

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U.S. Department of Housing and Urban
Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 09/30/2027

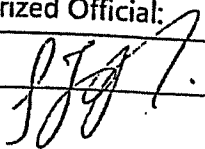
**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, Sam Joshi, the Mayor certify that the 5-Year PHA Plan for fiscal years 2025-2029 and/or Annual PHA Plan for fiscal year 2025 of the NJ043 - Edison Housing Authority is consistent with the Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair Housing Choice or Assessment of Fair Housing (AFH) as applicable to the Edison Township pursuant to 24 CFR Part 91 and 24 CFR § 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or State Consolidated Plan.

The Edison Housing Authority is consistent with the consolidated plan or state consolidated plan: The Edison Housing Authority is committed to providing public housing (160) units to low-income families and (342) conventional Section 8 vouchers to families in need of housing support. Through the RAD conversion that has been initiated at the Edison Housing Authority, there will be (2) two phases of renovation work. Phase I is presently taking place at Robert E. Holmes Gardens, (90) townhome style units will be renovated, adding two additional units to the property, which will increase the number to 92 units available to low-income families at Robert E. Holmes Gardens. Phase II of the RAD conversion is anticipated to take place in two (2) to three (3) years at Julius Engle Gardens, where 70 apartment style units will be renovated through the RAD conversion. Preliminary discussions foresee an increase of units during the conversion at Julius Engle Gardens. The Section 8 voucher program has increased its voucher program by adding 20 additional vouchers. The authority applied to HUD to increase voucher funding to support more families in need of subsidized support, as we use to administer 320 vouchers.

I hereby certify that all the information stated herein, as well as any information provided in the accomplishment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Authorized Official:	Sam Joshi	Title:	Mayor
Signature:		Date:	2/26/25

5-Year PHA Plan (for All PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 09/30/2027
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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, and informs 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-income, very low-income, and extremely low-income families.

Applicability. The Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																		
A.1	<p> PHA Name: Edison Housing Authority PHA Code: NJ043 PHA Plan for Fiscal Year Beginning: (MM/YYYY): 07/2025 The Five-Year Period of the Plan (i.e., 2019-2023): 2025-2029 Plan Submission Type <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission </p> <p> 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. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and the main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. </p> <p> How the public can access this PHA Plan: The Edison Housing Authority will have its Annual and Five Year Plan available on the website and the public will be able to view the documents at the main administrative office at 14 Rev. Samuel Carpenter Blvd., Edison, NJ, Monday through Friday from 8:30 am to 4:00 pm starting February 25, 2025 until April 9, 2025. </p> <p> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below.) </p> <table border="1" data-bbox="152 1121 1451 1205"> <thead> <tr> <th data-bbox="152 1121 448 1173">Participating PHAs</th> <th data-bbox="448 1121 581 1173">PHA Code</th> <th data-bbox="581 1121 876 1173">Program(s) in the Consortia</th> <th data-bbox="876 1121 1192 1173">Program(s) not in the Consortia</th> <th colspan="2" data-bbox="1192 1121 1451 1173">No. of Units in Each Program</th> </tr> <tr> <th colspan="3"></th> <th></th> <th data-bbox="1192 1173 1325 1205">PH</th> <th data-bbox="1325 1173 1451 1205">HCV</th> </tr> </thead> <tbody> <tr> <td colspan="6" data-bbox="152 1205 1451 1247"> </td> </tr> </tbody> </table>	Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program						PH	HCV						
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				PH	HCV														
B.	Plan Elements. Required for all PHAs completing this form.																		
B.1	<p> Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. </p> <p> The PHA's mission is to provide safe, decent and sanitary housing conditions for very low-income families and to manage resources efficiently. The PHA is to promote personal, economic and social upward mobility to provide families the opportunity to make the transition from subsidized to non- </p>																		
B.2	<p> Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low-income, and extremely low-income families for the next five years. </p> <p> The Edison Housing Authority's goals in the next five years is to successfully complete the following: 1. Complete Phase I of the RAD conversion at Robert E. Holmes Gardens and begin Phase II of the RAD conversion at Julius Engel Gardens. 2. Maintain the 340 conventional voucher program. 3. Affordable Housing Development entity. </p>																		
B.3	<p> Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan. </p> <p> The Edison Housing Authority goals and objectives that were identified and achieved that continues to enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families during the course of the last five years are listed below: 1. Convert public housing units by means of RAD- We are in the process of the RAD conversion by starting with Phase I of Robert E. Holmes Gardens RAD streamline conversion of 90 units. Phase II that will include Julius Engle Gardens 70 units will be a tax credit conversion. 2. Investigate the creation of affordable housing with the Edison Affordable Housing Corporation. The Edison Housing Affordable Development Board officially meets quarterly since 2021 and steadily increased the revenue to be used towards purchasing an affordable housing portfolio that will building upon the (2) affordable units we maintain within Edison Township. 3. Bring more social and economic programs to residents: We have successfully implemented a STEM program in partnership with a local school in Edison Township, MLK elementary school; established a monthly Food Pantry; and bring a host of services monthly related to resume writing, health and wellness. 4. Implement the updated ACOP, Administrative Plan and tenant lease.: The EHA lease was update in 2023, the ACOP and Admin </p>																		

