RAD Tenant Organizing Rights Before and After RAD Conversions

**Before RAD (Public Housing rules)**

- Residents have a right to organize and elect a resident council to represent their interests. Rules governing public housing tenant organizing can be found at 24 CFR part 964.
- Resident Councils must only be comprised of and represent public housing tenants and have written bylaws that describe election and recall procedures for a democratically elected board.
- PHAs are required to provide at least $25 per occupied unit per year for resident participation activities, at least $15 per occupied unit per year of which must go to resident council to fund tenant participation activities.
- The PHA and the duly elected resident council must enter into a written agreement before the PHA can provide the tenant participation funding.

**After RAD (RAD PBV or PBRA rules)**

- Residents have a right to organize and elect a resident organization to represent their interests. Rules governing RAD PBV or PBRA tenants can be found at 24 CFR part 245 and HUD Notice 2012-32 (REV-3).
- Resident organizations are considered “legitimate” by HUD if they have been established by tenants of HUD multifamily housing, meets regularly, operates democratically, is representative of all tenants at the property, and is completely independent of owners, management, and their representatives.
- Owners are required to provide at least $25 per occupied unit per year for resident participation activities, at least $15 per occupied unit per year of which must go to resident council to fund tenant participation activities.
- There are no written agreement requirements, but we strongly encourage PHA and the duly elected resident council must enter into a written agreement before the PHA can provide the tenant participation funding.

**Protected Organizing Activities**

Landlords must allow RAD PBV and PBRA tenants to conduct the following activities related to the establishment or operation of a resident organization (no prior permission is required):

- Distribute leaflets in lobby areas and in common areas
- Place leaflets at or under residents’ doors
- Initiate contact with residents
- Conduct door-to-door surveys of residents to determine interest in establishing a resident organization
- Post information on bulletin boards
- Assist residents to participate in resident organization activities
- Convene regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives.
- Prohibit management representatives from attending resident organization meetings unless invited by the resident organization to specific meetings to discuss specific issue(s)
- Other reasonable activities related to establishing or operating a resident organization
- Formulate responses to landlord’s request for: rent increases, partial payment of claims, conversion from project-based utilities to resident-paid utilities, reduction in resident utility allowances, conversion of residential units to non-residential use or co-ops or condos, major capital additions, and prepayment of loans