

**Housing Authority of Owensboro**

**BOARD RESOLUTION**

Be it resolved by a majority vote that the Board of Commissioners of the Housing Authority of Owensboro hereby authorize the submission to the Department of Housing and Urban Development of the following Significant Amendment to the Housing Authority of Owensboro's Annual/Five-Year Plan.

**Units to be Converted**

The Housing Authority of Owensboro has submitted an application to convert 248 family units to Project Based Vouchers through the RAD program utilizing Low Income Housing Tax Credits.

**Bedroom Distribution Changes**

The plan includes razing three buildings (12 units) and then replacing them with twelve accessible units. Below is the unit breakdown before and after:

	Pre-Conversion	Post Conversion		
	Total Units	Rehab Units	New Construction Accessible Units	Combined Rehab and New
1 BR	44	44	5	49
2 BR	120	108	4	112
3 BR	68	68	2	70
4 BR	16	16	1	17

The number of units will remain 248 and all units are family. The proposed structure of the conversion does include decreasing the number of two bedroom units by six, but due to the demand for more one bedrooms and accessible units the new structure will better address the needs of the population on our waiting lists.

**Changes in the policies that govern eligibility, admission, selection, and occupancy of units at the project**

**Policy Changes: Eligibility**

Due to the conversion being a Low Income Housing Tax Credit project to convert to PBV, income eligibility will change from the current Public Housing income eligibility. The income limit for occupants will be reduced to 60% AMI with all new move-ins post closure having to also be income eligible (50% AMI) for the Project Based Voucher Program after appropriate deductions.

## **Protections and Residents Rights**

The following protections will be included in the RAD–PBV policies:

### ***Right to Return and Relocation Assistance***

Any person who is legally on the lease or otherwise in lawful occupancy at the Converting Project at or after the time of submission of the Conversion Plan has a right to remain in or, in the event that rehabilitation will result in the relocation of residents, a right to return to an assisted unit at the Covered Project. Any relocation as a direct result of acquisition, demolition, or rehabilitation is subject to requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) which are found at 49 CFR part 24. Proper notices including the General Information Notice (GIN), when applicable, must be sent in accordance with URA regulations and other applicable relocation regulations. Additionally, relocation and one-for one replacement requirements under section 104(d) of the Housing and Community Development Act of 1974 may apply when CDBG or HOME funds are used in connection with a RAD conversion. Section 104(d) requirements are found at 24 CFR part 42, subpart C, and program-specific relocation requirements for CDBG and HOME projects are found at 24 CFR 570.606 and 24 CFR 92.353, respectively. The applicability of URA or section 104(d) requirements to a RAD conversion is fact-specific and must be determined in accordance with the applicable URA and section 104(d) regulations. Permanent involuntary displacement of residents may not occur as a result of a Project's conversion of assistance. If proposed plans for a Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. If the resident objects to such plans, the Project Owner must alter the Project plans in order to house the resident in the Covered Project. If a resident agrees to the plans which would preclude the resident's return, the Project Owner must ensure that the resident's decision is fully informed, voluntary, and well documented. To be fully informed, at a minimum the resident must be notified in writing of a) his or her right to return; b) his or her right to object to plans which would preclude the resident from returning; c) the Project Owner's obligation to accommodate the resident's right to return; and d) a description of the short and long-term implications of both the right to return arrangements (e.g., temporary relocation) and the resident's options if the resident agrees to such plans. The resident must be provided counseling regarding the resident's rights and options. To be voluntary, a resident must be informed of their right to return, potential for relocation, and temporary and permanent housing options 30 days before making a decision. In addition, under the URA regulation, residents must be provided notice of relocation at least 90 days before the relocation. The Project Owner cannot employ any tactics to pressure the resident into relinquishing his or her right to return or accepting permanent relocation assistance and payments. To be well documented, evidence of a resident's decision must be retained by the Project Owner. At a minimum such evidence must include copies of notices informing the resident of their options, records of any counseling or assistance provided, and the resident's informed, written consent, including an acknowledgement that acceptance of such assistance terminates the resident's right to return to the Covered Project. If the resident agrees to the Project Owner's plans, the permanent relocation is considered voluntary, but must include, at a minimum, any relocation assistance and payments required under the URA and Section 104(d), as applicable. The Project Owner may not propose or request that residents waive their rights or entitlements to relocation assistance under the URA or Section 104(d).