	Plans have been updated to include HUD's HOTMA and INSPIRE policies in 2024. 5. Capital Improvements: The renovation of the basketball and tennis court was completed in 2024.
B.4	<p>Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>1. The ACOP and Administrative plan have been updated to reflect the current state of VAWA obligations. 2. PH tenants and voucher holders and landlords continued to be informed about VAWA at initial admission and annually. 3. The Continuum of Care funds continue to be used to assist families. 4. Relationships with community organizations have been established to provide assistance for families who need relief under VAWA.</p>
C.	Other Document and/or Certification Requirements.
C.1	<p>Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.</p> <p>Due to the RAD conversion at Robert E. Holmes Gardens there was a significant amendment made to the 5 year plan and Admin Plan. (See attached including resolution).</p>
C.2	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the 5-Year PHA Plan? Y <input type="checkbox"/> N <input checked="" type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations</p>
C.3	<p>Certification by State or Local Officials.</p> <p>Form HUD-50077-SL, Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p>
C.4	<p>Required Submission for HUD FO Review.</p> <p>(a) Did the public challenge any elements of the Plan? Y <input type="checkbox"/> N <input checked="" type="checkbox"/></p> <p>(b) If yes, include Challenged Elements.</p>
D.	Affirmatively Furthering Fair Housing (AFFH).
D.1	<p>Affirmatively Furthering Fair Housing. (Non-qualified PHAs are only required to complete this section on the Annual PHA Plan. All qualified PHAs must complete this section.)</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p>

Form identification: NJ043-Edison Housing Authority form HUD-50075-5Y (Form ID - 2500) printed by Deborah Hurley in HUD Secure Systems/Public Housing Portal at 02/26/2025 02:46PM EST

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Form identification: *NJ043-Edison Housing Authority form HUD-50077-SL (Form ID - 3224) printed by Deborah Hurley in HUD Secure Systems/Public Housing Portal at 02/24/2025 02:20PM EST*



U.S. Department of Housing and Urban Development
Newark Field Office- Region II
One Newark Center 13th Floor
Newark, New Jersey 07102-5260
Office (973) 776-7900

September 14, 2023

Ms. Deborah Hurley
Executive Director
Edison Housing Authority
14 Reverend Samuel Carpenter Blvd.
Edison, NJ 08820

Dear Ms. Deborah Hurley:

SUBJECT: Significant Amendment to 5-Year Plan Approval Letter

This letter is to inform you that the Edison Housing Authority's Significant Amendment to the 5-Year Plan submitted on June 22, 2023, is approved. In providing assistance to families under programs covered by these plans, the Housing Authority will comply with the rules, standards, and policies established in its approved plans, as provided in 24 CFR Part 903 and other applicable regulations.

Your approved plans and all required attachments and documentation must be made available for review and inspection at the principal office of the Edison Housing Authority during normal business hours. This approval of the Significant Amendment to the 5-Year Plan does not constitute an endorsement of the strategies and policies outlined in the Plans.

If you have any questions regarding the information in this letter, please contact me at (973) 776-7218 or Jennifer.I.Smokowski@hud.gov.

