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| <b>Streamlined Annual PHA Plan</b><br><i>(Small PHAs)</i> | <b>U.S. Department of Housing and Urban Development</b><br><b>Office of Public and Indian Housing</b> | <b>OMB No. 2577-0226</b><br><b>Expires: 03/31/2024</b> |
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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, including changes to these policies, 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-SM is to be completed annually by **Small PHAs**. PHAs that meet the definition of a Standard PHA, Troubled PHA, High Performer PHA, HCV-Only PHA, or Qualified PHA do not need to submit this form.

**Definitions.**

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

| A.                 | PHA Information.  |                    |          |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |
|--------------------|---|--------------------|----------|-----------------------------|---------------------------------|------------------------------|---------------------------------|------------------------------|-----|-----------|--|--|--|--|--|--|--|--|--|--|--|
| A.1                | <p>PHA Name: <b><u>Municipal Housing Authority for the City of Yonkers (MHACY)</u></b> PHA Code: <b><u>NY003</u></b><br/> PHA Type: <input checked="" type="checkbox"/> Small<br/> PHA Plan for Fiscal Year Beginning: (MM/YYYY): <b><u>01/01/2023</u></b><br/> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of PHA Plan submission:<br/> <b>Number of Public Housing (PH) Units <u>(85)</u> Number of Housing Choice Vouchers (HCVs) <u>(3,591)</u> (Total Combined <u>(3,624)</u>).</b><br/> <b>ACC Units: <u>Croton Heights (18); Grant Park I (32) and School House Terrace (26); Cottage Place Gardens (9).</u></b><br/> <b><u>Other MHACY Inventory includes Project-Based Vouchers (PBV) (203); Rental Assistance Demonstration (RAD) PBV (1,324) which does not include the (98) De Minimis units as these units are using S8 vouchers but are PBV, non RAD.</u></b><br/> <b><u>The numbers provided are reflective as of August 15, 2022 and may change during the FY 2023 fiscal year based on RAD, Section 18/Demo/Dispo or other development projects. The Combined Total of all inventories is (5,236) and will be updated prior to submission as the unit counts are accurate as of a certain date.</u></b></p> <p>PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission</p> <p><b>Availability of Information.</b> 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 of 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 main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans. <b>The MHACY FY 2023 Annual Plan to include a summary of the contained information, was posted on the MHACY website, available at each of the MHACY owned and/or managed properties, provided to each member of the Resident Advisory Board (RAB) for discussion and distribution to the residents of each site, and available at the central, Main Office.</b></p> <p><input type="checkbox"/> <b>PHA Consortia:</b> (Check box if submitting a Joint PHA Plan and complete table below)</p> <table border="1" data-bbox="180 1648 1469 1871"> <thead> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></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 | Lead PHA: |  |  |  |  |  |  |  |  |  |  |  |
| Participating PHAs | PHA Code  |                    |          |                             |                                 | Program(s) in the Consortia  | Program(s) not in the Consortia | No. of Units in Each Program |     |           |  |  |  |  |  |  |  |  |  |  |  |
|                    |   | PH                 | HCV      |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |
| Lead PHA:          |   |                    |          |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |
|                    |   |                    |          |                             |                                 |                              |                                 |                              |     |           |  |  |  |  |  |  |  |  |  |  |  |

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| <b>B.</b>  | <b>Plan Elements Submitted with 5-Year PHA Plans.</b> Required elements for Small PHAs completing this document in years in which the 5-Year Plan is also due. This section does not need to be completed for years when a Small PHA is not submitting its 5-Year Plan. See sub-section below for required elements in all other years (Years 1-4).  |
| <b>B.1</b> | <p><b>Revision of Existing PHA Plan Elements. (NOT APPLICABLE AS THE MHACY IS NOT SUBMITTING A FIVE-YEAR PLAN)</b></p> <p>(a) Have the following PHA Plan elements been revised by the PHA since its last <u>Five-Year PHA Plan</u> submission</p> <p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs.</p> <p><input type="checkbox"/> <input type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions.</p> <p><input type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input type="checkbox"/> Rent Determination.</p> <p><input type="checkbox"/> <input type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input type="checkbox"/> Pet Policy.</p> <p><input type="checkbox"/> <input type="checkbox"/> Substantial Deviation.</p> <p><input type="checkbox"/> <input type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each element(s):</p> <p>(c) The PHA must submit its Deconcentration Policy for Field Office Review.</p>   |
| <b>B.2</b> | <p><b>New Activities. (NOT APPLICABLE AS THE MHACY IS NOT SUBMITTING A FIVE-YEAR PLAN)</b></p> <p>(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?</p> <p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/> Hope VI or Choice Neighborhoods.</p> <p><input type="checkbox"/> <input type="checkbox"/> Mixed Finance Modernization or Development.</p> <p><input type="checkbox"/> <input type="checkbox"/> Demolition and/or Disposition.</p> <p><input type="checkbox"/> <input type="checkbox"/> Designated Housing for Elderly and/or Disabled Families.</p> <p><input type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Tenant-Based Assistance.</p> <p><input type="checkbox"/> <input type="checkbox"/> Conversion of Public Housing to Project-Based Assistance under RAD.</p> <p><input type="checkbox"/> <input type="checkbox"/> Occupancy by Over-Income Families.</p> <p><input type="checkbox"/> <input type="checkbox"/> Occupancy by Police Officers.</p> <p><input type="checkbox"/> <input type="checkbox"/> Non-Smoking Policies.</p> <p><input type="checkbox"/> <input type="checkbox"/> Project-Based Vouchers.</p> <p><input type="checkbox"/> <input type="checkbox"/> Units with Approved Vacancies for Modernization.</p> <p><input type="checkbox"/> <input type="checkbox"/> Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).</p> <p>(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.</p> |
| <b>B.3</b> | <p><b>Progress Report. (NOT APPLICABLE AS THE MHACY IS NOT SUBMITTING A FIVE-YEAR PLAN)</b></p> <p>Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year Plan.</p>  |
| <b>B.4</b> | <p><b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. . <b>(NOT APPLICABLE AS THE MHACY IS NOT SUBMITTING A FIVE-YEAR PLAN)</b></p>   |
| <b>B.5</b> | <p><b>Most Recent Fiscal Year Audit. (NOT APPLICABLE AS THE MHACY IS NOT SUBMITTING A FIVE-YEAR PLAN)</b></p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N</p> <p><input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, please describe</p>   |