**Residents will not be rescreened upon conversion.** With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

**Families in an oversized unit** (Under-Occupied Unit) will be allowed to remain until a unit of the correct size is available in the covered project;

**Phase-in of Tenant Rent Increases** - If, purely as a result of conversion, the amount a tenant would pay for rent and utilities under the PBV program (the tenant's TTP) would increase the tenant's TTP by more than the greater of 10 percent or \$25, the rent increase will be phased in over 3 or 5 years.

**Resident Participation and Funding.** Residents of Covered Projects with assistance converted to PBV will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

**Termination Notification.** In addition to 24 CFR 983.257 related to Project Owner termination of tenancy and eviction the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be:

1. A reasonable period of time, but not to exceed 30 days:
  - a. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - b. In the event of any drug-related or violent criminal activity or any felony conviction;
2. Not less than 14 days in the case of nonpayment of rent; and
3. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.

**Grievance Process.** In addition to the informal hearing requirements outlined in 24 CFR 982.555, the following additional reasons will require an opportunity for an informal hearing and the following will be included in the PHA Section 8 Administrative Plan:

1. an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
  - a. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
  - b. For any additional hearings required under RAD, the Project Owner will perform the hearing.
2. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator.
3. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR §982.555(a)(1)(i)-

(vi).

4. The Project Owner provides opportunity for an informal hearing before an eviction.

***Earned Income Disregard (EID)***. Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

The Housing Authority of Owensboro certify that the RAD conversion will comply with all applicable site selection requirements as set forth in the RAD Fair Housing, Civil Rights, and Relocation Notice (Notice H 2016-17/PIH 2016-17 (HA)) and the RAD Notice and in accordance with any additional applicable published guidance provided by HUD.

Attested to this date, October 24, 2019, by:

**PUBLIC NOTICE OF RENTAL ASSISTANCE DEMONSTRATION ADDITIONS  
TO THE PHA ANNUAL PLAN**

The Housing Authority of Owensboro (HAO), Kentucky, is updating its Annual PHA Plan . HAO has received Commitment to Enter into Housing Assistance Payments (CHAP) from the U.S. Department of Housing and Urban Development (HUD) for the conversion of public housing units at Harry Smith Homes, P.G. Walker, Nannie Locke, Adams Village, and Baker Drive to Project Based Voucher assisted units under the Rental Assistance Demonstration (RAD) program, in accordance with the guidelines of PIH Notice 2012-32 Rev 4 and any successor or associated regulations, notices, or other HUD guidance.

This must be included in a HUD-approved PHA Plan and must be made available for public comment . Conversion of assistance under RAD is considered a Significant Amendment to the Authority's Annual and/or Five-Year Plan .

**This is a 45-day notice with an opportunity to present public comments regarding this change.**

The draft of the proposed Plan is available for review on the HAO website at:

[www.w.owensboro.ky.us](http://www.w.owensboro.ky.us) and at HAO' central office, located at 2161 East 19<sup>th</sup> St. Owensboro, KY 4 2303.

Comments must be made in writing and presented to the main office located at 2161 East 19th St . Owensboro , KY 42 303, with attention to RAD Coordinator or via email at [hao@owensboro.ky.us](mailto:hao@owensboro.ky.us) no later than 3:00 pm CT, October 23, 2019.

**A public hearing will be conducted on April 22,2022 at two locations -**

**10:00 am**            Adams Village Community Center

**5:30 pm**            New Heights Center (located behind the HAO office at 2161 E. 19<sup>th</sup> Street

Published on March 24, 2022

## **Rental Assistance Demonstration (RAD) Amendment to the Annual Plan**

### *A. Introduction*

The Housing Authority of Owensboro, Kentucky {Authority} is amending its Annual PHA Plan because it was a successful applicant in the U.S. Department of Housing and Urban Development's {HUD} Rental Assistance Demonstration {RAD} program . As a result , the Authority will be exploring conversion of public housing units at Harry Smith Homes, P.G. Walker, Nannie Locke, Adams Village, and Baker Drive to RAD Project-based Voucher-assisted units under the guidelines of PIH Notice 2012-32 (HA), Rev 4 and any successor or associated notices. Conversion of assistance under RAD is considered a Significant Amendment to the Authority's Annual and/or Five-Year Plan.

