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Tenant Protection Vouchers (TPVs) for Public Housing Actions

1. What are TPVs for Public Housing Actions? Tenant Protection Vouchers (TPVs) are Section 8 Housing Choice Vouchers (HCVs) that HUD provides to Public Housing Agencies (PHAs) that administer an HCV program. Although HUD also provides TPVs to PHAs to protect HUD-assisted families from hardship as the result of certain Multifamily Housing transactions, this document addresses TPVs only for HUD's Public Housing (Low Rent) portfolio. In addition to assisting individual families, replacement TPVs, described in more detail below, mitigate the loss of Public Housing units in the community because these TPVs become part of the PHA's HCV program and may be reissued to families on a PHA's waiting list upon turnover. There are two types of TPVs that HUD may issue for Public Housing actions: relocation TPVs and replacement TPVs (see below).

2. What is the difference between Relocation and Replacement TPVs?

Relocation TPVs are provided in cases where the PHA is replacing the Public Housing units removed through the Public Housing action with other Public Housing units. As such, relocation TPVs are provided as a temporary resource to the PHA to assist only the individual families who are being displaced by a Public Housing action. Once HUD provides a PHA with relocation TPVs, those TPVs can only be issued to families who will be displaced by a Public Housing action. If a family opts to relocate to another Public Housing unit, the PHA is not eligible to receive a relocation TPV for that unit. Once a family uses a relocation TPV to lease a unit, it becomes traditional HCV tenant-based assistance for the family and the family cannot be required to give up such assistance and move into a replacement Public Housing Unit (once developed and ready for occupancy). However, such families may voluntarily exit the HCV program to move into a replacement Public Housing unit. Relocation TPVs "sunset" upon turnover, which means that the PHA cannot reissue the HCV assistance from the relocation TPV when the family exits the HCV program. When a family exits the HCV program, HUD will reduce the PHA's HCV assistance to account for the removal of that relocation TPV assistance from the PHA's HCV baseline inventory.

Replacement TPVs are provided in cases where the PHA is **not** replacing the Public Housing units removed through the Public Housing action with other Public Housing units. As such, replacement TPVs are provided as a permanent resource to the PHA and are intended to assist



the individual families who are being displaced by the Public Housing action. After the initial family ends its participation in the voucher program, the associated voucher funding remains in the voucher agency's baseline funding and the voucher is available to serve other low-income families in the community. Under current HUD policy, replacement TPVs are also provided for vacant units that were occupied by an assisted family in the previous 24 months.

3. **How will HUD determine if a PHA is eligible to receive relocation or replacement TPVs?** HUD will make the determination as part of its review of the triggering event that makes the PHA eligible to receive the TPVs, typically the application that the PHA submits to HUD's Special Applications Center (SAC) via IMS/PIC (HUD-52860) (4/2018) (SAC application). In reviewing the SAC application, HUD will determine if the PHA is proposing to develop Public Housing units in connection with the Public Housing action. For instance, HUD may determine relocation TPVs are appropriate if a PHA proposes a Section 18 demolition and/or disposition in order to develop the same site with new replacement public housing units (including through mixed-finance development), or if a PHA proposes to dispose of valuable Public Housing units in order to develop more efficient/effective off-site new Public Housing units. However, if a PHA has no firm plans to develop replacement Public Housing units in connection with a Public Housing action, then HUD will generally determine the PHA is eligible to receive replacement TPVs. However, if a PHA's redevelopment plans change and the PHA receives an amendment to a HUD approval that reflects the development of replacement Public Housing units, HUD will adjust the TPV accordingly.
4. **What Public Housing actions are eligible for TPVs?** Subject to the qualifications noted below, PHAs are eligible to receive TPVs after they receive HUD approval for the following Public Housing actions:
 - Demolitions and/or dispositions approved under Section 18
 - Demolitions authorized under de minimis authority of Section 18
 - Required conversions approved under Section 33
 - Voluntary conversions approved under Section 22
 - Homeownership plans approved under Section 32
 - Removals authorized under Choice Neighborhoods and/or HOPE VI grants

HUD does not award TPVs for Public Housing units converted under HUD's Rental Assistance Demonstration (RAD) program. RAD units are funded through the direct conversion of subsidy. PHAs should also note that if they receive a TPV for a Public Housing action, those units are no longer eligible to be converted under RAD, even if the PHA has not yet removed the units from its Public Housing inventory.