**Plan Elements Submitted All Other Years (Years 1-4).** Required elements for all other fiscal years. This section does not need to be completed in years when a Small PHA is submitting its 5-Year PHA Plan.

**B.2 New Activities**

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

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| Y                                   | N                                   |  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Hope VI or Choice Neighborhoods.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Mixed Finance Modernization or Development.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Demolition and/or Disposition.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Conversion of Public Housing to Tenant-Based Assistance.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Conversion of Public Housing to Project-Based Assistance under RAD.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Project Based Vouchers.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Units with Approved Vacancies for Modernization.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). |

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process.

(c) If using Project-Based Vouchers, provide the projected number of project-based units, general locations, and describe how project-basing would be consistent with the PHA Plan.

Elements were checked yes to include; Mixed Finance Modernization or Development; Demolition and/or Disposition; Conversion of Public Housing to Tenant-Based Assistance, Conversion of Public Housing to Project-Based Assistance under RAD; Project-Based Vouchers; Units with Approved Vacancies for Modernization; and Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants). The MHACY may consider submitting RAD, Section 18 Demolition/Disposition, Section 22 Streamlined Voluntary Conversion, or other voluntary conversion applications for other designated sites, as listed in **ATTACHMENT B2. Rental Assistance Demonstration (RAD) information is attached however, all RAD activities are completed. The Attachment was HUD-approved with the FY 2020 Annual Plan and the FY 2020-2024 Five-Year Plan however, the MHACY is reattaching the information with the FY 2023 Annual Plan submittal as Cottage Place Gardens and the remaining ACC units (Croton Heights, Grant Park, School House Terrace have not been converted or completed and some of the activities may be implemented in FY 2023 through a RAD, Section 22 Streamlined Voluntary Conversion or a Section 18 Demolition/Disposition. Although, as Section 9(g)(3) of the Housing Act of 1937 ("Faircloth Amendment") limits the construction of new public housing units, the Faircloth Limit is adjusted for PHA transfers of ACC units, consolidations, and RAD removals, hence the units remaining from the demolition of the previous “Mulford Gardens” may be offered as affordable housing options.**

Unprecedented circumstances, including a pandemic, reinforce the foundational principles that it is essential to rebuild an adequate supply of affordable housing, and why the MHACY is committed to creating a variety of new affordable housing opportunities.

Based on the participation in the RAD program and Section 18 Demolition/Disposition redevelopment initiatives, optional financial tools are being explored to preserve the affordable, housing units in Yonkers, NY. The MHACY is also pursuing options to ensure long-lasting viability of its housing stock. Some of the options include:

- Potentially including Over-Income families in development plans for the redevelopment of the MHACY properties
- Different financial alternatives (State Housing Programs) for Over-Income Families.
- Continue the redevelopment of the Cottage Place Gardens site using disposition authority under RAD Section 18 of the Act.
- Using ACC units under the Faircloth rule as affordable housing options.
- The MHACY is in favor of utilizing various tools to preserve the existing, affordable, housing units in the City of Yonkers and perhaps extending through-out Westchester County.
- The MHACY will create opportunities for development through public and private sector investments. These investments will be leveraged to develop affordable multifamily and for sale units.

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|     | <ul style="list-style-type: none"> <li>• The MHACY will explore and plan to conduct development activities that leverage resources in preparation for housing that may serve to assist with addressing the affordability quotient within the City and will serve to support all other affordable housing initiatives.</li> <li>• The MHACY will continue to add local, non-traditional units, i.e., Project-Based Voucher (PBV) units funded by MHACY gap financing or proposals for Project-Based Rental Assistance(PBRA) units.</li> <li>• It is the MHACY’s intention to convert all of its ACC units into Section 8 units to include PBV pursuant to the with the exception of units being submitted for demolition and disposition approval.</li> <li>• Pursue the option of designated housing for Elderly and/or Disabled Families.</li> <li>• Explore all financial options and applicable revenue sources for the redevelopment of MHACY properties including, the expansion of RAD, Section 22 Streamlined Voluntary Conversion and Section 18 disposition.</li> <li>• The MHACY will pursue additional funding opportunities to include additional vouchers, for targeted and special populations.</li> </ul> <p><b>After the RAD conversions, if a Co-developer Partner, Developer, Investor, State, or Federal Agency, chooses to revise the lease or any procedural and/or process documents, subject to the existing agreements,</b></p> <ul style="list-style-type: none"> <li>• The MHACY will ensure the revisions comply with all fair housing and civil rights requirements and the residents will not be negatively impacted by the conversion activities.</li> </ul> <p><b>All properties considered for RAD have been converted to include:</b></p> <ul style="list-style-type: none"> <li>• Seven Townhomes, LP. (Scattered Sites) closed on November 16, 2017.</li> <li>• Yonkers Senior Apartments, LLC. (Curran Court, Hall Homes, &amp; Martinelli Homes)) closed on December 26, 2017.</li> <li>• Yonkers Preservation, LLC. (Flynn Manor, Palisade Towers (formerly known as Schlobohm Houses), and Walsh Road) closed on March 5, 2018.</li> <li>• Troy Kristensen, L.P. (Troy Manor and Kris Kristensen) closed on March 20, 2019.</li> </ul> <p><b>The following properties were removed from the Public Housing Inventory either by Section 18: Demo/Dispo Applications other forms of funding or restructuring options.</b></p> <ul style="list-style-type: none"> <li>• Calcagno Homes and Loehr Court closed on March 31, 2020.</li> </ul> <p><b>The planned Conversion Activities were included in the HUD-approved Five-Year Plan (FY 2020-2024), the FY 2020, FY 2021, and FY 2022 Annual Plan. However, a summary of the projected Section 18 Demolition/Disposition, RAD or other Voluntary Conversion activities is being re-included as Attachment B.2 with the FY 2023 Annual Plan. Although the activities have not changed, the MHACY may choose to implement in FY 2023 as possible commitment opportunities.</b></p> <p>(d) The PHA must submit its Deconcentration Policy for Field Office Review.</p> <p><b>As per requirement, a Deconcentration Plan will be submitted by the applicable parties upon any conversions to be approved by the HUD Field Office.</b></p> |
| B.4 | <p><b>Capital Improvements.</b> Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved. <b>The most recently approved Rolling 5-Year Action Plan (2022-2026) submitted in EPIC was approved by HUD in August 2022. The CFP reports and the Five (5) Year information will be submitted into EPIC per HUD regulations.</b></p>   |

