Student Financial Assistance (6.I.F)
- Updated PHA Policy on alimony and child support (6.I.G)
- Updated HUD-published asset threshold amount to \$52,787 for 2026 (Throughout book)
- Updated language for PHA Policy on HIPAA documentation for PHAs (6.III.D)
- Updated language throughout on EIV security requirements (7 and throughout)
- Added PHA Policy on family consent (7.I.A)
- Updated PHA Policy on Penalties Failing to Consent (7.I.A)
- Updated section on Overview of Verification Requirements (7.I.B)
- Deleted sections on Verification Hierarchy and Verification levels (7)
- Added PHA Policy regarding Verifying Income and Assets (7.III)
- Updated PHA Policy on income proof requirements (7.III.B)
- Updated PHA Policy on Streamlined Income Determinations (7b.I.C)
- Added section on Imputed Assets (7b.I.H)
- Added Exhibit 7-2: SAVE System Responses
- Changed Chapter 8.A. to Housing Quality Standards and Rent Reasonableness Determinations
- Added Part on Physical Standards (8.I)
- Added Exhibit 8-1: Overview of HUD Housing
- Added Exhibit 8-2 Summary of Tenant Preference Areas Related to Housing Quality
- Removed Exhibit 8-2: Rent Reasonableness Methodology
- Added Chapter 8.B. on NSPIRE Inspections
- Added Section on PHA Leasing Assistance for Families (9.I.E)
- Updated PHA Policy on Scheduling Annual Reexaminations (11.I.B)
- Updated PHA Policy on Notification of and Participation in the Annual Reexamination Process (11.I.B)
- Updated PHA Policies under Conducting Annual Reexaminations (11.I.C)
- Removed Section on Calculating Annual Income at Annual Reexamination
- Updated section on Changes Affecting Income or Expenses (11.II.C)
- Removed Section on Non-Interim Reexamination Transactions
- Updated Reexamination parts outline at beginning of Chapter 11.B (11.B)
- Added Section on Owner Incentive/Retention Payments (13.I.A)
- Updated Section on Reasonable Accommodations (16.II.B)
- Updated PHA Policy on Criminal Prosecution for Program Fraud/Abuse (16.IV.B)
- Updated VAWA Definitions (16.IX.B)
- Updated Section on VAWA Confidentiality (16.IX.E)
- Updated Exhibit 16-1: Notice of Occupancy Rights Under VAWA
- Updated Exhibit 16-6: Payment Standards
- Updated all of Chapter 17: Project-Based Vouchers

Public Housing Lease

- Pg. 24- Section 13- Keys and Locks

Capital Fund

- Updated to reflect planned capital activities over the next 5 years.

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 9/30/2027
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services. They also inform HUD, families served by the PHA, and members of the public of the PHA's mission, goals, and objectives for serving the needs of low-, very low-, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA **do not** need to submit this form. Note: PHAs with zero public housing units must continue to comply with the PHA Plan requirements until they closeout their Section 9 programs (ACC termination).

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers (HCVs) and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, SEMAP for PHAs that only administer tenant-based assistance and/or project-based assistance, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or HCVs combined and is not PHAS or SEMAP troubled.

A.	PHA Information.
A.1	<p> PHA Name: _____ PHA Code: _____ PHA Type: <input type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA PHA Plan for Fiscal Year Beginning: (MM/YYYY): _____ PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) Number of Public Housing (PH) Units _____ Number of Housing Choice Vouchers (HCVs) _____ Total Combined Units/Vouchers _____ </p> <p> PHA Plan Submission Type: <input type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </p> <p> Public Availability of Information. In addition to the items listed in this form, PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA and should make documents available electronically for public inspection upon request. PHAs are strongly encouraged to post complete PHA Plans on their official websites and to provide each resident council with a copy of their PHA Plans. </p>

PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below)

Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program	
				PH	HCV
Lead PHA:					

B. Plan Elements

B.1 Revision of Existing PHA Plan Elements.

(a) Have the following PHA Plan elements been revised by the PHA?

