

RENTAL ASSISTANCE DEMONSTRATION (RAD)

FACT SHEET #5: RESIDENT PROCEDURAL RIGHTS

WHAT IS RAD?

The **Rental Assistance Demonstration (RAD)** is a program of the Department of Housing and Urban Development (HUD) that seeks to **preserve affordable housing**.

Public housing across the country needs more than \$26 billion in repairs and many public housing agencies (PHAs) do not have enough money to keep units in good condition. RAD provides PHAs a way to stabilize, rehabilitate, or replace properties.

WHAT ARE PROCEDURAL RIGHTS AND HOW WILL RAD AFFECT THEM?

This fact sheet explains how RAD will affect your **procedural rights**, which are the steps or procedures your landlord must follow when taking any action against residents of HUD-subsidized housing.

There are two major procedural rights:

- (1) **Grievance process** - Steps the PHA must offer you to address a dispute, or **grievance**, you have with your PHA about an action that negatively affects you.
- (2) **Termination notification** - Steps the PHA must take to inform you that it intends to terminate your lease.

RAD requires that you **keep many of the same procedural rights related to the grievance process and termination notification** that you had in public housing.

HOW WILL RAD AFFECT THE GRIEVANCE PROCESS?

FACT SHEETS FOR PUBLIC HOUSING RESIDENTS

This series of fact sheets is intended to help residents of public housing learn about RAD. All fact sheets are posted on RAD's website at www.hud.gov/rad, under the 'Residents' tab. This fact sheet explains your rights related to grievance procedures and lease termination under RAD.

A **grievance** is any dispute you may have with your landlord about an action involving your lease, or other landlord actions that you believe negatively affect you. The **grievance process** involves steps for you and your landlord to follow to resolve these disputes. A grievance does not have to be related to an eviction.

Whether your property is a part of the public housing program, or has converted to PBV or PBRA through RAD, you will receive a written notice of the reasons for an action and that you can request a hearing where you can present the reasons why you think an action might be unfair.

RAD requires that you receive a fair hearing and a written decision within a reasonable timeframe, just like you would under public housing. Your PHA must follow the grievance hearing decision unless it notifies you that the:

- Matter exceeded the authority of the grievance hearing; or
- Decision conflicts with laws or HUD regulations.

Requesting or participating in a grievance hearing does not affect your right to take legal action if you think your dispute was not settled fairly. You may seek an attorney, including your local legal aid office, with any further questions or concerns.

The grievance process is for...

- Any **individual disputes** between you and the property owner, such as:
- Termination of your lease;
 - Rent the owner claims you owe;
 - Determination of your income;
 - Determination of your unit size; or
 - Determination of your utility allowance (if you have tenant-paid utilities).

The grievance process is not for...

- Disputes between tenants that do not involve the owner;
- Class grievances (in other words, grievances that multiple tenants/families have with the owner); or
- Negotiating policy changes between tenant groups and your owner.

HOW WILL RAD AFFECT TERMINATION NOTIFICATION?

Similar to public housing, under PBRA or PBV the property owner may terminate **your lease** if it follows certain procedures and if it has **cause**. An owner has cause if you seriously or repeatedly violate your lease terms, including by:

- Not making payments due under the lease, such as rent or utility payments;
- Not following the rules listed in the lease, such as keeping your unit clean and safe;
- Involvement in criminal activity or alcohol abuse, depending on the seriousness of the activity; or
- Making false statements in your initial application or during your annual recertification, for example about your income or family size.

If your property owner moves to terminate your lease after the RAD conversion, he or she must notify you in advance. This notification is

advance notice that explains why and when your lease will be terminated and whether you can ask for a grievance hearing.

If the reason for your termination is very serious, for example being convicted of a crime on the property, you may not be eligible to request a hearing.

TERMINATION NOTIFICATION:	
Number of days Required	Termination Reason
A reasonable period of time, but no more than 30 days	<ul style="list-style-type: none"> • A threat to the health or safety of other residents or PHA employees. • Drug-related activity, violent criminal activity, or felony conviction.
No less than 14 days	Nonpayment of rent
No less than 30 days, unless State or local law require a shorter period	All other cases (*PBRA allows a longer notification period)

DEFINITIONS:

- **Cause** – Reason for not renewing your lease in cases when you seriously and repeatedly violate your lease terms.
- **Grievance** – Any dispute you may have with a property owner involving your lease or owner actions that you believe negatively affect you.
- **Grievance Process** – Steps the owner must take to address a dispute you have with it.
- **Procedural Rights** – Steps your property owner must follow when taking specific actions that may have a negative effect on you.
- **Termination of Lease** – The process of ending your lease.
- **Termination Notification** – Steps an owner must take to inform you of the decision to terminate your tenancy.