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| <b>C</b>   | <b>Other Document or Certification Requirements for Annual Plan Submissions.</b> Required in all submission years.   |
| <b>C.1</b> | <p><b>Resident Advisory Board (RAB) Comments. See Attachment C.1 RAB and Resident Council Wish Lists</b></p> <p>(a) Did the RAB(s) have comments to the PHA Plan?<br/>Y N<br/><input type="checkbox"/> <input type="checkbox"/> <b>will be included before submission. The RAB will provide comments in September 2022.</b></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>The MHACY requested that the Resident Advisory Board (RAB) speak to their constituents (members of the Site-Based Tenant Councils), to receive comments pertaining to items they wanted to be considered in the FY 2023 Plan. <b>Attachment C.1 for the RAB comments to be included before Board approval and submission.</b></p>   |
| <b>C.2</b> | <p><b>Certification by State or Local Officials. :</b></p> <p><a href="#">Form HUD 50077-SL</a>, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan. <b>ATTACHMENT C.2 to be included before submission</b></p>  |
| <b>C.3</b> | <p><b>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</b></p> <p>Form HUD-50077-CRT-SM, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan. <b>ATTACHMENT C.3 to be included before submission</b></p>   |
| <b>C.4</b> | <p><b>Challenged Elements.</b> If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA’s response to the public.</p> <p>(a) Did the public challenge any elements of the Plan?<br/>Y N<br/><input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.:</p> <p><b>The two (2) Public Hearings will be held on Thursday, September 29, 2022. The notice was posted in mediums of circulation and the MHACY website. The information pertaining to the scheduled hearings was posted on the MHACY website in English and Spanish.</b></p>  |
| <b>D.</b>  | <b>Affirmatively Furthering Fair Housing (AFFH).</b>   |
| <b>D.1</b> | <p><b>Affirmatively Furthering Fair Housing.</b></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> <p><b><u>Describe fair housing strategies and actions to achieve the goals identified:</u></b></p> <p>The Municipal Housing Authority for the City of Yonkers (MHACY) is committed to affirmatively furthering fair housing by promoting fair and equal housing opportunities for individuals living in the City of Yonkers. This commitment extends to all housing programs managed or owned by the MHACY and to all grant-funded programs provided by the MHACY. It is the policy of the MHACY to provide services without regard to race, color, religion, national origin, ancestry, age, gender, familiar status, or physical/mental disability. The MHACY will acknowledge those barriers to fair housing choice identified in the City of Yonkers Five-Year Consolidated Plan.</p> |

The MHACY recognizes the promotion and exercise of fair housing requires freedom from the impediments of discriminatory rental, sales, lending and insurance practices, exclusionary zoning and land use practices, and other forms of barriers to housing choice. The MHACY will remedy discrimination in housing through education, training, and outreach.

In reflection of its core values, the MHACY is dedicated to providing excellence in housing services that manifests the highest standards of professional integrity and public accountability.

Through collaboration with other public and nonprofit agencies and organizations, the MHACY will continue to foster residential responsibility, respect, and self-sufficiency in the full spirit of all civil rights to affirmatively further fair housing.

**Fair Housing Goal: To further affirmatively fair housing, the MHACY will continue to do the following:**

**To achieve the identified goal, the MHACY will:**

1. Take the necessary and appropriate actions to overcome the effects of those identified impediments.
2. Document the actions taken to address the impediments and maintain records to reflect the actions and the analysis.
3. Review data analysis to ensure that the waitlist is maintained in a manner that is consistent with the regulations and the approved policies of the MHACY.

**SEE Attachment D.1**

**Fair Housing Goal: To facilitate the freedom from identified impediments and to banish those barriers, the MHACY will strive to:**

**To achieve the identified goal, the MHACY will:**

- Promote fair housing rights and fair housing choice.
- Develop and manage housing of choice, which is safe, affordable, sustainable, and accessible.
- Improve access to services for persons with limited English proficiency.