In addition, in instances of imminent health and safety, a PHA may be eligible to receive TPVs after it submits a SAC application to HUD but prior to receiving HUD approval of that Public Housing Action. See additional guidance.

5. **How many TPVs is a PHA eligible to receive?** This depends on several factors, including:
- *Occupancy of Units.* The 2019 Appropriations Act limits TPVs to units occupied within the previous 24 months that cease to be available as assisted housing, to the extent funding is available. Current HUD policy is to provide relocation TPVs for units occupied by an assisted family at the time of the TPV application. Replacement TPVs are issued for units occupied by an assisted family at the time of the SAC/Choice Neighborhoods Initiative approval and for vacant units that were occupied by an assisted family within 24-months of the time of SAC/Choice Neighborhoods Initiative approval. See PIH Notice 2019-08.
 - *Assisted Housing.* HUD considers a unit occupied by an assisted family if the family's occupancy is authorized by the 1937 U.S. Housing Act (1937 Act). Accordingly, HUD's approvals will reflect the following:
 - *Eligible for TPVs.* Units that are occupied by assisted families, over-income families, and/or law enforcement and security personnel in accordance with the 1937 Act (42 USC 1437(cc)). While a PHA is eligible to receive a TPV for a unit occupied by an over-income family, the family is not eligible to receive the TPV because they don't independently qualify for the TPV under HCV program requirements (see Question 6).
 - *Not Eligible for TPVs.* Vacant units, NON-DWELLING units, units occupied by PHA EMPLOYEES, and other units occupied by OTHER NON-ASSISTED FAMILIES (i.e. for designated MTW activities) unless the units have been occupied by assisted families (as defined above) within the past 24-months.
 - HUD uses the unit designations in IMS/PIC to determine a PHA's TPV eligibility. See Appendix B for more information concerning assisted units.
 - *Sufficient TPV funding* at the time the PHA submits the TPV request;
 - *Certain Disposition Justifications--Improved efficiency or effectiveness.* PIH Notice 2018-04, limits a PHA's TPV award to 25 percent of the units approved for disposition at the project for dispositions based on improved efficiency or effectiveness under Section 3(A)(2) or 3(A)(3)(d) of the notice.
 - *Other HUD-issued guidance and/or the terms of HUD's approval documents* authorizing the action that makes the PHA eligible to receive the TPVs.
 - *PHA's request.* A PHA may request fewer TPVs than it is eligible to receive (e.g. because families have expressed a preference to be relocated to available Public Housing units;



or a PHA has sufficient existing HCV resources to relocate families with a HCV without a TPV award).

See Appendix A for a chart that illustrates TPV eligibility under existing guidance.

- 6. Must the family impacted by the conversion be eligible under HCV requirements in order to qualify for the TPV?** Yes. The family must independently meet HCV eligibility requirements for admission to the HCV program, including income eligibility, to qualify for the TPV. Very low-income families (i.e. annual income at or below 50% of the median family income for the area, as determined by HUD) are income-eligible for a TPV. In certain cases, as defined in regulations at 24 CFR §982.201(b), a low-income family (i.e. annual income at or below 80% of the median family income for the area, as determined by HUD) may also be income-eligible for the TPV. For example, a low-income family that is “continually assisted” is income-eligible for the TPV. Continually assisted means that the family is already receiving assistance under any 1937 Housing Act program when they are admitted to the voucher program.¹
- 7. How does HUD determine a replacement TPV award when a PHA is doing a phased Public Housing action and removing public housing units over a 5-10 year period?** A PHA’s maximum replacement TPV award is based on occupancy of units as explained in Question 5 above. This policy enables a PHA to “lock-in” a replacement TPV award, notwithstanding its plan to do a phased disposition. For example, if a PHA received a Section 18 approval to dispose of 500 Public Housing units, and is planning on implementing the relocation in 5-phases (100 units per phase over a 10-year period), the PHA is eligible to receive replacement TPVs based on occupancy (including the 24-month look-back) at the time of the HUD approval, regardless of the occupancy at the time the PHA submits a TPV request to HUD for a particular phase. This will allow a PHA to vacate units at turnover, in future phases, without losing any replacement TPV award eligibility.
- 8. How does Congress fund TPVs?** Congress funds TPVs as part of annual Appropriations Act. In 2019, the final Appropriations Act included \$85M for TPVs. This amount, combined with available carryover, was anticipated to support approximately 17,000 families. HUD implements HCV funding policies, including those for TPVs, in annual funding implementation notices. The latest funding implementation notice is PIH 2018-09 and 2019-08 for Calendar Years (CY) 2018 and 2019, respectively. Such notices are posted on HUD’s website at: https://www.hud.gov/program_offices/public_indian_housing/publications/notices