Sincerely,

JENNIFER

SMOKOWSKI

Jennifer Smokowski
Portfolio Management Specialist

Digitally signed by: JENNIFER
SMOKOWSKI
DN: CN = JENNIFER SMOKOWSKI C = US
O = U.S. Government OU = Department of
Housing and Urban Development, Office of
Public and Indian Housing
Date: 2023.09.14 13:05:08 -0400

Visit Our Web Site at: www.hud.gov

PUBLIC NOTICE

The Edison Housing Authority has proposed a Significant Amendment to its Housing Choice Voucher Program Administrative Plan (Admin Plan).

The public is invited to review, inspect and comment on the proposed Significant Amendment to the Admin Plan. The Admin Plan can be viewed at the offices of the Edison Housing Authority, 14 Rev. Samuel Carpenter Blvd., Edison, NJ 08820, Monday through Thursday, starting March 7, 2023, through April 27, 2023, between the hours of 9:00 am and 4:00 p.m. The Edison Housing Authority will receive written comments on the Admin Plan during those dates.

A public hearing on the Significant Amendment to the Admin Plan will be held on Tuesday, May 2, 2023 starting at 10:00 am 14 Rev. Samuel Carpenter Blvd. , Edison, NJ 08820 at which time the public may appear and comment on the proposed Significant Amendment.

RESOLUTION # 4-5-2023

THE EDISON HOUSING AUTHORITY BOARD OF COMMISSIONERS APPROVES THE SIGNIFICANT AMENDMENT MADE TO THE EDISON HOUSING AUTHORITY'S ANNUAL AND 5 YEAR PLANS IN THE FORM ATTACHED HERETO.

WHEREAS, the Edison Housing Authority is required to submit an Annual PHA Plan to HUD each year and a 5-Year Plan every fifth year; and

WHEREAS, due to the approved RAD conversion at the Robert E. Holmes Garden property, a significant amendment to the PHA plan needs to be made; and

WHEREAS, the Edison Housing Authority held a public hearing on May 2, 2023 at 10:00 am to receive comments on the annual plan/significant amendment; and

WHEREAS, there was no attendance by the public and therefore no comments or suggestions were received regarding the annual plan/significant amendment; and

WHEREAS, the Executive Director and the RAD Consultants met with the Resident Advisory Board on Friday, February 24th to present the significant amendment for comments; and

WHEREAS, the RAB Board was supportive of the RAD conversion and the significant amendment; and

WHEREAS, it is recommended that the board approve the attached PHA Annual/Significant Amendment for Fiscal Year beginning July 1, 2023, to be submitted to HUD; and

NOW, THEREFORE, Be It Resolved that the Board of Commissioners of the Edison Housing Authority approves the significant Amendment made to the Annual and 5 Year Plan that will be submitted to HUD.

MOVED: Commissioner Andrews

SECONDED: Commissioner Johnson

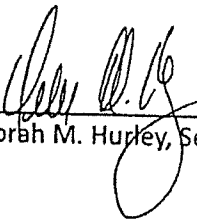
<u>Member Recorded Vote</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
Chairman Telesnick	X			

RESOLUTION # 4-5-2023

Vice Chairman N. Sanchez	X
Commissioner Johnson	X
Commissioner Jones	X
Commissioner Andrews	X
Commissioner Patel	X
Commissioner Small, Ed.,D.	X

PASSED AND ADOPTED THE 16 day of May, 2023

I, Deborah M. Hurley, Secretary of the
Housing Authority of the Township of
Edison, hereby certify that the foregoing
is a true copy of a resolution of the
Authority adopted at a regular meeting
May 16, 2023



Deborah M. Hurley, Secretary, Executive Director

PHA Plan Amendment

Significant Amendment: Rental Assistance Demonstration (RAD) Project Based Voucher Conversions

