

# Beginner's Guide to RAD Advocacy

## About the Rental Assistance Demonstration (RAD)



RAD was enacted by Congress in 2012 to preserve and improve affordable housing for low-income families. RAD allows public housing authorities (PHAs) to permanently convert public housing, Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Moderate Rehabilitation (Mod Rehab) properties to the project-based Section 8 housing program. This conversion to project-based Section 8 allows PHAs to leverage public and private debt and

equity, as well as use low-income housing tax credits, to maintain and improve existing affordable housing. This funding flexibility and stability were not available under the public housing, Rent Supp, RAP, and Mod Rehab programs.

As authorized, there are two components of the RAD program. Under RAD Component 1, only public housing units may convert to project-based Section 8 vouchers or project-based rental assistance. The number of the Component 1 conversions is currently capped at 185,000 units nationwide, and the converting units are chosen through a competitive selection process by HUD. Under Component 2, RAD allows Rent Supplement, RAP, and Mod Rehab properties to convert tenant-based vouchers issued upon contract expiration or termination to project-based assistance.

### Why RAD?

In 2012, Congress enacted the Rental Assistance Demonstration (RAD) to address the \$26 billion (and rising) nationwide backlog of deferred maintenance on public housing properties. Because of this backlog, the public housing inventory has lost approximately 10,000 units annually through demolitions and dispositions.

Congress has not appropriated federal funds to build any new public housing units since the mid-1990s, which has exacerbated this problem.

## Where can I learn more about RAD?

There are three HUD RAD guiding documents that tenant advocates should become familiar with:

- ❖ **RAD authorization statute:** Congress authorized RAD as part of the [Consolidated and Further Continuing Appropriations Act of 2012](#)<sup>1</sup> (“RAD authorization statute”), which has been amended by subsequent appropriations bills.<sup>2</sup> Authorization for RAD lies solely in the appropriations bills.
- ❖ **HUD RAD Notice:** After Congress passed the RAD authorization statute, HUD issued Notice PIH-2012-32 (HA), subsequently updated and revised by [Notice PIH-2012-32 \(HA\) \(REV-3\)](#) (“RAD Notice”). The RAD Notice provides all of the implementation details for both RAD Component 1 and Component 2. The RAD Notice is a critical document that describes the RAD conversion process and tenant rights that must be maintained during and after a RAD conversion.
- ❖ **HUD RAD Fair Housing, Civil Rights, and Relocation Notice:** In 2016, HUD issued a revised notice about tenant fair housing and relocation rights under RAD Component 1, [Notice](#)

<sup>1</sup> Consolidated and Further Continuing Appropriations Act, 2012, Pub. Law 112-55, 125 Stat. 673 (Nov. 18, 2011), available at <http://portal.hud.gov/hudportal/documents/huddoc?id=HR-2112-RAD-Language.pdf>.

<sup>2</sup> Consolidated Appropriations Act, 2014 (Public Law 113-76, approved January 17, 2014), available at [http://portal.hud.gov/hudportal/documents/huddoc?id=rad2ndcomponent\\_pl\\_113\\_76.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=rad2ndcomponent_pl_113_76.pdf); Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, approved December 6, 2014), available at [http://portal.hud.gov/hudportal/documents/huddoc?id=RADStatute\\_FY15\\_Omnibus.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=RADStatute_FY15_Omnibus.pdf).

[PIH 2016-17](#) (“RAD Fair Housing and Relocation Notice”), which provides PHAs and RAD developers with information and resources about the applicable program and relocation assistance requirements involved in RAD Component 1 public housing conversions.

HUD has also published the following information that may assist advocates:

- ❖ HUD regularly posts [RAD Case Studies](#)<sup>3</sup> about certain jurisdictions that have gone through RAD and that HUD has identified as “success stories.” Advocates should check to see if their local RAD conversion is described in more detail in a HUD RAD case study.
- ❖ HUD has posted a [RAD Resident Toolkit](#),<sup>4</sup> which provides some basic information to public housing residents about the RAD application and conversion process.

Additionally, NHLP has created resources to assist advocates who would like to get involved in their local RAD conversion:

- ❖ [NHLP’s RAD Advocacy Guide](#)<sup>5</sup> is designed to provide legal services attorneys and tenant advocates with information, guidance, model policies, and lessons learned from RAD Component 1 conversions nationwide. The Guide specifically discusses ways for advocates to ensure the long-term affordability and enforceable rights of tenants in RAD properties.
- ❖ [RAD-watch.org](#), a collaboration between NHLP and the American Federation of State, Country, and Municipal Employees (AFSCME), provides basic information about RAD and a clickable map by state with property-level information and key RAD conversion dates for the RAD conversions in your community. Advocates should become familiar with the properties that are being proposed to convert to RAD and should identify any challenges that may occur, given each property’s history and tenants’ concerns.
- ❖ [NHLP’s RAD Materials Clearinghouse](#), which is designed as a resource for RAD tenant advocates to view and upload various examples of policies from RAD conversions nationwide, RAD general resources, RAD oversight and evaluation tools and documents, and RAD tenant education materials. If you are a tenant advocate and would like access to this Clearinghouse, please email [RAD@nhlp.org](mailto:RAD@nhlp.org).
- ❖ NHLP hosts a [National RAD Working Group](#) for tenant advocates to disseminate key information about RAD as well as to share experiences with and learn from other RAD tenant advocates nationwide. If you are a tenant advocate and would like to join this working group, please email [RAD@nhlp.org](mailto:RAD@nhlp.org).
- ❖ NHLP has additional RAD resources on the [NHLP webpage](#) here: <http://nhlp.org/RAD>.