¹ The PHA must establish policies concerning whether and to what extent a brief interruption between assistance under one of these programs and admission to the voucher program will be considered to break continuity of assistance under the 1937 Housing Act. See 24 CFR §982.201(d).



Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

- 9. How does HUD fund TPVs?** HUD issues TPVs based on the average Per Unit Cost (PUC) in the PHA's HCV program. However, if a PHA has concerns regarding the sufficiency of the funding based on PUC, the PHA can request higher TPV funding. HUD will be issuing additional guidance on how PHAs make requests for higher TPV funding. Inquiries about TPVs' PUC should be directed to the Office of Housing Voucher Programs' Financial Management Division at PIH_Conversion_Actions@hud.gov.
- 10. Do TPVs increase a PHA's HCV renewal?** Yes—both relocation and replacement TPVs will have the effect of increasing a PHA's HCV renewals, to the extent they remain under lease and costs are reported in VMS. However, once the relocation TPVs sunset, by definition, they will not be reissued, and HUD will reduce them from the PHA's ACC. Therefore, they will have partial to no effect in the PHA's future HCV renewals.
- 11. How does a PHA know that there will be sufficient TPV funding when it applies for it?** HUD currently issues TPVs for eligible Public Housing actions on a first-come, first-serve basis. In recent years, there has been sufficient TPV funding to fund all eligible Public Housing actions. Should the demand for TPV funding require that HUD needs to conserve TPV resources, HUD may issue guidance that describes how it will manage the TPV account, including prioritizing the circumstances or condition warranting TPV issuance. Such guidance may place constraints on certain Public Housing actions, which may include prioritizing the order in which HUD approves certain Public Housing actions, limiting the number of units that HUD approves for certain Public Housing actions in a fiscal year, or temporarily suspending approvals for certain Public Housing actions until TPV resources are determined to be sufficient to meet the demand for tenant protection actions. PHAs and Field Office Public Housing Representatives can reach out to the Housing Voucher Financial Management Division (FMD) to confirm whether there is sufficient TPV funding. Nonetheless, the FMD will always announce to all PHAs and stakeholders when funding for a specific CY is insufficient to fund vouchers for 12 months and what would be the effect in renewals for these vouchers.
- 12. Once a PHA receives TPVs, are the TPVs treated different from other HCVs?** Generally, not for Public Housing actions. Once a PHA receives a TPV award, all applicable HCV requirements apply to HCV funds that the PHA receives through that TPV award. However, certain TPV-specific requirements and conditions apply—including the sunset provision of relocation TPVs (i.e. the voucher cannot be reissued upon turnover), the requirement to first offer the TPV to the impacted family, and the special admissions authorization for TPVs.



13. Can a PHA project-base a TPV award that it receives for a Public Housing action? Updated

a. Relocation TPVs – No. PHAs cannot project-base relocation TPVs since they are provided as a temporary resource and “sunset” with families to whom they are issued.

b. Replacement TPVs – Yes, as further described in this response. In all cases where the TPV may be project-based, the PHA must comply, independently, with all requirements related to project-base vouchers (see PIH Notice 2017-21, 24 CFR part 983, and related guidance). Additionally, the PHA must also comply with any requirements of the SAC approval. For example, if the SAC approves a disposition at below fair market value, and the property being disposed of will continue to be used as affordable housing, then the SAC is likely to require recordation of a use restriction. Even though recordation of a use restriction is not a PBV program requirement, it will be required if the PHA project-bases TPVs at the property.