The Edison Housing Authority is amending its (annual and/or 5-year) PHA Plan because it plans to apply to HUD to be an applicant in the Rental Assistance Demonstration (RAD). If the Edison Housing Authority is successful, as a result, the application the Edison Housing Authority will be converting to Project Based under the guidelines of H 2019-09/PIH 2019-23 (HA), REV-4 and any successor Notices. Upon conversion to Project Based Vouchers the Authority will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of H 2019-09/PIH 2019-23 (HA), REV-4; and H-2016-17/PIH-2016-17.; These resident rights, participation, waiting list and grievance procedures are appended to this Attachment. Additionally, the Edison Housing Authority certifies that it is currently compliant with all fair housing and civil rights requirements.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing Edison Housing Authority with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, the Authority's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration, and that Edison Housing Authority may also borrow funds to address their capital needs. The Edison Housing Authority will also be contributing Operating Reserves in the total amount of it has in its reserves, Capital Funds in the total amount allocated by HUD to the Edison Housing Authority towards the conversion, and/or Replacement Housing Factor (RHF) Funds in the total amount allocated to the Edison Housing Authority, if any, towards the conversion. The Edison Housing Authority currently has debt under the Capital Fund Financing Program and will be working with Wells Fargo Bank and the New Jersey Mortgage and Finance Agency to address outstanding debt issues, which may result in additional reductions of Capital Funds

This proposed amendment provides additional information as required by HUD concerning The Edison Housing Authority's RAD portfolio conversion plans, as well as, its plans to convert pursuant to HUD Notice PIH 2021-07 (HA) under a RAD/Section 18 Small PHA Blend as it applies to Julies C. Engel Gardens and Robert Holmes Gardens. It is the Edison Housing Authority's intention to incorporate this proposed amendment in its entirety into to the next annual plan. Further, the Edison Housing Authority notes that the intention to convert under RAD to PBV was discussed at the March 17, 2022 and again at the February 24, 2023 Resident Advisory Board meetings and contained within the resulting annual plan submission. The Edison Housing Authority held meetings at both Robert E. Holmes Gardens and Julies C. Engel Gardens on April 21, 2022 and at Robert E. Holmes Gardens on June 23, 2022 where the RAD conversion was reviewed.

Below, please find specific information of on public housing development(s) selected for RAD:

Development #1

<u>Name of Public Housing Project:</u> Robert Holmes Gardens	<u>PIC Development ID:</u> NJ043000001	<u>Conversion type:</u> PBV	<u>Transfer of Assistance:</u> (N/A)
<u>Total Units:</u> 90	<u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> Family	<u>Post-RAD Unit Type if different (i.e., Family, Senior, etc.)</u> Family	<u>Capital Fund allocation of Development:</u> (Total Annual Capital Fund allocation divided by total number of public housing units in PHA, multiplied by total number of units in project)
<u>Bedroom Type</u>	<u>Number of Units Pre-Conversion:</u> 90	<u>Number of Units Post-Conversion:</u> 90 units total, however, the EHA intends to convert using a RAD Section 18 blend where up to 80% of the units will be traditional Section 8 Project Based Vouchers	<u>Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.):</u> No change in total units or configuration planned
Studio/Efficiency	0	0	0
One Bedroom	6	6	0
Two Bedroom	22	22	0
Three Bedroom	38	38	0
Four Bedroom	18	18	0
Five Bedroom	6	6	0
Six Bedroom	0	0	0
(If performing a Transfer of Assistance): N/A (Explain any changes in the policies that govern eligibility, admission, selection, and occupancy of units at the project after it has been converted) N/A			

Development #2

<u>Name of Public Housing Project:</u> Julies C. Engel Gardens	<u>PIC Development ID:</u> NJ043000002	<u>Conversion type:</u> PBV	<u>Transfer of Assistance:</u> (N/A)
<u>Total Units:</u> 70	<u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> Family	<u>Post-RAD Unit Type if different (i.e., Family, Senior, etc.)</u> Family	<u>Capital Fund allocation of Development:</u> (Total Annual Capital Fund allocation divided by total number of public

			<u>housing units in PHA, multiplied by total number of units in project)</u>
Bedroom Type	Number of Units Pre-Conversion: 70	Number of Units Post-Conversion: 70 units total, however, the EHA intends to convert using a RAD Section 18 blend where up to 80% of the unit will be traditional Section 8 Project Based Vouchers s	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.) No change in total units or configuration planned:
Studio/Efficiency	0	0	0
One Bedroom	48	48	0
Two Bedroom	10	10	0
Three Bedroom	12	12	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	0
(If performing a Transfer of Assistance): N/A		(Explain any changes in in the policies that govern eligibility, admission, selection, and occupancy of units at the project after it has been converted) N/A	

PBV Resident Rights and Participation

1. No Rescreening of Tenants upon Conversion. Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. 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.³⁶ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, Section 8(o)(4) of the 1937 Act and 24 CFR § 982.201, concerning eligibility and targeting of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, HUD waives Section 8(o)(4) and 24 CFR § 982.201 to the extent necessary for this provision to apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR Part

983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.¹

2. Right to Return. See Section 1.4.A.5.b. and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

3. 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. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances and must communicate such policy in writing to affected residents. For example, a PHA 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.