- | | | |
|--------------------------|--------------------------|--|
| Y | N | |
| <input type="checkbox"/> | <input type="checkbox"/> | Statement of Housing Needs and Strategy for Addressing Housing Needs. |
| <input type="checkbox"/> | <input type="checkbox"/> | Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. |
| <input type="checkbox"/> | <input type="checkbox"/> | Financial Resources. |
| <input type="checkbox"/> | <input type="checkbox"/> | Rent Determination. |
| <input type="checkbox"/> | <input type="checkbox"/> | Operation and Management. |
| <input type="checkbox"/> | <input type="checkbox"/> | Grievance Procedures. |
| <input type="checkbox"/> | <input type="checkbox"/> | Homeownership Programs. |
| <input type="checkbox"/> | <input type="checkbox"/> | Community Service and Self-Sufficiency Programs. |
| <input type="checkbox"/> | <input type="checkbox"/> | Safety and Crime Prevention. |
| <input type="checkbox"/> | <input type="checkbox"/> | Pet Policy. |
| <input type="checkbox"/> | <input type="checkbox"/> | Asset Management. |
| <input type="checkbox"/> | <input type="checkbox"/> | Substantial Deviation. |
| <input type="checkbox"/> | <input type="checkbox"/> | Significant Amendment/Modification. |

(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):

(c) The PHA must submit its Deconcentration Policy for Field Office review.

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's applicable Fiscal Year?

Y N

- Choice Neighborhoods Grants.
- Modernization or Development.
- Demolition and/or Disposition.
- Designated Housing for Elderly and/or Disabled Families.
- Conversion of Public Housing to Tenant-Based Assistance.
- Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.
- Homeownership Program under Section 32, 9 or 8(Y)
- Occupancy by Over-Income Families.
- Occupancy by Police Officers.
- Non-Smoking Policies.
- Project-Based Vouchers.
- Units with Approved Vacancies for Modernization.
- Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the applicable Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.

B.3

Progress Report.

Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.

B.4	Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C. Other Document and/or Certification Requirements.	
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>

<p>C.2</p>	<p>Certification by State or Local Officials.</p> <p>Form HUD 50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p>C.3</p>	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
<p>C.4</p>	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>

C.5 Troubled PHA.

(a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?

Y N N/A

(b) If yes, please describe:

Attachment A

The Housing Authority of the City of Beaumont (BHA) is amending its definition of Substantial Deviation and Significant Amendment as such:

I. SUBSTANTIAL DEVIATION

A substantial deviation may be defined as a loss and/or inadequate funding for a program, reallocation of funding to sustain programs and/or a change in regulatory requirements governing a program, thus requiring BHA to amend its agency plan. As part of the Conversion process, BHA is redefining the definition of a substantial deviation from the BHA Plan to exclude the following RAD-specific items:

- a. Changes to the unit mix or count of units converted under a RAD, Section 18 and/or RAD/ S18 Blend Conversion;
- b. Changes to converting in place or through a transfer of assistance process, including the location to where assistance is being transferred, the number of units to be transferred, the bedroom distribution of the units in the new buildings, and the type of units, if changed (e.g. family, elderly/ disabled, or elderly-only);
- c. Changes to any reduction or change in the number of units and what reduction category they fall under (i.e. de minimis);
- d. How the waiting list will be transferred and how households will be selected for the transfer, where applicable;
- e. What the PHA plans to do with the original site following the transfer of assistance, consistent with allowable uses described in Section 14.4A.12 of the RAD Notice;
- f. Changes to the Capital Fund Budget produced as a result of each approved Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- g. Changes to the Relocation Plan and processes for each approved conversion;
- h. Changes to the construction and rehabilitation plan for each approved conversion;
- i. Changes to the financing structure for each approved conversion; and
- j. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance and the administering agency for the vouchers.

II. SIGNIFICANT AMENDMENT/ MODIFICATION

BHA will amend or modify its agency plan upon the occurrence of any of the following events during the first nine months of the term of an approved plan:

- a. A federal statutory or regulatory change is made effective and, in the opinion of the Authority, has either substantial programmatic or financial effects on the programs administered by the Authority, or creates substantial obligations or administrative burdens beyond the programs under administration at the start of the Plan year.