Some of the other differences among the removal tools are summarized below:

- **Section 18 Demolition/Disposition.** Section 18 of the 1937 Act, which requires a PHA to provide a family with “comparable housing,” does not impose limitations (in contrast with Section 22 of the Act, for example) on a PHA’s authority, under Section 8(o)(13) of the Act, to project-base HCV assistance awarded in connection with the Section 18 action. Therefore, a PHA may project-base the TPV assistance at a former public housing unit if the unit complies with PBV program requirements (for example, the unit must meet HUD’s Housing Quality Standards (HQS) at HAP contract execution). In this case, the PHA may project-base the TPV assistance without the family’s consent to relinquish the TPV assistance in favor of a PBV-assisted unit. The PHA must, however, offer the family the opportunity to reside in the PBV unit funded through the TPV.
- **Section 22 Streamlined Voluntary Conversion.** The statute and HUD regulations provide that if a project (or portion of a project) will be used as rental housing following a Section 22 approval, then each family residing in the project may remain in its dwelling unit with tenant-based assistance (e.g., tenant-based TPV assistance). The unit must still independently meet applicable HCV requirements for a family to be able to use the tenant-based voucher in the family’s current unit. Additionally, based on this tenant-based provision, there is no statutory or regulatory right to provide PBV assistance to the project.

However, per PIH 2019-05, if a PHA wishes to project-base the TPVs at a project that has been approved for a Section 22 SVC, then the PHA must first obtain the informed



written consent of each family to relinquish its tenant-based TPV in order to be assisted in a unit under a PBV HAP contract at the project.

- **Section 33 Required Conversions.** The statute and HUD regulations provide that if a project (or portion of a project) will be used as rental housing following a Section 33 approval, then each family residing in the project may remain in its dwelling unit with tenant-based assistance (e.g., tenant-based TPV assistance). The unit must still independently meet applicable HCV requirements for a family to be able to use the tenant-based voucher in the family's current unit.

Given this tenant-based provision, there is no statutory or regulatory right to provide PBV assistance to the project and HUD determined, in PIH 2019-10, that it would be inappropriate for a PHA to enter into a long-term PBV HAP contract at a project that has met the regulatory and statutory criteria of 24 C.F.R. Part 972 and Section 33 of the 1937 Act for severely distressed housing. A PHA may project-base the assistance on the same site only if current buildings are demolished and new housing is constructed, and then only if the site complies with all PBV program requirements, including the new construction site and neighborhood standards.

- 14. Can a PHA use a Replacement TPV to temporarily relocate a family, then require the family to move back to a PBV unit after rehab?** No. Once a tenant receives a replacement TPV and leases a unit with tenant-based assistance, it is considered permanent assistance. The PHA cannot require the tenant to turn-in that tenant-based assistance and return to the former public housing site after it is redeveloped with project-based voucher (PBV) assistance.
- 15. Does a family's written consent to relinquish its tenant-base assistance in connection with a voluntary conversion replace the required 90-day notice of displacement?** No. After receiving HUD approval of the Voluntary Conversion plan, the PHA must provide families with not less than 90-day notice of when it plans to convert their public housing assistance to tenant-based or PBV assistance. If the family has not voluntarily consented to PBV assistance, the 90-day notice must provide that the PHA is providing the family with tenant-based assistance, which the family can use off-site or in its current unit (if the project will be used as rental housing) and the PHA will pay for any actual and reasonable moving expenses.
- 16. What happens if a PHA does not have an HCV program (i.e. currently operates only a Public Housing program) and receives HUD approval to dispose of units under Section 18 or for another Public Housing action that is eligible for TPVs?** HUD does not allow Public Housing only



Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

PHAs to create Section 8 HCV programs based solely on TPV eligibility. Therefore, if the PHA that received HUD approval of the Public Housing action is a Public Housing only agency (and therefore cannot receive or administer TPVs), the PHA must partner with another PHA (that has an HCV program) to administer the TPVs. The administering HCV PHA must have jurisdictional authority to administer its program in the PH project's geographic area under state and local law, and the administrative capacity to administer the TPVs. The HCV PHA may have authority to administer its HCV program in the Public Housing PHA's jurisdiction through the HCV PHA's enabling legislation or through a jurisdictional agreement or MOU with the Public Housing only PHA, if allowed under state and local law. The partnering arrangement must be identified in the SAC application and approved by HUD's local Office of Public Housing. PHAs with HCV programs can also partner with another HCV agency for the administration of the TPVs, with HUD approval.