The method described below explains the set percentage-based phase-in a Project Owner must follow according to the phase-in period established. For purposes of this section "Calculated PBV TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1 (the first recertification following conversion), as illustrated below.

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP

¹ These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP²

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

4. **Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are currently FSS participants will continue to participate in the PHA's FSS program. The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the subsequent Appropriation Acts), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

² For example, where a resident's most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident's occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident's contribution would increase by 33% of \$100 to \$133. At the second AR, the resident's contribution would increase by 50% of the \$66 differential to the standard TPP, increasing to \$166. At the third AR, the resident's contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

However, PHAs should note that there are 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 program or a public housing resident, and PHAs must follow such requirements accordingly. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984, the 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 78100.³ Further upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2016-08.pdf>.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities.

5. Resident Participation and Funding. In accordance with Attachment 1B, 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. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

6. 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 (HUD Form 52530-c), as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

³ The funding streams for the PH FSS Program and the HCV FSS Program were first merged pursuant to the FY 2014 appropriations act. As a result, PHAs can serve both PH residents and HCV participants, including PBV participants, with FSS funding awarded under the FY 2014 FSS Notice of Funding Availability (FSS NOFA) and any other NOFA under which the combination of funds remains in the applicable appropriations act. For PHAs that had managed both programs separately and now have a merged program, a conversion to PBV should not impact their FSS participants.

i. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD and to non-RAD PBV units located at the Covered Project. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :

- a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
- b. Not less than 14 days in the case of nonpayment of rent; and
- c. 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.

ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For termination of assistance and several other PHA determinations, PBV program rules require the PHA to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v),⁴ 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.
 - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current

⁴ § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).

- ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. 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).
- d. 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.

To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Same Covered Project shall be subject to the terms of this provision.

7. 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 in Section 1.6.C.4; 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 only to 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 24 CFR § 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Same Covered Project shall be subject to the terms of this provision.

8. **Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project. Job Plus is not applicable to EHA.

9. **When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's 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 § 983.258). Since the rent limitation under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after 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 until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. When the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of this Notice.⁵ 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 HQS requirements, apply as long as the unit is under HAP Contract. The PHA is required to process these individuals through the Form 50058 submodule in PIC. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Same Covered Project shall be subject to the terms of this provision.

Unless a waiver is requested and approved as described below, any new admission to the Covered Project must meet the eligibility requirements at 982.201 and require a subsidy payment at admission to the program, which means their TTP may not equal or 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 comes to equal or exceed the gross rent for the unit and if the project is fully

⁵ For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities.

assisted, HUD is imposing an alternative requirement that the PHA must reinstate the unit after the family has left the property. 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 §983.207 or, where "floating units have been permitted, Section 1.6.B.10 of the Notice.

A PHA may request a waiver from HUD for the Covered Project in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if the PHA has not made a housing assistance payment for a family in 180 days.

For a Covered Project that consists of 100 percent RAD PBV units, the PHA must demonstrate that a waiver is necessary in order to avoid an undue concentration of poverty at the Covered Project. A PHA may evidence this by providing data showing, for example:

- how eligible income-certified applicants on the waiting list must be passed over because their incomes result in zero HAP at admission causing a higher concentration of poverty at the covered project; or
- how the income of newly admitted families is causing a markedly higher concentration of poverty than the PHA's non-RAD PBV Projects.

The resulting impact on the property must be compared with the concentration of poverty at non-RAD PBV projects in the PHA's jurisdiction. If there are no non-RAD PBV projects in the PHA's jurisdiction, the PHA may alternatively demonstrate that the median income of families that could be admitted to the Covered Project is significantly lower than the median income of new admissions from the waiting list to the PHA's HCV program since the time of the RAD conversion.

For any other Covered Project, the PHA must demonstrate that the property contains specific units (e.g., units suitable for large families or accessible units) for which there are insufficient alternative housing opportunities.