Upon conversion to RAD Project-based Vouchers, the Authority will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6.C and 1.6.D. of PIH Notice 2012-32 (HA), Rev 4. These resident rights, participation , waiting list and grievance procedures are further listed in Section C, below. Attachment IB to PIH Notice 2012-32 (HA) Rev 4 regarding Resident Provisions is also attached to this amendment .

Additionally, the Authority hereby certifies that it is currently compliant with all federal fair housing and civil rights requirements as stated in PIH Notice 2012-32/H 2017-03 REV-4 and PIH Notice 2016-17. Additionally , this RAD conversion complies with all applicable site selection and neighborhood review standards, which were determined per 24 CFR 983. 57. The Authority is also not under a Voluntary Compliance Agreement .

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing public housing authorities with access to private sources of capital to repair and preserve its affordable housing assets. Upon conversion, the Authority's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of this Demonstration. The Authority may, however, borrow or otherwise obtain outside funds to address their capital needs.

The Authority currently has no debt under an Energy Performance Contract for the developments proposed for RAD conversion.

*B. Development Information*

Below is information on the two public housing developments proposed for conversion under the RAD program :

<b>Name of Public Housing Development</b>	<b>Harry Smith Homes</b>	<b>PG Walker</b>	<b>Nannie Locke</b>	<b>Adams Village</b>	<b>Baker Drive</b>
<b>PIC Development ID:</b>	KY009000001	KY009000001	KY009000001	KY009000002	KY009000002
<b>Conversion Type:</b>	Project-Based Vouchers	Project-Based Vouchers	Project-Based Vouchers	Project-Based Vouchers	Project-Based Vouchers
<b>Transfer of Assistance:</b>	No	No	No	No	No
<b>Anticipated Scope of Work</b>	Immediate Repairs Only	Immediate Repairs Only	Immediate Repairs Only	Immediate Repairs Only	Immediate Repairs Only
<b>Total Units:</b>	124	52	50	76	30
<b>Unit Breakdown</b>					
<b>0 Bedroom</b>	0	0	0	46	0
<b>1 Bedroom</b>	34	20	8	30	30
<b>2 Bedroom</b>	58	21	24	0	0
<b>3 Bedroom</b>	32	11	12	0	0
<b>4 Bedroom</b>	0	0	6	0	0

HAO intends to convert the above listed units as Phase I of its RAD portfolio. Based on recent RAD Capital Need Assessments, the Authority is exploring the possibility of converting the above listed sites without major renovations or outside financing.

*C. Resident Rights and Participation*

- 1. Right to Return.** While relocation is not anticipated, any resident that may need to be temporarily relocated to facilitate any repairs or construction has a right to return to an assisted unit at the development once repairs or construction is completed. Permanent involuntary displacement MAY NOT occur as a result of the project's conversion under the RAD program. This includes, but is not limited to, displacement due to change in unit configuration or distribution, de minimis reduction of units, the reconfiguration of efficiency apartments, the change in occupancy designation, or the repurposing of dwelling units to facilitate social service delivery. Residents of a development undergoing conversion of assistance may voluntarily accept an offer from the new project owner or the PHA to permanently relocate to another assisted unit, thereby waiving the resident's right to return to the development after rehabilitation or construction is complete.

2. **Re-Screening.** Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting provisions. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit with a household that was over-income at the time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 98.2.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.
  
3. **Under-Occupied Units.** If a family is in an under-occupied unit under 24 CFR § 983.259 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the converted project. When an appropriately sized unit becomes available in the converted project, the family living in the under-occupied unit must move to the appropriately-sized unit within a reasonable period of time, as determined by the administering Voucher Agency.
  
4. **Renewal of Leases.** Under current regulations at 24 CFR §98.3.257(b)(3), the Authority must renew all leases upon lease expiration, unless cause exists. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.
  
5. **Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10% or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is waiving section 3(a)(1) of the Act, as well as 24 CFR §983.3 (definition of "Total tenant payment" (TTP)) only to the extent necessary to allow for the phase-in of tenant rent increases. The Authority must create a policy setting the length of the phase-in period at three years, five years, or a combination depending on circumstances. For example, the Authority may create a policy that uses a three-year phase-in for smaller increases in rent and a five-year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.
  