- 17. How does a PHA notify HUD that it wants to receive TPVs based on a Public Housing action? Does HUD automatically provide TPVs as part of its approval of a Public Housing action?** The issuance of TPVs to a PHA does not occur automatically with HUD approval of an application. Instead, the PHA must apply separately for TPVs in accordance with the current PIH funding notice for the HCV program.

A PHA should not submit a TPV request until it needs the TPVs for purposes of relocating the families who will be displaced (generally no sooner than 30-60 days from the planned start of relocation).

As part of its TPV request, the PHA submits the following to its Field Office:

- A. The name and IMS/PIC number of the project approved for removal;
- B. The number of TPVs requested:
 - Replacement TPVs. Maximum TPV award based on units occupied within 24 months of the HUD approval
 - Relocation TPVs. Maximum TPV award based on units occupied at time of TPV application plus family relocation preference for HCV tenant-based assistance (i.e. PHA is not eligible to receive a relocation TPV if family will be relocated to a public housing unit);
- C. Form HUD-52515 (Voucher Funding Application). If lease-up will cover more than one calendar year, the PHA must submit a separate Form HUD-52515 for each calendar year. NOTE: HUD recently published a new HUD-52515 (7/2019). PHAs applying for TPVs for public housing action only need to complete Fields A, B, C, and D of the new HUD-52515. On Field C, the number of TPVs requested by PHAs must not exceed the maximum number TPVs authorized in the HUD approval (unless HUD was only funding



Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

TPVs for occupied units at the time of the approval, then the PHA may request Replacement TPVs for units that were occupied within the previous 24-months of HUD approval .

- D. A leasing schedule that identifies the number of TPVs that will be leased on a month-to-month basis. If lease-up will cover more than one calendar year, the PHA must submit a separate schedule for each year; and
- E. Either a copy of HUD's approval that makes the PHA eligible for the TPVs (i.e. SAC application) or a reference to the SAC application (DDA) number and date of that approval.

If the PHA that received HUD approval of the triggering Public Housing action does not operate a Section 8 HCV program, the request should come from the HCV agency that has agreed to administer the TPVs. However, prior to submitting the TPV request, the Public Housing only PHA must request and obtain Field Office approval of that administrating HCV agency.

- 18. Is there a connection between the timing of a PHA's request to HUD for TPVs and the timetable in the SAC application that indicates the PHA's planned start of relocation?** Yes. Although the timelines impact different things (i.e. the timetable in the SAC application impacts the start of the PHA's asset-repositioning fee (ARF) under 24 CFR 990.190 and the TPV request impacts when the PHA receives the TPV award), these timelines should be consistent. For instance, if the timetable in a SAC application indicates that a PHA will start relocating families 180-days after HUD approval of the SAC application, it should generally request the TPVs approximately 30-60 days before this date.
- 19. Can a family use the TPV to lease a unit anywhere in the country where there is a PHA that administers an HCV program?** Generally, yes, if the TPV is provided as tenant-based assistance and the head of household or spouse has legal residence, at the time of issuance of the TPV, in the jurisdiction of the PHA administering the TPV. If the family does not have legal residence in the PHA's jurisdiction, the PHA may limit a family's ability to move with a voucher outside of its jurisdiction during the first 12 months of assistance.

Additionally, under limited circumstances, a PHA may deny a family's request to move outside of its jurisdiction, such as when the PHA would have insufficient funding to support the move. More information, including fair housing requirements, may be found in Notice PIH 2016-09 and in the HCV Guidebook, [Moves and Portability](#) chapter.