If the waiver is approved, the new admission[s] families covered under the waiver are participants under the program and all of the family obligations and protections under RAD and PBV apply to the family, and the unit is subject to all program requirements. Such waiver requests should be submitted to the PIH Field Office in accordance with Notice PIH 2018-16.

10. Under-Occupied Unit. If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by the administering Voucher Agency. In

order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR § 983.260 is waived for current residents remaining or returning to the Covered Project. MTW agencies may not modify this requirement. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

PBV: Other Miscellaneous Provisions

1. **Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with 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. Please see Appendix IV for reporting units in Form HUD-50058.
2. **Ongoing PHA Board Review of Operating Budget.** The Owner must submit to the administering PHA's Board the operating budget for the Covered Project annually. The PHA's Board must confirm that the Project Owner is making deposits into the Reserve for Replacement account in accordance with the RCC as well as assess the financial health of the Covered Project.⁶
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** This section has been moved to 1.4.A.13 and 1.4.A.14.
4. **Establishment of 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.
 - ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.

⁶ For PBV conversions that are not FHA-insured, a future HUD notice will describe project financial data that may be required to be submitted by a PBV owner for purposes of monitoring and evaluation, given that PBV projects do not submit annual financial statements to HUD/REAC.

- iii. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- iv. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at other sites.

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 Covered 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. A PHA 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. 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 with the obligation to provide meaningful access for persons with limited English proficiency (LEP).⁷

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 Covered Project in accordance with 24 CFR § 983.251(c). To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

5. **Mandatory Insurance Coverage.** The Covered 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 project property.
6. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC but HUD review of liens must be performed prior to execution.
7. **Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the "year of conversion"), 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 ACC between the PHA and HUD will be amended to reflect the number of units under HAP Contract, but will be for zero dollars, and the RAD PBV HAP 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 VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.

⁷ For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

PHAs operating an HCV program typically receive administrative fees for units under a HAP Contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Work Responsibility Act of 1998" and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, the Section 8 ACC will be amended to include Section 8 funding that corresponds to the units covered by the Section 8 ACC. At that time, the regular Section 8 administrative fee funding provisions will apply.

8. **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 a 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 the following 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 inventor turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests 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.

To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) of the Act and 24 CFR § 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD. MTW agencies may not alter this requirement.

9. **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 projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines.
10. **Initial Certifications and Tenant Rent Calculations.** The Contract Administrator uses the family's public housing tenant rent (reflected on line 10f of the family's most recent HUD Form 50058) at the date of the conversion to calculate the PBV HAP and tenant rent until the effective date of the earlier of the family's first regular or interim recertification following the date of conversion. At the earlier of the family's first regular or interim recertification, the Contract Administrator will use the family's TTP based on the recertification and the HCV utility allowance (or the PBV site-specific utility allowance, if applicable) to determine the PBV HAP and tenant rent. This means that the family pays the same tenant rent as the family was paying under the public housing program until the earlier of first regular or interim reexamination following conversion, at which point the normally applicable PBV calculation for the tenant rent becomes effective. (Under the PBV program, the monthly HAP is the rent to owner minus the tenant rent, and the tenant rent is the family TTP minus the utility allowance.) To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same property as the Covered Project shall be subject to the terms of this provision. To effectuate this provision, HUD is waiving 24 CFR 5.601 and 983.3(c)(6)(iii).

The Edison Housing Authority is not proposing any transfer of assistance at the time of conversion.

The Edison Housing Authority is not currently under a voluntary compliance agreement, consent order or consent decree or final judicial ruling or administrative ruling or decision and an assurance that compliance will not be negatively impacted by conversion activities.

The Edison Housing Authority certifies that the RAD conversion complies with all applicable site selection and neighborhood reviews standards and that all appropriate procedures have been followed.

All other required information and certifications necessary to submit a Significant Amendment to the PHA Plan, including Resident Advisory Board comments and responses, challenged elements, and all required certifications have been complied with.

The Edison Housing Authority shall not consider any of the following to be a Substantial Deviation from the PHA Plan: The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance; Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds; Changes to the construction and rehabilitation plan for each approved RAD conversion; and Changes to the financing structure for each approved RAD conversion

Attachment: Joint Housing/PIH Notice H-2016-17/PIH-2016-17