- b. Proposed demolition, disposition, homeownership, Capital Fund Financing, development, or mixed finance proposals not already identified in this plan and those that are considered by HUD to be significant amendments to the Agency Plan and CFP 5 Year Action Plan.
- c. Any Capital Fund project not already in the Five-Year Action Plan excluding projects arising out of federally declared major disasters, acts of God beyond the control of the Authority, such as earthquakes, fire and storm damages, civil unrest, or other unforeseen significant event or changes in use of replacement reserve funds under the Capital Fund in the amount of 20% or more of the annual grant;
- d. Any other event that the Authority's Board determines to be a significant amendment or modification of the approved annual plan.

Attachment B

The Housing Authority of the City of Beaumont (BHA) is amending its Annual and Five Year BHA Plans because it is considering applying to the Rental Assistance Demonstration (RAD). As a result, if BHA moves forward with conversion, it may consider converting some or all of its Public Housing units to Project Based Vouchers under the guidelines of H-2019-09 PIH-2019-23 (HA) and any successor Notices and PIH Notice 2021-07. As a part of the RAD conversion, the BHA intends to utilize the RAD and/or RAD/ Section 18 Blend processes outlined in PIH Notice 2021-07 for all of the units.

BHA has 8 sites consisting of 557 Public Housing units [LIST ALL PH SITES BELOW].

Development	Type	AMP	Efficiency	1BR	2B2	3BR	4BR	Total
Tracewood I & II	Family	AMP 5	0	5	65	5	2	77
Scattered Sites	Family	AMP 11	0	0	7	53	3	63
Regent I	Family	AMP 14	0	8	39	23	0	70
Pointe North	Family	AMP 15	0	12	40	27	0	79
The Crossing	Elderly	AMP 16	0	42	14	0	0	56
Century Heights	Elderly	AMP 17	0	58	10	0	0	68
Trinity Grove	Family	AMP 18	0	10	25	15	0	50
Grandpine Courts	Elderly/Disabled	AMP 42	30	58	6	0	0	94
TOTAL			30	193	206	123	5	557

BHA is currently in the process of determining the feasibility of converting its units, including potentially utilizing third party financing such as FHA or Low-Income Housing Tax Credits. BHA may also pursue the Transfer of Assistance process for one or more sites, if it determines this is the most beneficial process for conversion for the sites. The BHA may opt to dispose of these units to an instrumentality of the BHA at below fair market value or fair market value and either retain the units and rehabilitate or reconstruct the units for the provision of affordable housing. Upon conversion of all units, the unit types, bedroom sizes, and number of units in each category are anticipated to remain the same. BHA anticipates that a minimum of 10% of the units will convert under the RAD program and the remaining units will convert under the Section 18 program. Pursuant to PIH Notice 2018-04, the BHA intends to apply for Tenant Protection Vouchers for all units converting under the Section 18 process and subsequently project-base the vouchers to both existing and newly developed units to maintain and ensure long term affordability.

Upon successful conversion under RAD and Section 18 of all of its public housing units, the BA intends to close out its Public Housing program pursuant to PIH Notice 2016-23.

BHA is firmly committed to improving the quality of life for its residents and providing deeply affordable housing to extremely low to moderately low income individuals and families. Through the Rental Assistance Demonstration (RAD) program and conversion of the remaining units under the Section 18 program to Project-Based Vouchers (PBV), BHA will continue to have ownership in its properties and provide its residents with expanded choices and opportunities. BHA will also have the ability to evaluate and immediately address many needed capital improvements and will continue to serve the same population. The RAD PBV and non-RAD PBV programs offer BHA an opportunity to transition from its current public

housing funding platform to a more stable, predictable and sustainable funding source, the Project Based Voucher (PBV) program. The same families who are eligible today for public housing will be eligible for the PBV program. This is consistent with BHA's PHA Plan and mission to promote adequate and affordable housing, economic opportunity and a suitable living environment free from discrimination.

Upon conversion to Project Based Voucher program, BHA will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6, Attachment 1B of the RAD Notice H-2019-09 PIH-2019-23 Rev. 4, the RAD Fair Housing, Civil Rights, and Relocation Notice - Notice H 2016-17, PIH 2016-17 (HA), PIH-2012-32 and the Joint Housing/PIH Notice H-2014-09/ PIH-2014-17 (Attachment D). These resident rights, participation, waiting list and grievance procedures are listed below. XHA does not plan on adopting any waiting list preferences at this time for the converted projects.