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Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

- 20. How do PHAs report TPVs in HUD's Voucher Management System (VMS)?** Replacement and relocation TPVs are reported under the "Tenant Protection" field for as long as they are used by the family to which the assistance was initially provided. Replacement TPVs are reported in VMS under the "All Other Voucher" field, if the original family exits the program and the voucher is reissued to another family. Relocation TPVs are no longer reported in VMS when the family to which assistance was initially provided leaves the HCV Program. Additional information concerning VMS reporting may be found in the [VMS User's Manual](#).



Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

APPENDIX A

This chart illustrates maximum TPV eligibility under PIH Notices 2018-04 and 2019-08 and assumes a TPV allocation with an effective date of October 1, 2018, or later. It is subject to change based on future year appropriations and HUD guidance.

Justification	Replacement TPVs (PHA is NOT developing replacement Public Housing units)	Relocation TPVs (PHA is developing replacement Public Housing units)
Demolition 970.15	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families. ²
De Minimis Demolition 970.27	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families.
Disposition 970.17(a): Health, Safety, Infeasible Operation	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families.
Disposition 970.17(b): Improved Efficiency/Effectiveness Through Off-Site Replacement	25% of units occupied w/in previous 24 months of HUD approval	25% of units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families
Disposition 970.17(c): Improved Efficiency/Effectiveness Through On-Site Replacement	25% of units occupied w/in previous 24 months of HUD approval	25% of units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families
Disposition 970.17(c): Physical Obsolescence	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families
Disposition 970.17(c): Comprehensive Rehabilitation or Replacement Through RAD	Units occupied w/in previous 24 months of HUD approval (Units eligible for disposition are capped at 25% of units at a project. The remaining units must be converted under RAD)	N/A. Always replacement TPVs since PHA must project-base the units approved for disposition at the project.
Disposition 970.17(c): Small PHA and will close-out	Units occupied w/in previous 24 months of HUD approval	N/A. Always replacement TPVs since PHA must close-out its public housing program.
Disposition 970.17(c): Scattered Site Units	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families.

² PHA is not eligible for TPVs for impacted families who will be relocated to other public housing units or when PHA is using its own HCV funds to relocate families

Tenant Protection Vouchers (TPV) for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

APPENDIX A (continued)

This chart illustrates maximum TPV eligibility under PIH Notices 2018-04 and 2019-08 and assumes a TPV allocation with an effective date of October 1, 2018, or later. It is subject to change based on future year appropriations and HUD guidance.

Justification	Replacement TPVs (PHA is NOT developing replacement Public Housing units)	Relocation TPVs (PHA is developing replacement Public Housing units)
Required Conversion (Section 33)	Units occupied w/in previous 24 months of HUD approval	N/A. Always replacement TPVs since the conversion program converts public housing assistance to Section 8 assistance.
Voluntary Conversion (Section 22)	Units occupied w/in previous 24 months of HUD approval	N/A. Always replacement TPVs since the conversion program converts public housing assistance to Section 8 assistance
Homeownership (Section 32)	Units occupied w/in previous 24 months of HUD approval	Generally N/A, unless the PHA has firm plans to use homeownership sale proceeds to develop new public housing units.
Eminent Domain (Condemnations) (PIH Notice 2012-8)	Generally N/A, since PHA must use condemnation award to develop replacement public housing units.	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families. Note that Taking Body, not PHA, is responsible for relocating families—including paying all relocation expenses.
Demolitions approved by Choice Neighborhoods & Hope VI grants (Section 24)	Units occupied w/in previous 24 months of HUD approval	Units occupied at time of TPV application, (HUD-52515). TPVs are needed for relocating impacted families.



Tenant Protection Vouchers (TPV)

for Public Housing Actions

General Guidance on HUD's Current Policies and Regulations

As of June 2020

APPENDIX B

This chart illustrates a PHA's eligibility for Replacement TPVs based on unit subcategories (in IMS/PIC)

Unit Designation in PIC (at time of HUD Approval)	Eligible for TPV (based on current PIC status)?	Eligible for TPV (if occupied by assisted family in past 24 months)?
Non-dwelling	No	Yes
Occupied—Assisted Tenant	Yes	N/A
Occupied—Employee	No	Yes
Occupied--Over-income families (non-assisted)	Yes	N/A
Occupied—Unauthorized	No	Yes
Occupied – Police Officer	Yes	N/A