TO: Eric

FR: Jack, Annette and Lia

DT: 1-11-22

RE: New Proposed Language for H. 1417

Based on the discussion at the CHAPA meeting on 1-6-21 about the need to add language to H. 1417 to protect tenants rights as development and redevelopment happens in public housing, the suggestion and general agreement was to align such language with existing federal provisions in the Rental Assistance Demonstration (RAD) program. Please find the table below which outlines the key language from RAD, along with one provision from the Putnam School Use Agreement, and proposed language to H. 1417 which tracks this language, with some needed adjustments to put in the context of this bill. The proposed new language was reviewed and approved by MUPHT Board members. We would be happy to review this with you as we take the next steps.

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| [Rental Assistance Demo Language](https://www.hud.gov/sites/dfiles/Housing/documents/RAD_112-55_Comprehensive_Ramseyer_3-30-18.pdf) | Proposed New Language for [H. 1417](https://malegislature.gov/Bills/192/H1417) |
| [5] Provided further, That tenants of such properties with assistance converted from assistance under section 9 shall, at a minimum, maintain the same rights under such conversion as those provided under sections 6 and 9 of the Act: | Notwithstanding any provision in this section, the tenants of such projects under this section shall, at a minimum, maintain the same rights as those provided under all applicable state or federal subsidy programs, as may be amended. |
| [13] Provided further, That notwithstanding sections 3 and 16 of the Act, the conversion of assistance under the demonstration shall not be the basis for re-screening or termination of assistance or eviction of any tenant family in a property participating in the demonstration, and such a family shall not be considered a new admission for any purpose, including compliance with income targeting requirements: | Provided further, such projects under this section shall not be the basis for re-screening or termination or reduction of assistance or eviction of any tenant in a property participating in such a project, and such a tenant shall not be considered a new admission for any purpose, including compliance with any income targeting requirements. |
| [16] Provided further, That the Secretary may establish the requirements for converted assistance under the demonstration through contracts, use agreements, regulations, or other means:    From Use Agreement for Putnam School:  Third-Party Beneficiaries. The benefits of this Agreement shall inure to any past, present or future tenants or applicants of the Premises, who shall have the right to enforce same as third-party beneficiaries. Notwithstanding Section 3(b), nothing in this provision is intended to create a separate or new administrative process of appeal or review for any grievance governed by the lease of any tenant. | Provided further, the department shall establish requirements for such projects under this section through contracts, use agreements, regulations, or other means consistent with all state and federal subsidy programs applicable to the project and the benefits of any use agreement shall inure to any past, present or future tenants or applicants of the project, who shall have the right to enforce the same as third-party beneficiaries provided that nothing in this section is intended to create a separate or new administrative process of appeal or review for any grievance governed by the lease of any tenant. |
| [8] Provided further, That the Secretary shall provide an opportunity for public comment on draft eligibility and selection criteria and procedures that will apply to the selection of properties that will participate in the demonstration:    [9] Provided further, That the Secretary shall provide an opportunity for comment from residents of properties to be proposed for participation in the demonstration to the owners or public housing agencies responsible for such properties: | Provided further, the department shall provide an opportunity for comment from tenants of such projects to be proposed under this section and an opportunity for public comment to the owners, controlled entities, designated entities, or public housing agencies responsible for such projects. |
| [17] Provided further, That the Secretary shall assess and publish findings regarding the impact of the conversion of assistance under the demonstration on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such conversion, and the effect of such conversion on tenants: | Provided further, the department shall assess and publish findings regarding the impact of such projects under this section on the preservation and improvement of public housing, the amount of private sector leveraging as a result of such construction, redevelopment, conveyance, or transfer, and the effect of such construction, redevelopment, conveyance, or transfer on tenants. |