Additionally, BHA is currently compliant with all fair housing and civil rights requirements and the RAD conversion will comply with all applicable site selection and neighborhood reviews standards and all appropriate procedures have been and will be followed. BHA is not under a Voluntary Compliance Agreement, consent order or consent decree or final judicial ruling or administrative ruling or decision and assures that compliance will not be negatively impacted by conversion activities.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing BHA with access to private sources of capital to repair and preserve its affordable housing assets. Upon conversion, PHA's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration. In addition, BHA may also borrow funds to address their capital needs. Lastly, BHA may also be contributing Operating Reserves and Capital towards the conversion.

Attachment 1B: Resident Provisions in Conversions of Assistance from Public Housing

Attachment 1B – Resident Provisions in Conversions of Assistance from Public Housing to PBRA and PBV

This Attachment contains two sections, describing:

- 1B.1 Summary of Resident Provisions
 - 1B.2 Resident Participation and Funding
-

1B.1 Summary of Resident Provisions

The following is a summary of special provisions and alternative requirements related to tenants of public housing projects converting under RAD (including for those that will reside in Legacy Non-RAD PBV units in the Covered project):

- Conversion will be considered a significant action requiring discussion in the PHA’s Five-Year Plan, Annual Plan or MTW Plan or requiring a significant amendment to a PHA Plan (see [Section 1.5.E](#) of this Notice);
- Notification of proposed conversion, meetings during the conversion process, written response to residents comments on conversion, and notification of conversion approval and impact (see [Section 1.8](#) of this Notice);
- No rescreening at conversion (see [Section 1.6.C.1](#) of this Notice for conversions to PBV and [Section 1.7.B.1](#) for conversions to PBRA);
- A right to return, which covers the right to return to the rent-assisted property after temporary relocation (when temporary relocation is necessary to facilitate rehabilitation or construction), or the right to occupancy of the new unit if the rental assistance is transferred to a new unit. (See [Section 1.4.A.5](#) of this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice.)
- Phase-in of tenant rent increases (see [Section 1.6.C.3](#) of this Notice for conversions to PBV and [Section 1.7.B.3](#) for conversions to PBRA);
- Relocation protections, including procedural rights, assistance with moving, and applicable relocation payments. (See [Section 1.4.A.5](#) of this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice.)
- Continued participation in the ROSS-SC FSS and JobsPlus programs (see [Sections 1.6.C.5 and 1.6.C.9](#) of this Notice, for conversions to PBV and [Section 1.7.B.4](#) for conversions to PBRA);
- Continued Earned Income Disregard (see [Section 1.6.C.8](#) of this Notice, for conversions to PBV and [Section 1.7.B.7](#) for conversions to PBRA);

Attachment 1B: Resident Provisions in Conversions of Assistance from Public Housing

- Continued recognition of and funding for legitimate residents organizations (see [Section 1.6.C.6](#) of this Notice for conversions to PBV, [Section 1.7.B.5](#) of this Notice for conversions to PBRA, and below in Attachment 1B.2 for additional requirements for both programs);
- Procedural rights consistent with section 6 of the Act (see [Section 1.6.C.7](#) of this Notice for conversions to PBV and [Section 1.7.B.6](#) of this Notice for conversions to PBRA); and
- Choice-mobility option allowing a resident to move with a tenant-based voucher after tenancy in the Covered Project (see 24 CFR § 983.261 for conversions to PBV and Section 1.7.C.5 of this Notice for conversions to PBRA).

The foregoing is a summary of special provisions and alternative requirements relating to residents of public housing projects converting to RAD and does not attempt to capture all program requirements and details. For additional information, refer to the full text of this Notice and to the RAD Fair Housing, Civil Rights, and Relocation Notice (Notice H 2016-17; PIH 2016-17).

Attachment 1B: Resident Provisions in Conversions of Assistance from Public Housing

1B.2 Resident Participation and Funding⁹⁸

The following provisions contain the resident participation and funding requirements for public housing conversions to PBRA and PBV, respectively.