<sup>3</sup> *Case Studies*, HUD.GOV/RAD, available at <http://portal.hud.gov/hudportal/HUD?src=/RAD/news/case-studies>.

<sup>4</sup> *Rental Assistance Demonstration (RAD) Toolkit #1*, HUD.GOV/RAD, available at <http://portal.hud.gov/hudportal/documents/huddoc?id=Toolkit1WhyRAD.pdf>.

<sup>5</sup> *An Advocate’s Guide to Public Housing Conversions under Component 1 of the Rental Assistance Demonstration*, NATIONAL HOUSING LAW PROJECT, January 2016, available at <http://nhlp.org/files/RAD%20Advocacy%20Guide%202.0%20FINAL%20with%20Appendix.pdf>.

## **How can I get involved in my local RAD conversion?**

Advocates in RAD-converting jurisdictions nationwide have used a variety of strategies to get involved in their local RAD conversion. Depending on your working relationship with your local PHA, consider the following strategies to engage with the PHA:

- ❖ Request an informal meeting with the Executive Director at the PHA to introduce yourself and your tenant clients and to learn more about how the proposed conversion will affect tenants.
- ❖ Attend the local PHA's board or commission meeting with tenants.
- ❖ Assist the tenant organization in writing a letter to the PHA Executive Director outlining their questions and concerns about the RAD program.
- ❖ Appeal to local government elected representatives to ensure that tenants are actively involved in the RAD conversion.

If the above strategies are not adequately facilitating and addressing tenants' and tenant advocates' concerns in the RAD conversion, you may also want to consider the following strategies:

- ❖ File a local public records act request to obtain the key RAD conversion documents to ensure inclusivity of tenant concerns and transparency of the RAD conversion details.
- ❖ Use local media attention to support community education about the proposed RAD conversions.
- ❖ Introduce state legislation about RAD conversions that secures basic tenant rights in an effort to override local efforts that do not adequately protect tenants' interests.
- ❖ Identify and contact the HUD RAD Transaction Manager assigned to assist the local PHA with their RAD conversion.
- ❖ File an administrative complaint with HUD's Office of Recapitalization (for RAD-specific rules and requirements), Office of Community Planning and Development (for relocation-related issues), and/or Office of Fair Housing and Equal Opportunity (for fair housing and/or disability-related claims).
- ❖ Utilize an existing consent decree and/or seek a supplemental consent decree with key RAD tenant rights included and a method to ensure that those rights are enforced.
- ❖ Consider filing litigation to address documented violations of federal, state, or local law.

## **What kinds of preliminary questions should I ask to learn more about the proposed RAD conversion?**

Advocates should consider asking the following preliminary questions to better understand the status of the RAD conversion and how to best get involved to secure enforceable tenant protections:

### **Location and Status of the RAD Conversion**

- ❖ How many and which properties are converting to RAD in your community?
- ❖ What stage of the RAD conversion is the PHA in?
  - Has the property been issued a Commitment to enter into a Housing Assistance Payment (CHAP), which indicates HUD's preliminary approval of the RAD conversion?
  - Has the property been issued a RAD Conversion Commitment (RCC), which is the contract executed by HUD, the PHA, and the private RAD developer (if applicable), and typically indicates 30-90 days before official RAD conversion?

- Has the new RAD developer signed the Housing Assistance Payment (HAP) contract, which indicates that the property has officially converted to RAD?

### **Identifying Potential Allies and Tenant Advocates**

- ❖ What is your current relationship with the local PHA?
- ❖ Have other advocates in your community been involved in the local RAD conversion? If so, what have they learned so far? Is there potential for collaboration with these other advocates?
- ❖ Are local government elected representatives aware of and/or involved in the conversion?

### **Tenant Education and Representation in RAD Conversion Discussions**

- ❖ How have tenants been educated and involved in the RAD conversion process thus far?
- ❖ Are there working groups or is another structure in place where tenant voices are represented in negotiating key RAD conversion details?
- ❖ Is there an existing coalition of community members that should be involved in the RAD conversion plans?
- ❖ Do the tenants have any special needs that need to be accommodated during or after the RAD conversion?

### **Ensuring Long-Term Affordability and Oversight**

- ❖ Will the PHA be transferring the properties to one or more private non-profit or for-profit owner(s)?
- ❖ How does the PHA plan to remain involved in managing and/or overseeing the property after RAD conversion?

### **Transparency of RAD Conversion Details**

- ❖ Has the PHA already amended its Five-Year Plan, Annual Plan, Moving to Work (MTW) Plan, Admissions and Continued Occupancy Policy (ACOP), and/or Section 8 Administrative Plan to include required information about the RAD conversion?
- ❖ Do you have access to any of the key RAD conversion documents? These include:
  - the PHA's RAD application to HUD;
  - the RAD Information Notice sent to tenants before any tenant meetings re: potential project plans and their rights;
  - the General Information Notice (GIN), which informs affected tenants of the potential for temporary displacement from the project because of the proposed conversion;
  - the CHAP issued by HUD to the PHA;
  - any written RAD Relocation Plan drafted by the PHA;
  - the RAD Financing Plan drafted by the PHA and submitted to HUD;
  - the RAD Conversion Commitment, which indicates HUD's approval of the Financing Plan and any conditions that need to be met before the official RAD conversion; and
  - any ground lease or other binding document that will preserve the PHA's interest in the property post-conversion.

*Please email [RAD@nhlp.org](mailto:RAD@nhlp.org) for any specific questions, comments, or concerns about your local RAD conversion.*