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Human Rights Watch Report Highlights How HUD and Congress Must Do More to Protect Public Housing Residents

Statement by NHLP and NLIHC in Support of Human Rights Watch's Report, "The Tenant Never Wins"

The National Housing Law Project and the National Low Income Housing Coalition applaud Human Rights Watch (HRW) for its new report, "[The Tenant Never Wins: Private Takeover of Public Housing Threatens Right to Housing in New York City.](#)" We especially support HRW's calls to Congress to provide significantly more funding for public housing, and to the U.S. Department of Housing and Urban Development (HUD) to dramatically improve its oversight of the Rental Assistance Demonstration (RAD) program.

Public housing provides affordable homes to 950,000 families across the country – primarily Black and Latino households with extremely low incomes, people with disabilities, and older adults. Decades of congressional underfunding has led to over \$70 billion in overdue repairs and a loss of approximately 10,000 units per year. Most importantly, the lack of federal funding for housing puts tenants' health and safety at risk due to poor maintenance and dangerous housing conditions, as seen in the recent fires in Philadelphia and New York City.

The RAD program leverages private capital for public housing repairs, and includes the private sector in the operation, management, and financing of public housing. RAD also requires that public housing agencies maintain some ownership or control of the property. In 2012, RAD started as a demonstration with 60,000 homes nationally; it has since ballooned to 455,000, over 40 percent of all public housing. In the program, public housing is "converted" to other types of HUD housing.

NHLP and NLIHC support the preservation and repair of the nation's supply of deeply affordable housing, which are the stated goals of RAD. We are troubled, however, that the RAD program has increased exponentially since it was first authorized by Congress, without any meaningful evaluation of its impacts on public housing residents.

We join HRW in calling out the challenges faced by tenants before, during, and after a RAD conversion. These conversions can have drastic consequences for families. While every RAD conversion is unique, the challenges highlighted in the report are not limited to the New York City Housing Authority; they are reflective of problems facing RAD tenants across the country and are, in part, a result of limited HUD programmatic oversight.

For example, HRW's report highlights the lack of data available to tenants and advocates on key tenants' rights issues such as eviction rates, access to choice mobility vouchers, and tenant relocation information. In addition, NYCHA tenants discuss their frustration, common among tenants, over the lack of transparency related to RAD deals and documents such as civil rights reviews and relocation plans. The report also echoes NHLP and NLIHC concerns about the diminishment of tenants' rights post-conversion and ongoing conditions issues. Overall, the report calls into question who benefits from RAD.

In light of the HRW report and in line with its recommendations, we call upon HUD to provide more meaningful oversight of the RAD program by:

- collecting and publishing more data related to the impact of RAD on tenants;
- requiring public housing authorities and private developers to make available all documents related to RAD transactions;
- requiring more robust tenant engagement in all RAD plans; and
- creating model forms such as RAD leases that carry over tenants' rights in the public housing program to RAD tenants post-conversion.

RAD is not a substitute for funding the public housing program, and it must be adequately monitored and evaluated before further expansion occurs. HUD must take a more proactive role to enforce tenants' rights and prevent the loss of affordable housing.

One Tenant's Experience with RAD in New York City:

"The RAD conversion at my building has negatively impacted my family and me, especially my youngest son's health. The conversion seemed to come out of nowhere. I didn't receive any notices about the conversion and one day, was just asked to sign a new lease that I didn't understand and wasn't allowed to read fully on my own. They told me that if I didn't sign the new lease, I'd have to pay the contract rent so I felt like I had no choice to sign, even though I didn't fully understand what was happening.

"Ever since the new landlord and management company took over, the rehabilitation work has been a huge inconvenience with little reward. They have used cheap quality materials in our apartments and the changes to the apartments have reduced a lot of storage space for me. Even though they just installed new floors and fixed my bathroom, the bathroom ceiling is flaking paint and the flooring is coming apart to the point where my son needs to wear sandals around the apartment. And it seems like no one knows who is doing what for the construction work. Workers knock at all hours of the day and can be intimidating about doing the construction whenever and however they want, even if you've told the management office about what you need.

"I feel like I have no choice now but to try to move with a portable section 8 voucher for better conditions for my family and me. But even with a voucher, it's difficult to find a place on the private market that is close to my current neighborhood because apartments are expensive in Williamsburg and you are competing with a lot of people." -- **Jessica Devalle, tenant at Independence Towers in Brooklyn, NY (This tenant is available for interviews.)**

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