A. PBRA: Resident Participation and Funding

Residents of Covered Projects converting assistance to PBRA will have the right to establish and operate a resident organization in accordance with 24 CFR Part 245 (Tenant Participation in Multifamily Housing Projects). In addition, a Project Owner must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate tenant organization at the covered property. Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation. These funds must be used for resident education, organizing around tenancy issues, and training activities.

In the absence of a legitimate resident organization at a Covered Project, HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate resident organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization.

Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner. Eligible uses of funds are the same as those permitted under “Guidance on the use of Tenant Participation Funds,” Notice PIH 2013-21. The Department strongly encourages residents and Project Owners to resolve questions concerning specific uses of resident participation funds directly. If a dispute over funding arises the resident organization or Project Owner may refer any disputes over funding to the HUD Field Office for intervention only after documented efforts to at direct resolution have proven unsuccessful.

B. PBV: Resident Participation and Funding

To support resident participation following conversion of assistance, residents of Covered Projects converting assistance to the PBV program will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living

⁹⁸ For the purposes of this Attachment, HUD uses the term “Project Owner” to refer to the owner of a Converting Project or Covered Project, as applicable to the context

Attachment 1B: Resident Provisions in Conversions of Assistance from Public Housing

environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development.

- 1. Legitimate Resident Organization.** A Project Owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by legitimate resident organizations. A resident organization is legitimate if it has been established by the residents of a Covered Project, meets regularly, operates democratically, is representative of all residents in the project, and is completely independent of the Project Owner, management, and their representatives.

In the absence of a legitimate resident organization at a Covered Project, HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate resident organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization.

- 2. Protected Activities.** Project Owners must allow residents and resident organizers to conduct the following activities related to the establishment or operation of a resident organization:
 - a.** Distributing leaflets in lobby areas;
 - b.** Placing leaflets at or under residents' doors;
 - c.** Distributing leaflets in common areas;
 - d.** Initiating contact with residents;
 - e.** Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
 - f.** Posting information on bulletin boards;
 - g.** Assisting resident to participate in resident organization activities;
 - h.** Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
 - i.** Formulating responses to Project Owner's requests for:
 - i.** Rent increases;
 - ii.** Partial payment of claims;
 - iii.** The conversion from project-based paid utilities to resident-paid utilities;
 - iv.** A reduction in resident utility allowances;
 - v.** Major capital additions; and

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- vi. Prepayment of loans.

In addition to these activities, Project Owners must allow residents and resident organizers to conduct other reasonable activities related to the establishment or operation of a resident organization.

Project Owners shall not require residents and resident organizers to obtain prior permission before engaging in the activities permitted in this section.

3. **Meeting Space.** Project Owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
 - a. Residents or a resident organization and used for activities related to the operation of the resident organization; or
 - b. 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 this is impractical for reasons beyond the organization's control. If the project has an accessible common area or areas, it will not be impractical to make organizational meetings accessible to persons with disabilities.

Project Owners may charge a reasonable, customary and usual fee, approved by the Secretary as may normally be imposed for the use of such facilities in accordance with procedures prescribed by the Secretary, for the use of meeting space. A PHA may waive this fee.

4. **Resident Organizers.** A resident organizer is a resident or non-resident who assists residents in establishing and operating a resident organization, and who is not an employee or representative of current or prospective Project Owners, managers, or their agents.

Project Owners must allow resident organizers to assist residents in establishing and operating resident organizations.

5. **Canvassing.** If a Covered Project has a consistently enforced, written policy against canvassing, then a non-resident resident organizer must be accompanied by a resident while on the property of the project.

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If a project has a written policy favoring canvassing, any non-resident resident organizer must be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations. If the project does not have a consistently enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.

A resident has the right not to be re-canvassed against his or her wishes regarding participation in a resident organization.

- 6. Funding.** Project Owners must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate resident organization at the covered property.⁹⁹ These funds must be used for resident education, organizing around tenancy issues, and training activities. Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner. Eligible use of funds are the same as those permitted under “Guidance on the use of Tenant Participation Funds,” Notice PIH 2013-21. The Department strongly encourages residents and Project Owners to resolve questions concerning specific uses of resident participation funds directly. If a dispute over funding arises the resident organization or Project Owner may refer any disputes over funding to the Contract Administrator for intervention only after documented efforts to at direct resolution have proven unsuccessful.

⁹⁹ Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation.