

# Louisville Metro Housing Authority Beecher Terrace Choice Neighborhoods Initiative **RIGHT TO RETURN POLICY**

## INTRODUCTION

To return to the new Beecher Terrace community after its revitalization, or to other off-site Beecher Terrace Replacement Housing (defined below), the Louisville Metro Housing Authority (LMHA), in accordance with the United States Department of Housing and Urban Development (HUD) federal housing regulations, has set forth certain reoccupancy requirements. The following selection criteria are based on those requirements. **This policy does not apply to applicants who were not Original Residents (defined below) of Beecher Terrace.**

## DEFINITIONS

**Grant Submission Date:** LMHA submitted a Choice Neighborhoods Implementation Initiative grant application to HUD on June 28, 2016.

**Initiation of Negotiations:** Whenever the displacement is caused by rehabilitation, demolition or privately undertaken acquisition of the real property, the effective date included in the notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.

**Lease-Compliant:** The Original Resident must be in Substantial Compliance (defined below) with the existing lease in order to be eligible for a preference at the on- and off-site Replacement Housing (defined below).

**Original Resident:** A resident who occupied a unit at Beecher Terrace under a valid lease on or after the Grant Submission Date and was relocated. Basic assumptions in this document will apply to all eligible Original Residents seeking rental assistance who: 1) resided in Beecher Terrace on or after June 28, 2016, 2) were Lease-Compliant (defined above) at the time of departure from Beecher Terrace, and 3) continued to remain Lease-Compliant during their Relocation Period until the initial move into a Beecher Terrace Replacement unit. Once an Original Resident accepts a replacement unit, any subsequent moves into a Beecher Terrace replacement unit will not receive additional relocation benefits.

This includes all newly created households as a result of a household split during their Relocation Period (defined below) from Beecher Terrace.

**Relocation Period:** The Relocation Period is the time from an Original Resident's original move from Beecher Terrace until their move back into a Replacement Housing unit.

**Replacement Housing:** The on- or off-site rental housing that will replace Beecher Terrace.

**Right to Return:** Original Residents relocated as a result of the demolition of Beecher Terrace will have the opportunity to occupy a Replacement Housing unit if they were Lease-Compliant at the time of departure from Beecher Terrace and remain Lease-Compliant during the Relocation Period. The Original Residents will have a preference to occupy a unit at the on- or off-site Replacement Housing before the unit is made available to any other eligible households. Original Residents will continue to retain their preference for their lifetime; even after their initial reoccupancy move.

**Substantial Compliance:** For households currently utilizing a Housing Choice Voucher (HCV), the household does not owe unpaid rent and/or damages which are in excess of the existing security deposit (per current HCV procedure). For ALL households, the household (a) has not been evicted from public housing or terminated from the Housing Choice Voucher program pursuant to HUD regulations and/or the LMHA Administrative Plan or (b) is not currently the subject of a pending eviction from public housing or termination proceeding under the Housing Choice Voucher program pursuant to HUD regulations and/or the LMHA Administrative Plan. If an Original Resident later prevails in an eviction or HCV termination proceeding, that Original Resident will be considered in Substantial Compliance. For Original Beecher Residents who are no longer in LMHA programs, those original residents will be treated as new LMHA applicants under the LMHA Administrative Plan for verification of lease compliance purposes.

## **ACRONYMS**

**HOH:** Head of Household at the time of Relocation

**Co-HOH:** Spouse of HOH at the time of Relocation

**ION:** Initiation of Negotiations

**URA:** Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

## **ADMISSIONS AND PREFERENCE POLICIES**

Original Residents will have a Right to Return admission preference for all 758 Beecher Terrace rental replacement units. A returning tenant shall be provided a preference for occupancy of on- or off-site Replacement Housing units before such units are made available to any other eligible households.

A Lease-Compliant Original Resident who resided in Beecher Terrace on or after the Grant Submission Date who wishes to occupy a Replacement Housing unit may return if the Original Resident was Lease-Compliant at the time of departure from the housing prior to relocation and continued to remain Lease-Compliant during their Relocation Period. These preferences are retained even if the resident has already received permanent URA relocation benefits. Original Residents who are Lease-Compliant will retain a lifetime Right to Return.

Lease-Compliant Original Residents who left in good standing after the Grant Submission Date, but prior to their Initiation of Negotiations (ION) date, will also have the lifetime Right to Return.

If a household splits at the time of relocation and the Original Residents moved to separate replacement dwellings, both Original Residents (the HOH and Co-HOH) are entitled to URA

relocation benefits, per 49 CFR 24.403(a)(5), a lifetime Right to Return, and a first Right to Return preference.

Once all HOH and Co-HOH Original Residents have been housed, LMHA must offer the other non-HOH Original Resident(s) an available unit at the Replacement Housing (ie, children or other household members not meeting HOH or Co-HOH definitions). If no units are available, then the non-HOH Original Resident will be moved to the top of the Replacement Housing waiting list.

Both the HOH Original Resident and the non-HOH Original Resident are required to be Lease-Compliant at the time of relocation and throughout the Relocation Period.

## **RELOCATION SERVICES AND SUPPORTIVE SERVICES**

Original Residents of Beecher Terrace will be offered the following services when making their first move to on- or off-site Replacement Housing locations, regardless of the unit type (PBV, LIHTC, Market Rate, etc.):

1. Reimbursement for security deposits, utility deposits and application fee, if required;
2. Fixed moving expense per URA or utilize contracted LMHA movers; and
3. Enhanced ongoing supportive services including case management with the LMHA's Family Self-Sufficiency program staff designed to, among other things, assist Original Residents to maintain lease compliance and eligibility for units in the new development(s), including effectively handling landlord disputes, in order to make a successful transition back to the revitalized neighborhood.

## **GROUNDINGS FOR DENIAL**

The LMHA will deny assistance to any Original Resident who near the time of interest in exercising the Right to Return:

1. Is not Lease-Compliant; or
2. Fails to complete any aspect of the application or lease-up process.

Before any Original Resident is denied the Right to Return, they will be notified of the proposed action in writing and given the opportunity to request an informal review in accordance with Section 4.F of the Administrative Plan.

The fact that an Original Resident is or has been a victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is not an appropriate basis for denial of rental assistance or for denial of admission, if the Original Resident otherwise qualifies for assistance or admission.

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