6. **Public Housing Family Self Sufficiency (PHFSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are current FSS participants will continue to be eligible for FSS once their housing is converted under RAD. The Authority will be allowed to use any PHFSS funds to serve those FSS participants who live in units converted by RAD. Due to the program merger between PH FSS and Housing Choice Voucher (HCV) FSS that took place in federal FY14 (FY14 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under the RAD program.

The Authority must, however, comply with certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV or public housing programs and must follow such programs accordingly. The Authority will be required to administer the FSS program in accordance with

FSS regulations at 24 CFR Part 984 and participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Furthermore, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered Tenant Based Rental Assistance (TBRA) funds, thus reverting to the Housing Assistance Payments (HAP) account if forfeited by the FSS participant.

- 7. Resident Participation and Funding.** In accordance with Attachment 18, residents of converted projects, when converted using PBV assistance, will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and are eligible for resident participation funding.
  
- 8. Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
  - a. Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert under the RAD program. In addition to the regulation at 24 CFR §983.257, related to Project owner termination of tenancy and eviction, the termination procedure for RAD conversions to PBV requires that public housing agencies (PHAs) provide adequate written notice of termination of the lease, which shall not be less than:
    - i. A reasonable period of time, but not to exceed 30 days
      1. If the health or safety of other tenants, the Authority, or other persons in the immediate vicinity or the premises is at risk
      2. In the event of any drug-related or violent criminal activity or any felony conviction
    - ii. 14 days in the case of nonpayment of rent; and
    - iii. 30 days in any other case, except that if State or local law provides for a shorter period of time, such shorter period shall apply.
  - b. Grievance Process.** Pursuant to the requirements in the RAD statute, HUD has established additional procedural rights to comply with the requirements of section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner or the Authority to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555(b) in part, which describes when informal hearings are not required, as follows:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project owner action in accordance with the individual's lease or the

contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligation, welfare, or status.

1. For any hearing required under 24 CFR § 98 2.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 98 2.555(e)(4)(i).
  2. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- ii. There is no right to an informal hearing for class grievances or for disputes between residents not involving the Project Owner or contract administrator .
  - iii. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 98 2.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 98 2.555(a)(1)(i)-(vi).
  - iv. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

- 9. Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described above; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited to only persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project , the provision in section S.617(b) limiting EID to only disabled persons is waived. The waiver and resulting alternative requirement only applies to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion (e.g., due to loss of employment); tenants that move into the property following conversion, etc.) is covered by this waiver.

- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the Authority may only select an occupied unit to be included under the PBV HAP contract if the unit's occupants are eligible for housing assistance payments (24 CFR § 983 .53(d)). Also the Authority must remove a unit from the contract when no assistance has been paid for 180 days because the family's Total Tenant Payment (TTP) has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent)) (24 CFR § 98 3.258). Since the rent limitation may often result in a family's TTP equaling or exceeding the gross rent for the unit, for current residents (i.e. residents living in the public housing property prior to

conversion), HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds the Gross Rent . Further, HUD is establishing the alternative requirement that the rent to owner for the unit equal the family's TTP until such time that the family is eligible for a housing assistance payment . HUD is waiving as necessary to implement this alternative provision, the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR 98 3.301 as modified by PIH Notice 2012-32, REV-2. In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the Housing Quality Standards (HQS) requirements, apply as long as the unit is under HAP contract. Assistance may subsequently be reinstated if the tenant becomes eligible for assistance.

Following conversion, 24 CFR § 98 3.53(d) applies, and any new families referred to the RAD/PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, a PHA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP equals or exceeds the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that the PHA must reinstate the unit after the family has vacated the property; and, if the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR § 98 3.207 or, where "floating" units have been permitted.

*D. Other Miscellaneous Provisions*

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration .** The Authority must agree to any reasonable HUD request for data to support program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work.
- 2. Additional Monitoring Requirements.** The PHA's Board must approve the operating budget for the covered project annually in accordance with HUD requirements.
- 3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 4).**
  - i. The Davis-Bacon prevailing wage requirements (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) apply to all initial repairs and new construction that are identified in the Financing Plan to the extent that such repairs or construction qualify as development . " Development ", as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work that constitutes remodeling that alters the nature or type of housing units in a PBV project, reconstruction, or a substantial improvement in the quality or kind of original equipment and materials, and is initiated within 18 months of the HAP contract . Development activity does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of

substantially the same kind. Davis-Bacon requirements apply only to projects with nine or more assisted units.

- ii. Section 3 (24 CFR Part 135) applies to all initial repairs and new constructions that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. In addition, Section 3 may apply to the project after conversion based on the receipt of the use of federal financial assistance for rehabilitation activities.

**4. Establishment of a Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

- i. Transferring an existing site-based waiting list to a new site-based waiting list. If the PHA is transferring the assistance to another neighborhood, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project -specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.
- ii. Informing applicants on the site-based waiting list on how to apply for a PBV program-wide or HCV program-wide waiting list.
- iii. Informing applicants on a public housing community-wide waiting list on how to apply for a voucher-wide, PBV program-wide, or site-based waiting list. If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7 (b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the converted project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD.

The Authority may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area, informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Applicants on the agency's centralized public housing waiting list who wish to be placed onto the newly-established waiting list are done so in accordance with the date and time of their original application to the centralized public housing waiting list. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and the obligation to provide meaningful access for persons with limited English proficiency (LEP).

The Authority must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the converted project in accordance with 24 CFR § 983.251(c).

- 5. Mandatory Insurance Coverage.** The project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed property of a project.
- 6. Agreement Waiver.** For public housing conversions to PBV, there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the Agreement (AHAP), including regulations under 24 CFR Part 983 Subpart D are waived.
- 7. Future Refinancing.** Owners must receive HUD approval for any refinancing or restructuring of permanent debt within the HAP contract term to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)
- 8. Administrative Fees for Public Housing Conversions during Transition Period.** For the remainder of the Calendar Year in which the HAP Contract is effective (i.e. "transition period"), RAD PBV projects will be funded with public housing funds. For example, if the project's assistance converts effective July 1, 2015, the public housing Annual Contributions Contract (ACC) between the PHA and HUD will be amended to reflect the number of units under the HAP contract, but will be for zero dollars, and the RAD PBV contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMA during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.
- 9. Choice Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the PHA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance. If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of the PHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract

administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the request from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan. This alternative requirement does not apply to PBVs entered into outside of the context of RAD.

- 10. Reserve for Replacement.** The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet project requirements.



# Resident Meeting Presentation

September 25, 2019

5:30 pm New Heights

Please Sign-in Below with your address

NAME

ADDRESS

Och

JJ:ol fm, iJt

Jul Penza

Harr: #3 <sup>I</sup>h-1 14th 52A

Russ Penza

2930 E 19th St

Susan Bonner

2148 Churchill Dr

Wendy Jackson

2001 E. 19th Street

AWN WESTERFIELD

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# HOUSING AUTHORITY *of Owensboro*

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The Housing Authority of Owensboro conducted two (2) Resident Information meetings on September 25, 2019. One was at 10:00 am at the Adams Village Community Center and one at 5:30 pm at the New Heights Center. Below are the questions posed and responses by the HAO's Executive Director.

- Q. Are the contractors allowed to use our electricity when doing work?  
A. Yes, but it will be minimal.
- Q. Are you going to update the apartments?  
A. Maybe, but it will not cause you to relocate.
- Q. Will there be any difference in utility bill?  
A. No, it will all be included in the rent.
- Q. Is this just in the planning stages?  
A. Yes. We want to make this as easy as possible. The purpose of the conversion is for long term stability.
- Q. If someone has a CPAP will they have to pay extra for utilities?  
A. No. The amount of electricity a CPAP uses is minimal.
- Q. What if I use an electric blanket? Will I have to pay extra for electric?  
A. No. Again, those use minimal electricity.
- Q. If we have to relocate will you all give us money for expenses.  
A. We don't anticipate any relocation. We will research that if it occurs.
- Q. If we had a tornado, what would you do then?  
A. That would be considered a natural disaster and we would repair any damages to the property, but it would be wise to have renters insurance that would cover your personal contents.