**SEE Attachment D.1**

## ATTACHMENT B.2

### **Rental Assistance Demonstration (RAD) Requirements for RAD-Specific PHA Plan and/or Significant Amendment to the PHA Plan Submission**

| <b>Housing Authority #</b> | <b>Housing Authority Name</b>                       | <b>Fiscal Year Begin Date</b> |
|----------------------------|---|-------------------------------|
| NY003                      | Municipal Housing Authority for the City of Yonkers | January 1, 2023               |

The Municipal Housing Authority for the City of Yonkers, New York (MHACY) amended its FY 2015-2019 Five (5) Year Plan in May 2016 by including additional information in the FY 2016 and FY17 Annual Plans as it was a successful applicant in the Rental Assistance Demonstration (RAD) Program. The information included in this Attachment B.2 was HUD-approved with the FY 2020-2024 Five-Year Plan and the FY 2020 Annual Plan, however, as the MHACY is still converting some of its inventory to Project-Based Voucher (PBV) Assistance under the guidelines of PIH Notice 2012-32, REV-1 and any successor Notices, the Attachment is being re-included with the FY 2023 Annual Plan.

Upon conversion to PBV, the Authority will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of PIH Notice 2012-32, REV-2; and Joint Housing PIH Notice H-2014-09/PIH-2014-17). These resident rights, participation, waiting list and grievance procedures are included or appended with this Attachment. Additionally, MHACY is currently compliant with all fair housing and civil rights requirements and is **not** under a Voluntary Compliance Agreement (VAC), therefore, compliance will not be negatively impacted by any conversion activities. After the RAD or other conversions, if a Co-developer Partner, Developer, Investor or State or Federal Agency, chooses to revise the lease or any procedural and/or process documents, the MHACY will ensure the revisions are in compliance with all fair housing and civil rights requirements and the residents will not be negatively impacted by the conversion activities.

MHACY requested Section 18 disposition approval for up to 25 percent of its Low-Income Public Housing (LIPH) units pursuant to HUD PIH Notice 2018-04 and requested additional, Project-Based Vouchers (PBVs) for the units approved for disposition. The MHACY will also continue to utilize the 5% de minimis provisions under the RAD notice previously approved in the FY2016, FY2017, FY2018, FY2019, FY 2020 and FY 2021 Annual Plans. The MHACY utilized the Demolition/Section 18 disposition rules for Calcagno Homes and Loehr Court. In addition, the MHACY will use the RHF and CFP funds for improvements and development initiatives in these two (2) properties as applicable. The MHACY additionally is approved to dispose of Cottage Place Gardens (part of the Ross Calcagno AMP) under the Section 18 disposition process. The property will be disposed to enable the redevelopment of the property for additional LIHTC units. These units may additionally receive Project-Based Voucher (PBV) Section 8 assistance.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing MHACY 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 MHACY may also borrow funds to address their capital needs. MHACY may contribute Operating Reserves in the amount of up to \$100,000 per project to the extent available of Capital Funds (CFP) and Demolition Disposition Transition Funding (DDTF) Funds (in an amount to be determined if applicable) towards the conversion. Public Housing Units were utilized to factor this calculation of funds for commitment as units were demolished at Cottage Place Gardens. MHACY had debt under an Energy Performance Contract but was able to pay that debt off in the Calcagno/Loehr Court closing.

In the FY 2019 and the FY 2020 Annual Plan, the MHACY included as **Attachment 1A** a certification statement on Agency letterhead certifying 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 the FY 2023 Annual Plan including Resident Advisory Board comments and responses to include challenged elements are included as the applicable attachments referenced in the form **HUD-50075-ST**. **Additionally, in accordance with 24 CFR Part 903, the MHACY during the public hearings to be held on Thursday, September 29, 2022 will perform the following actions in regards to their Capital Funds:**

- Notified the public that the current and future Capital Fund Program Grants Budgets, will be reduced as a result of any projects converting to RAD and any potential budget cuts from HUD.
- Provided an estimate of the amount of the current Capital Fund grant that is associated with the proposed project(s) and discussed the impact on the PHA's current Five-Year PHA Plan and Five-Year Capital Fund Action Plan.
- Provided a discussion as pertains to the current Energy Performance Contract (EPC) and how the RAD conversion will have an impact.
- Provided a proposal to utilize Replacement Housing Factor (RHF) funds to facilitate conversion and the estimated impact of those activities.

As previously stated, the MHACY will also continue to utilize the 5% de minimis provisions under the RAD notice previously approved in the FY 2016, FY 2017, FY 2018, FY 2019 and FY 2020 Annual Plans. As part of its strategy to convert its public housing units to Section 8, the MHACY will bundle Section 18 vouchers from HUD with MHACY's PBVs for the disposition of RAD units. PIH 2018-04, Sec 3.4.3.c permits properties converting under RAD to receive Section 18 approval and vouchers, which is subject to appropriations, and conditioned on a strategy to replace and redevelop the units.

#### **Significant Amendment Definition:**

As a component of the Rental Assistance Demonstration (RAD) and the decision to convert to PBV, the MHACY is redefining the definition of a substantial deviation from the approved FY 2015-2019 Five-Year Plan to exclude the following RAD-specific items. These substantial amendment definitions were stated in the approved FY2017, FY2018, FY2019, FY2020, FY 2021 and FY 2022 Annual Plans and were included in FY2020-2024 Five-Year Plan.

- Changes to the Capital Fund Budgets 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/or rehabilitation plan for each approved RAD conversion; and
- Changes to the financing structure for each approved RAD conversion.



## SPECIFIC DEVELOPMENT DATA

Once a development has closed per the RAD requirements, the applicable site is no longer included on the MHACY charts. **The following MHACY sites have been converted to RAD:**

- Seven Townhomes, LP. (Scattered Sites) closed on November 16, 2017;
- Yonkers Senior Apartments, LLC. (Curran Court, Hall Homes, & Martinelli Homes) closed on December 26, 2017;
- Yonkers Preservation, LLC. (Flynn Manor, Palisade Towers (formerly known as Schlobohm Houses), and Walsh Road closed on March 5, 2018; and
- Troy Kristensen, L.P. (Troy Manor and Kris Kristensen) closed on March 20, 2019.

The following properties were removed from the Public Housing Inventory either by Section 18: Demo/Dispo Applications other forms of funding or restructuring options.

- Calcagno Homes and Loehr Court closed on March 31, 2020.
- Cottage Place Gardens The future project has an approved disposition application and will be removed from the Low-Income Public Housing (LIPH) inventory the first quarter of 2FY 023.

The specific information related to the Public Housing Developments selected for RAD (not closed) is included in chart form or in subsequent narrative.

1. A description of the units to be converted. The description should include the following:
  - a. The number of units;
  - b. The bedroom distribution of units, and
  - c. The type of units (e.g., family, elderly/disabled, or elderly-only).
2. Any change in the number of units that is proposed as part of the conversion, including:
  - a. De minimis unit reductions;
  - b. Unit reductions that are exempt from the de minimis cap; and
  - c. Any change in the bedroom distribution of units that is proposed as part of the conversion.
3. Changes in the policies that govern eligibility, admission, selection, and occupancy of units at the project after it has been converted.
  - a. If Converting to PBV: This includes any waiting list preferences that will be adopted for the converted project as well as the Resident Rights and Participation, Tenant Protections for residents stated in Section 1.6, Attachment 1B of this Notice and the Joint Housing/PIH Notice H-2014-09/ PIH-2014-17. **MHACY is converting to PBV.**
  - b. The MHACY intends to request Section 18 disposition approval for up to 25 percent of its RAD units pursuant to HUD PIH Notice 2018-04 and request additional, Project-Based Vouchers (PBVs) for the units approved for disposition. The MHACY will also continue to utilize the 5% de minimis provisions under the RAD notice previously approved in the FY 2016 Annual Plan.
  - c. If Converting to PBRA: This includes any waiting list preferences that will be adopted for the converted project as well as the Resident Rights and Participation, Tenant Protections

for residents stated in Section 1.7 and Attachment 1B of this Notice and the Joint Housing PIH Notice H-2014-09/ PIH-2014-17.

4. If there will be a transfer of assistance at the time of conversion, the significant amendment must include:
  - a. The number of units to be transferred;
  - b. The bedroom distribution of the units in the new building(s);
  - c. The type of units, if changed (e.g., family, elderly/disabled, or elderly-only);
  - d. Any reduction or change in the number of units and what reduction category they fall under (i.e. de minimis); and
  - e. How the waiting list will be transferred and how households will be selected for an indication of whether the PHA is 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

**Development #1**

**Name of Public Housing Development:**

**PIC Development ID:**

**Conversion type:**  
Section 18/Demo/Dispo  
or RAD/PBV

**Transfer of Assistance:**

None

**Cottage Place Gardens**

**NY 003000050**

**Total Units:**

**Pre- Section 18/Demo/Dispo RAD Unit Type (i.e., Family, Senior, etc.):**

**Post-Unit Type if different (i.e., Family, Senior, etc.)**

**Capital Fund allocation of Development:**

(Annual Capital Fund Grant, divided by the total number of public housing units in PHA, multiplied by the total number of units in the project)

**MHACY does not intend to spend CFP or accumulated RHF funds**

**57 (maximum) may be decreased and bedroom sizes of needed units will adjust as applicable**

Family

Family

**Bedroom Type**

**Number of Units Pre-Conversion**

**Number of Units Post-Conversion**

**Change in Number of Units per Bedroom Type and Why**

**(De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, NONE)**

57

57

**Studio/Efficiency**

**One Bedroom**

24

24

**Two Bedroom**

24

24

**Three Bedroom**

9

9

**Four Bedroom**

**Five Bedroom**

**Six Bedroom**

(If performing a Transfer of Assistance)

(Explain how transferring waiting list)

**NOT APPLICABLE**

**Development #2**

Name of Public Housing Development:

PIC Development ID:

Conversion type:

Transfer of Assistance:

Schoolhouse Terrace

NY 003000160

Section 18/Demo/  
Dispo or RAD/PBV

None

|  |   |   |   |
|--|---|---|---|
| <b>Total Units:</b>                      | <b>Pre- Section 18/Demo/Dispo RAD Unit Type (i.e., Family, Senior, etc.):</b> | <b>Post-Unit Type if different (i.e., Family, Senior, etc.)</b> | <b>Capital Fund allocation of Development:</b><br>(Annual Capital Fund Grant, divided by the total number of public housing units in PHA, multiplied by the total number of units in the project)<br><b>MHACY does not intend to spend CFP or accumulated RHF funds</b> |
| 26                                       | Family  | Family  |   |
| <b>Bedroom Type</b>                      | <b>Number of Units Pre-Conversion</b>   | <b>Number of Units Post-Conversion</b>                          | <b>Change in Number of Units per Bedroom Type and Why</b><br>(De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations,<br>NONE)   |
|  | 26  | 26  |   |
| <b>Studio/Efficiency</b>                 |   |   |   |
| <b>One Bedroom</b>                       | 13  | 13  |   |
| <b>Two Bedroom</b>                       | 13  | 13  |   |
| <b>Three Bedroom</b>                     |   |   |   |
| <b>Four Bedroom</b>                      |   |   |   |
| <b>Five Bedroom</b>                      |   |   |   |
| <b>Six Bedroom</b>                       |   |   |   |
| (If performing a Transfer of Assistance) | (Explain how transferring waiting list)<br><b>NOT APPLICABLE</b>              |   |   |

**Development #3**

Name of Public Housing Development:

Grant Park

PIC Development ID:

NY003000150

Conversion type:

Section 18/Demo/Dispo  
or RAD/PBV

Transfer of Assistance:

None

|  |   |   |   |
|--|---|---|---|
| <b>Total Units:</b>                      | <b>Pre- Section 18/Demo/Dispo RAD Unit Type (i.e., Family, Senior, etc.):</b> | <b>Post-Unit Type if different (i.e., Family, Senior, etc.)</b> | <b>Capital Fund allocation of Development:</b><br>(Annual Capital Fund Grant, divided by the total number of public housing units in PHA, multiplied by the total number of units in the project)<br><b>MHACY does not intend to spend CFP or accumulated RHF funds</b> |
| 32                                       | Family  | Family  |   |
| <b>Bedroom Type</b>                      | <b>Number of Units Pre-Conversion</b>   | <b>Number of Units Post-Conversion</b>                          | <b>Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, NONE)</b>   |
|  | 32  | 32  |   |
| <b>Studio/Efficiency</b>                 |   |   |   |
| <b>One Bedroom</b>                       | 9   | 9   |   |
| <b>Two Bedroom</b>                       | 17  | 17  |   |
| <b>Three Bedroom</b>                     | 6   | 6   |   |
| <b>Four Bedroom</b>                      |   |   |   |
| <b>Five Bedroom</b>                      |   |   |   |
| <b>Six Bedroom</b>                       |   |   |   |
| (If performing a Transfer of Assistance) | (Explain how transferring waiting list)<br><b>NOT APPLICABLE</b>              |   |   |

**Development #4**

Name of Public Housing Development:

Croton Heights

PIC Development ID:

NY003000140

Conversion type:

Section 18/Demo/Dispo  
or RAD/PBV

Transfer of Assistance:

None

|  |  |  |   |
|--|--|--|---|
| <b>Total Units:</b><br><br><b>18</b>     | <b>Pre- Section 18/Demo/Dispo RAD Unit Type (i.e., Family, Senior, etc.):</b><br><br><b>Family</b> | <b>Post-Unit Type if different (i.e., Family, Senior, etc.)</b><br><br><b>Family</b> | <b>Capital Fund allocation of Development:</b><br>(Annual Capital Fund Grant, divided by the total number of public housing units in PHA, multiplied by the total number of units in the project)<br><b>MHACY does not intend to spend CFP or accumulated RHF funds</b> |
| <b>Bedroom Type</b>                      | <b>Number of Units Pre-Conversion</b>  | <b>Number of Units Post-Conversion</b>   | <b>Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, NONE)</b>   |
| <b>Studio/Efficiency</b>                 |  |  |   |
| <b>One Bedroom</b>                       | <b>9</b>   | <b>9</b>   |   |
| <b>Two Bedroom</b>                       | <b>8</b>   | <b>8</b>   |   |
| <b>Three Bedroom</b>                     | <b>1</b>   | <b>1</b>   |   |
| <b>Four Bedroom</b>                      |  |  |   |
| <b>Five Bedroom</b>                      |  |  |   |
| <b>Six Bedroom</b>                       |  |  |   |
| (If performing a Transfer of Assistance) | (Explain how transferring waiting list)<br><b>NOT APPLICABLE</b>                                   |  |   |

## PROJECT-BASED VOUCHER ASSISTANCE (PBV)

**Project-Based Voucher Requirements for Resident Rights, Participation, Waiting List and Grievance Procedures Converting to PBV:** Section 1.6 of PIH Notice 2012-32, REV-2 and the Joint Housing PIH Notice H-2014-09/PIH-2014-17.

### **PBV Resident Rights and Participation**

- 1. No Rescreening of Tenants upon Conversion.** Pursuant to the RAD statute, at conversion, current MHACY 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 time of conversion would continue to be treated as an assisted unit. Thus, based on 24 CFR § 982.201 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. **MHACY will comply with the regulation.**
- 2. Right to Return.** Any MHACY resident that may need to be temporarily relocated to facilitate rehabilitation or construction will have a right to return to the development once an assisted unit at the development once rehabilitation or construction is completed. Where the transfer of assistance to a new site is warranted and approved, (on conditions warranting a transfer of assistance), residents of the converting development will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. Residents of a development undergoing conversion of assistance may voluntarily accept a MHACY or Owner's offer to permanently relocate to another assisted unit, and thereby waive their right to return to the development after rehabilitation or construction is completed. **MHACY will comply with the regulation.**
- 3. Renewal of Lease:** Since the release of the publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR 983.257 (b) (3) have been amended requiring Project Owners to renew all leases upon lease expiration, unless cause exists. **MHACY will comply with the regulation.**
- 4. Phase-in of Tenant Rent Increases.** If a resident's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over three (3) years, which a PHA may extend to five (5) years. To implement this provision, HUD is waiving section 3(a) (1) of the Act, as well as 24 CFR § 880.201 (definition of "total tenant payment"), to the limited extent necessary to allow for the phase-in of tenant rent increases. A PHA create a policy and set the length of the phase-in period to be three years, five years or a combination depending on circumstances. 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. **MHACY has selected the three year phase-in for any tenant rent increases.**

The below method explains the set percentage-based phase-in an owner must follow according to the phase-in period established. For purposes of this section "Calculated Multifamily 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, 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 Total Tenant Payments (TTP) or flat rent and the standard TTP.
- **Year 2:** Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR - 66% of difference between most recently paid TTP and the standard TTP.
- **Year 3:** Year 3 A R and all subsequent recertifications - Full standard TTP.

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

- 5. Public Housing Family Self-Sufficiency (PH FSS) and Resident Opportunities and Self Sufficiency (ROSS- SC) programs.** Current Public Housing residents that are FSS participants will continue to be eligible for FSS once their housing is converted under RAD. And PHAs will be allowed to use any remaining PH FSS funds, to serve those FSS participants who live in units converted by RAD. 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 FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

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. 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.

