

**PRINCIPLES FOR THE RENTAL ASSISTANCE DEMONSTRATION:**  
**SUPPLEMENTAL RESIDENT RIGHTS AND PROTECTIONS UNDER RAD CONVERSION**

*Prepared by the New York City (NYC) Rental Assistance Demonstration (RAD) Roundtable on  
Resident Rights and Protections*

*The RAD Principles are intended as supplemental to rights and protections already provided by federal and state statute, U.S. Department of Housing and Urban Development (HUD) regulations, and HUD notices. The HUD notice related to resident protections is included as an appendix.*

These Guiding Principles were developed by the RAD Roundtable in partnership with the New York City Housing Authority (NYCHA) in order to ensure that the rights of tenants are protected as NYCHA preserves properties through RAD. The RAD Roundtable included participants who are residents of NYCHA public housing and who represent community-based organizations, including:

Bernadette McNear, President, Ralph J. Rangel Houses Tenant Association, Manhattan  
Lolita Miller, Treasurer, Ocean Bay (Bayside) Tenant Association, Queens  
Ann Cotton Morris, President, Woodside Houses Tenant Association, Queens, and Chair, NYCHA City-Wide Council of Presidents (CCOP)  
Charlene Nimmons, Resident, Wyckoff Gardens, Brooklyn, and Founder & Executive Director of Public Housing Communities, Inc.  
Diana Blackwell, President, Fred Samuels Houses Tenant Association, Manhattan  
Community Service Society  
Community Voices Heard  
Enterprise Community Partners, Inc.  
FUREE  
Good Ole Lower East Side  
Local Initiative Support Corporation  
New York Housing Conference  
The Legal Aid Society  
Urban Upbound

*The RAD Principles have been endorsed by Roundtable participants: Bernadette McNear, President, Ralph J. Rangel Houses Tenant Association, Manhattan, Lolita Miller, Treasurer, Ocean Bay (Bayside) Tenant Association, Queens, Charlene Nimmons, Resident, Wyckoff Gardens, Brooklyn, and Founder & Executive Director of Public Housing Communities, Inc., Diana Blackwell, President, Fred Samuels Houses Tenant Association, Manhattan, Community Service Society, Enterprise Community Partners, Inc., FUREE, Good Ole Lower East Side, Local Initiative Support Corporation, New York Housing Conference, The Legal Aid Society, and Urban Upbound*

## **PRINCIPLES FOR THE RENTAL ASSISTANCE DEMONSTRATION**

### **Residents:**

- ***Notice of RAD Candidacy***  
Residents and Resident Associations (RAs) will have notice that their development is under NYCHA consideration for RAD conversion. NYCHA will begin outreach and education with residents while HUD considers NYCHA applications to ensure residents have the opportunity to learn about RAD in advance of HUD approval of developments.
- ***Resident Education***  
A RAD handbook shall be distributed to all affected residents, providing comprehensive information about RAD conversion, including how RAD will differ from public housing and the potential impacts for residents and the community.
- ***Right to Organize***  
Residents have the right to form a resident organization (RO) to represent all residents in the development, which the developer/property manager (PM) must recognize. If there is a RA (964-compliant and NYCHA-certified) that exists prior to RAD conversion, the RA will be recognized as the RO after conversion. If only part of the development with an RA will convert, the RA will continue to exist and the converted portion may form an RO. If no RA exists, NYCHA shall encourage the residents to form one prior to RAD conversion. If, upon conversion, there is no RO, the PM should encourage residents to form one and support them in doing so.
- ***Resident Participation Funding***  
The RO will decide on how to use the RO portion of Resident Participation Funds, within the uses permitted under RAD including discretion over engaging community organizations for technical assistance and education. If the RA exists, funding should be allocated prior to conversion and transferred to the RO after conversion. If only part of a development is converting, the amount of funding to be transferred to a new RO will be prorated based on the number of units.
- ***Communications Among ROs***  
In order to promote communication among ROs once a number of RAD conversions take place, NYCHA will provide ROs with contact information for other RAD property managers to enable organizations to communicate.
- ***Grievances and Lease Terminations***  
NYCHA will develop a set of procedures for resident grievances and lease termination proceedings that will take effect upon conversion. The procedures will be uniform for each converted development and must be implemented by each PM. The PM must provide ongoing orientation to the procedures for residents.
- ***Succession Rights***  
Households of a unit prior to conversion shall continue to have the same succession rights after conversion as NYCHA public housing residents. Persons who become residents of a unit after conversion shall have succession rights according to Section 8 rules.
- ***Resident Businesses***  
Residents may engage in legal profit-making activities, including the operation of a home-based business, in their dwelling unit, provided that such activities are incidental to the primary use of the dwelling unit as a residence

### **RAD Developer/Property Manager (PM):**

- ***RO Recognition and Meetings***  
The PM must recognize a legitimate RO as the residents' representative. The PM must invite the RO to all resident engagements. The PM must meet regularly with ROs to discuss emerging property-wide issues, particularly during the construction/rehabilitation process. The PM and RA/RO should agree on

the frequency of these meetings. If there is no RA to become an RO after conversion, the PM should support residents in forming one.

- ***Right to Stay: Keeping Current Residents***  
The PM shall not rescreen current households upon conversion for the purpose of maintaining tenancy including for income eligibility, income targeting provisions, criminal background, or credit history. Pets registered with NYCHA prior to conversion must also be allowed to stay.
- ***Keeping Residents Informed***  
The PM must provide clear and accessible information to residents (in accord with HUD RAD guidance) regarding income recertification, eligible uses of Resident Participation Funds, rehabilitation and unit work schedules, and other PM expectations of residents. The PM should also create a system for responding to resident concerns or complaints and communicate how that process will work to residents.
- ***Language Access***  
The PM will provide language assistance to residents who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines and HUD regulations.
- ***Plan for Resident Services***  
The PM must provide a plan for assessing and responding to resident social service needs, including employment training and job opportunities. The PM must maintain community centers and the provision of services when the community center is part of the converting development. PM must consult with residents and the RO about their preferences in the choice of service providers and activities.
- ***Training and Employment Opportunities***  
The PM must provide training and employment opportunities to residents both during and after construction and collaborate with NYCHA to finalize a plan. The PM must ensure that employees at the development are able to apply for positions with the new property management company.
- ***Rehabilitation Needs***  
The PM should keep a record of rehabilitation needs, concerns about the structure and quality of buildings, which are raised by residents in the engagement process.
- ***Coordinated Income Reviews***  
In order not to subject households to multiple income reviews—such as for HUD recertification and the Low Income Housing Tax Credit (LIHTC)—the PM and NYCHA must work to combine them into a single process where feasible.
- ***Temporary Relocation***  
If any relocation is necessary, NYCHA and the PM must provide residents with the written relocation plans and inform them of their right to return and protections from relocation costs.
- ***Procedures for Handling Grievances and Lease Terminations***  
NYCHA will develop a set of procedures for resident grievances and lease termination proceedings that will take effect upon conversion. The procedures will be uniform for each converted development and must be implemented by each PM. The PM must provide ongoing orientation to the procedures for residents.
- ***Language Access***  
The PM will provide language assistance to residents of the project who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines.
- ***Enforcement of Principles***  
NYCHA will implement these principles, including all items related to resident protections, services, and ongoing tenancy rights into appropriate transactional documents in consultation with the RAD Roundtable members. Tenant rights as described in these principles will be appropriately delineated in a required rider to resident leases with the PM. These rights will be part of the lease by incorporation.

## NYCHA:

- ***Notice of RAD Candidacy***  
NYCHA will provide residents and RAs with notice that a development is under consideration for RAD conversion. NYCHA will begin outreach and education with residents while HUD considers NYCHA applications to ensure residents have the opportunity to learn about RAD in advance of HUD approval of developments.
- ***Recognition of the RA Role***  
If there is an RA prior to RAD conversion, NYCHA must involve the RA in all resident engagements. If no RA exists, prior to RAD conversion, NYCHA shall encourage the residents to form one prior to conversion.
- ***Resident Participation Funding***  
RA funding should be allocated prior to conversion and transferred to the RO after conversion. If only part of a development is converting, the amount of funding to be transferred to a new RO will be prorated based on the number of units.
- ***Communications Among ROs***  
In order to promote communication among ROs once a number of RAD conversions take place, NYCHA will provide ROs with contact information for other RAD property managers to enable organizations to communicate.
- ***Training and Employment Opportunities***  
NYCHA will collaborate with the PM on a plan to provide training and employment opportunities to residents, both during and after construction.
- ***Coordinated Income Reviews***  
In order not to subject households to multiple income reviews—such as for HUD recertification and the Low Income Housing Tax Credit (LIHTC)—the PM and NYCHA must work to combine them into a single process where feasible.
- ***Rehabilitation Needs***  
NYCHA should keep a record of rehabilitation needs, concerns about the structure and quality of buildings, which are raised by residents in the engagement process or in the unit-by-unit Physical Needs Assessment.
- ***Temporary Relocation***  
If any relocation is necessary, NYCHA and the PM must provide residents with the written relocation plan and inform them of their right to return and protections from relocation costs.
- ***Waiting List Responsibility***  
NYCHA will administer site-based Section 8 Voucher waiting lists, which will be used to fill all vacancies in RAD-converted developments. NYCHA will notify applicants on the public housing waiting list about how to be placed on the Section 8 waiting list in accordance with HUD guidelines.
- ***Pet Policy***  
NYCHA will recommend that all PMs adopt NYCHA's pet policy as a minimum standard. Residents with pets registered with NYCHA prior to conversion will be allowed to stay.
- ***Resident Selection Criteria***  
NYCHA will require PMs to comply with a resident selection plan provided by NYCHA to ensure that all PMs in RAD-converted developments use standard resident selection criteria, pertaining to criminal background checks and rent payment and credit history.
- ***Processing Applications Pre-Conversion***  
NYCHA will process requests for adding household members to a lease and interim re-certifications by an established deadline related to the anticipated date of conversion. NYCHA will approve requests that are eligible according to NYCHA's policy. NYCHA will announce the date in advance to RAs and residents. NYCHA will process requests for transfers in accordance with its established policies at the time.

- ***Post-Conversion Development-Wide Problems***  
NYCHA will provide a contact person, with whom ROs can register development-wide, systemic problems that may emerge.
- ***Language Access***  
NYCHA will provide language assistance to residents who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines.
- ***Security Deposits***  
NYCHA will transfer the security deposits paid by residents for their public housing unit to the PM upon conversion.
- ***Utility Payments***  
Utility allowances will be provided to residents where applicable in accordance with Section 8 program rules.
- ***Enforcement of Principles***  
NYCHA will implement these principles, including all items related to resident protections, services, and ongoing tenancy rights into appropriate transactional documents in consultation with the RAD Roundtable members. Tenant rights as described in these principles will be appropriately delineated in a required rider to resident leases with the PM. These rights will be part of the lease by incorporation.