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. **MHACY will ensure that all sites with ROSS**



**grants, to include the grants funded to the Tenant Councils will follow the established HUD policies.**

- 6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with converted 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 be eligible for resident participation funding. **All twelve (12) MHACY Resident Councils and the Resident Advisory Board will continue to exist under the conversion to RAD.**
- 7. 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. **MHACY will comply with the regulation and submit the required information to HUD for monitoring purposes.**

**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. 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 not be less than:

- a. A reasonable period of time, but not to exceed 30 days:
  - If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
  - In the event of any drug-related or violent criminal activity or any felony conviction;
- b. 14 days in the case of nonpayment of rent; and
- c. 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.** Pursuant to requirements in the RAD Statute, HUD is establishing additional procedural rights to comply with section 6 of the Act.

For issues related to tenancy and termination of assistance, program rules require the Project Owner 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)-(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, obligations, welfare, or status.

1. For any hearing required under 24 CFR § 982.555(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 982.555(e) (4) (i).
2. 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. **MHACY will comply with the regulation and submit the required information to HUD for monitoring purposes.**

8. **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 section 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 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. **MHACY will comply with the regulation.**

9. **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 re-location 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. **MHACY does not have a Jobs Plus Program.**

**10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA 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, 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 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 than 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 983.301 as modified by Section 1.6.B.5 of this Notice. 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. Assistance may subsequently be reinstated if the tenant becomes eligible for assistance. The PHA is required to process these individuals through the Form- 50058 submodule in PIC.

Following conversion, 24 CFR §983.53(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 comes to equal or exceed 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 §983.207 or, where "floating" units have been permitted, Section 1.6.B.10 of this Notice. **MHACY will comply with the regulation as applicable based on conversion to PBV.**

**11. Under-Occupied Unit.** 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 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 983.259 is waived. **MHACY will comply with the regulation as applicable based on conversion to PBV.**

### C. PBV: Other Miscellaneous Provisions

1. **Access to Records, including Requests for Information Related to Evaluation of Demonstration.** PHAs 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. **MHACY will comply with the regulation.**
2. **Additional Monitoring Requirement:** The PHA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements. **MHACY will comply with the regulation.**
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** The Davis- Bacon Act (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) and Section 3 (24 CFR Part 135) apply to all initial repairs that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. (The Davis-Bacon Act only applies for projects with nine or more units.) **MHACY will comply with the regulation.**
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:
  - 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.
  - Informing applicants on the site-based waiting list on how to apply for a PBV program-wide or HCV program-wide waiting list.
  - 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. 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. Applicants on the agency's public housing community-wide waiting list who wish to be placed onto the newly-established site-based waiting list must be 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 with the obligation to provide meaningful access for persons with limited English proficiency (LEP).

A PHA 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).

**MHACY will utilize the existing project-specific waiting list.**

- **Waiting List Preferences:** As of the date of the FY 2020-2024 Five-Year Plan submission (April 2020), for the project-specific waiting list MHACY has established preferences (other than date of application), in order of priority, as follows:
  - 1A. Involuntary Displacement by Government Action:
  - 1B. Involuntary Displacement due to Natural Disaster.
  - 1C. Involuntary Displacement/Physical/Domestic Violence-Resident of Yonkers.
  - 2A. Working Family and Elderly/Disabled-Resident of Yonkers.
  - 2B. Working Family and Elderly/Disabled-Non-Resident of Yonkers.
  - 3A. Non-Working Family - Resident of Yonkers.
  - 3B. Non-Working Family - Not a Resident of Yonkers.
  - 4A. Near Elderly Family-Resident of Yonkers.
  - 4B. Near Elderly Family-Not a Resident of Yonkers.

Applicants will be selected from the waiting list based on the highest number of preference points and based on the date their application was received by MHACY. Preferences are cumulative. For applications with no preference indicated the applicants will be placed on the waiting list by date received by MHACY. Applications equal in date received will be ranked by MHACY's current computer software program.

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, except with the written approval of HUD to the contrary. **MHACY will comply with the regulation.**
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.** Project Owners must receive HUD approval for any refinancing or restructuring of permanent debt during 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.) **MHACY will comply with the regulation.**
  
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 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 VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time.

For fiscal years 2014 and 2015, PHAs operating HCV program received 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 Responsibility Act of 1998" and 24 CFR § 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBV RAD units. After this transition period, 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. **MHACY will comply with the regulation.**

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 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 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 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) and 24 CFR part 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. **MHACY will comply with the regulation.**

- 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 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 covered under a General Depository Agreement (HUD- 51999) 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 and as directed by HUD. **MHACY will comply with the regulation.**
- 11. Site Selection and Neighborhood Standards Review:** This review is not applicable to the MHACY selected developments targeted for RAD conversion.
- 12. Relocation Plans:** MHACY has not developed the final Relocation Plans. The Plans will be developed as applicable and submitted with the Financing Plan.
- 13. Resident Advisory Board:** The Resident Advisory Board which is comprised of representatives from each of the twelve (12) MHACY Tenant Councils is excited and looking forward to all of the changes that will occur based on the RAD conversion. Meetings have been held at every MHACY affected site and the Tenant Councils representing those sites have been included in every component of the process. All of the Tenant Councils and the RAB will be continuously updated on the progress of the RAD conversion as required.
- 14. Impact on Current Five-Year Plan:** The MHACY's RAD conversion narrative was previously addressed included in the Authority's Five Year (2020-2024)Plan, and the . FY2016, FY 2017, FY2018, FY2019 and FY 2020 Annual Plans it does not constitute a Significant Amendment.
- 15. Resident Notification:** Prior to submitting an application to participate in the Demonstration, HUD requires a PHA to:

- Notify residents of projects proposed for conversion and legitimate resident organizations of the PHA's intent to pursue a conversion. **The letters were sent to**

**all Tenants. The letter was also sent (Bilingual) as a direct mailing to ensure all MHACY residents received the applicable notification.**

- Conduct at least two meetings with residents of projects proposed for conversion to discuss conversion plans and provide opportunity for comment. **Meetings were held with the Resident Advisory Board and at the applicable sites.**
- Prepare comprehensive written responses to comments received in connection with the required resident meetings on the proposed conversion to be submitted with the RAD Application. **MHACY will comply with the regulation.**
- Once a PHA is selected to participate in the Demonstration, it must have at least one more meeting with residents before HUD will execute a HAP contract. In addition, a PHA must have an additional meeting with residents if there is a substantial change to the conversion plans. A substantial change includes, but is not limited to:
  1. Transfer of assistance or ownership;
  2. Change in the number of assisted units; or
  3. A substantial change in the scope of work.
- Upon issuance of the RAD Conversion Commitment (see Section 1.12 of this Notice), the PHA must notify each affected household that conversion of the project has been approved, and inform households of the specific rehabilitation or construction plans and any impact the conversion may have on them. Households in the affected project(s) who do not want to transition to a new program may be offered, if available, the opportunity to move to other public housing



## **Attachment D.1: Affirmatively Furthering Fair Housing:**

The MHACY recognized the utilization of a Four-Factor Analysis would assist with assessing the Limited English Proficiency (LEP) and in developing a Language Assistance Plan (LAP). Conducting this analysis was intended to help determine a reasonableness standard for ensuring meaningful access by LEP persons to critical services while not imposing undue financial burdens on the MHACY. The analysis, included the following:

### ***Factor 1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the MHACY.***

The MHACY obtained information from the U.S. Census Bureau's American Community Survey website and Census.gov in order to gather data about the jurisdiction's overall population, as well as the population of LEP persons within the jurisdiction and the primary languages spoken. Based on data found at [Census.gov](https://www.census.gov), effective July 2021, Hispanics comprise (38.3), and Asians comprise (6.5%) of the population of the City of Yonkers, exceeding the 1,000 or 5% threshold triggering written language assistance requirements of Title VI and 72 FR 2731. However, an analysis of the MHACY current purging of the waiting lists shows over (90%) of the population is Hispanic and less than (1%) are Asian.

Therefore, based on the large number of Hispanics and Spanish speaking population, the MHACY has already implemented the practice and procedure of all documents and distributed materials will be translated into Spanish and translated into Korean only upon request. The targeted populations will also be included in the planning process. As the waiting lists are still being reviewed from the most recent purging activities, the numbers with applicable percentages could increase or decrease.

The MHACY did contact the City of Yonkers Municipal Offices, which follows state and county directives regarding LEP persons, and the MHACY has not received any comments indicating a lack of availability of LEP assistance from any of the foreign language speaking populations in the City of Yonkers or Westchester County.

The MHACY has also established a partnership with the Westchester County Asian American Advisory Board (AAAB) and meets regularly to ascertain the needs of the Asian-American population in Westchester County and more particularly, the City of Yonkers where Korean has been identified as the population and language spoken.

### ***Factor 2: The frequency in which LEP individuals come into contact with the MHACY.***

As reflected in the large number of eligible and/or potential LEP clients in the city of Yonkers, (38.3%) are Hispanic based on the Census data, the MHACY encounters quite a significant number of LEP persons who are Spanish speaking individuals who required assistance and were provided such service even before the request. To date, there were no individuals from other LEP populations to include Asian that either requested or required assistance. However, as the MHACY has such a significant Spanish speaking population, to include current residents and the waitlists, all documents, correspondence and disseminated information to include the MHACY website and newsletters, are provided in Spanish. The MHACY has identified resources within Westchester County to include the AAAB that will provide the Korean translations as well upon request.

**Factor 3: *The nature and importance of the program, activity or service provided by the MHACY to people's lives.***

The services provided by the MHACY are of critical importance as they relate to a client's need for or continued provisions of affordable housing. Therefore, it is important to be able to communicate effectively with all persons making inquiries regarding available assistance and the current resident population of MHACY owned/ and or managed housing options.

**Factor 4: *The resources available to the grantee/recipient and cost.***

The MHACY will continue to take all reasonable steps to provide meaningful access for LEP persons that seek to utilize our programs and activities. The MHACY is extremely fortunate to have bi-lingual staff, when necessary, to communicate with clients as well as all information disseminate from the MHACY is translated into Spanish, the largest LED population. Should the need arise; any of the legal documents required to participate in the programs will be translated Korean or another determined language. The MHACY will also utilize any documents provided by HUD in languages other than English and seek to retain a professional interpretation service to provide oral interpretation in languages other than Spanish if so warranted.

The MHACY will include in future PHA Annual Plan submissions specific details to include the affirmative measures that will be undertaken to ensure equal opportunity and affirmatively furthering fair housing initiatives. At HUD's directive, conduct Affirmatively Furthering Fair Housing activities including an analysis of impediments as applicable. More specifically, the MHACY will:

- Ensure that all staff, Document the actions taken to address the impediments and maintain records to reflect the actions and the analysis to include request logs.
- Take the necessary and appropriate actions to overcome the effects of those identified impediments.
- Improve access to services for persons with limited English proficiency.
- Review data analysis to ensure that the waitlists are maintained in a manner that is consistent with the regulations and the approved policies of the MHACY.
- Ensure that the MHACY TDD/TTY number is on all correspondence being disseminated. This number is also listed on the MHACY website.