



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT DISASTER RECOVERY GUIDE



Stettes, Michael C

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WHAT RESIDENTS NEED TO KNOW – IMMEDIATE ASSISTANCE

Finding Food, Water, and Shelter

Below are resources that can help residents find immediate, disaster-related assistance. HUD recommends, however, that PHAs maintain up-to-date information pertinent to your community, such as the name and contact information of the local emergency manager and the addresses of local disaster shelters.

American Red Cross

The American Red Cross will have vehicles providing food and water throughout the disaster area, where accessible. Contact the American Red Cross at 1-800-RED-CROSS (1-800-733-2767) or go to <https://www.redcross.org/get-help/disaster-relief-and-recovery-services/find-an-open-shelter.html> to find a local shelter in your area that can provide food, water, shelter, and various other services.

FEMA Disaster Recovery Centers

To find the nearest Disaster Recovery Center where you can apply for Federal assistance, meet face-to-face with disaster recovery specialists, and access available services such as hazard mitigation and housing assistance, text DRC and your Zip Code to 43362, or go to <https://www.disasterassistance.gov/>

If you need further information or assistance, call the FEMA Helpline at 1-800-621-FEMA (1-800-621-3362). This number is also for users of 711 or Video Relay Service (VRS). TTY users can call 1-800-462-7585. Helpline services are available seven days a week from 7 a.m. to 11 p.m. ET.

Finding Loved Ones

Tips for reaching loved ones during a disaster:

- Call during off-peak hours for the best chance of getting through.
- Send a text message, which may go through when phone calls cannot.
- Check your loved one's social media pages (i.e., Facebook, Twitter), as they may have already gone online to tell their story.
- Send an email
- Call friends and relatives who may have already been in contact with your loved one.

- Call places where your loved one is well-known: neighbors, employer, school, place of worship, senior center, social club, union, or fraternal organization.

American Red Cross

The American Red Cross provides services at:

<https://www.redcross.org/get-help/disaster-relief-and-recovery-services/contact-and-locate-loved-ones.html>

You may also contact the American Red Cross free restoring family national helpline at 1-844-782-9441

FEMA

FEMA maintains a site that provides resources available at:

<https://www.fema.gov/how-do-i-find-my-family>.

Other Resources

State Emergency Management Departments: <https://www.fema.gov/emergency-management-agencies>

Find Your Local HUD Field Office: <http://portal.hud.gov/hudportal/HUD?src=/states>.

Salvation Army: 1-800-725-2769 – Web: <http://www.salvationarmyusa.org/>

Catholic Charities: 1-800-919-9338 – Web: <https://catholiccharitiesusa.org/>

National Suicide Prevention Crisis Hotline: 1-800-273-TALK (1-800-273-8255) (For the hearing impaired, the Crisis Hotline number to call is 1-800-799-4TTY (4889)). Callers will be connected to a network of local crisis centers across the country committed to crisis counseling. Callers to the hotline will receive counseling from trained staff at the closest certified crisis center in the network.

WHAT RESIDENTS NEED TO KNOW – FEDERAL ASSISTANCE

It is important that you register with the Disaster Assistance Center at <https://www.disasterassistance.gov> to see if you qualify for Federal assistance.

To complete your registration, you will need:

- Social Security Number (SSN), *or*, the SSN of a minor child in the household who is a U.S. Citizen, Non-Citizen National or Qualified Alien.
- Annual Household Income
- Contact Information (phone number, mailing address, and damaged home address)
- Insurance Information (coverage, insurance company name, etc.)
- Bank Account Information (if you are eligible to receive financial assistance, the money can be deposited in your account)

If you are having technical issues, call FEMA's Internet Help Desk at 1-800-745-0243. They are available 24 hours a day, 7 days a week.

To find the nearest Disaster Recovery Center where you can apply for assistance, meet face-to-face with disaster recovery specialists, and access available services such as hazard mitigation and housing assistance, text DRC and your Zip Code to 43362, or go to <https://www.disasterassistance.gov/>

WHAT RESIDENTS NEED TO KNOW – MORTGAGE PAYMENTS

If Mortgage Payments Cannot Be Made

If your home or your ability to make your mortgage payments was harmed by an event that the President declared a disaster, you may qualify for relief to help you keep your home.

Much of the mortgage industry and The United States Department of Housing and Urban Development are committed to assisting borrowers whose lives and livelihoods are thrown into turmoil by a disaster.

If you can't pay your mortgage because of the disaster, your lender may be able to help you. If you are at risk of losing your home because of the disaster, your lender may stop or delay initiation of foreclosure for 90 days. Lenders may also waive late fees for borrowers who may become delinquent on their loans as a result of the disaster.

If you have a **conventional mortgage**, you are strongly encouraged to contact your lender for further information, and to see if you are eligible for relief.

If you have an **FHA-insured mortgage**, please continue reading to find out what options may be available to you.

HUD has instructed FHA lenders to use reasonable judgment in determining who is an "affected borrower." Lenders are required to reevaluate each delinquent loan until reinstatement or foreclosure and to identify the cause of default. Contact your lender to let them know about your situation. Some of the actions that your lender may take are:

- During the term of a moratorium, your loan may not be referred to foreclosure if you were affected by a disaster.
- Your lender will evaluate you for any available loss mitigation assistance to help you retain your home.
- Your lender may enter into a forbearance plan, or execute a loan modification or a partial claim, if these actions will help retain and pay for your home.
- If saving your home is not feasible, lenders have some flexibility in using the pre-foreclosure sales program or may offer to accept a deed-in-lieu of foreclosure.

Did your home suffer damage in the disaster? Are you without other resources—such as insurance settlements—to catch up on your payments?

If the answer to these questions is yes, and you have already missed mortgage payments, please continue to **Are You Eligible for a Foreclosure Moratorium.**

If the answer to these questions is yes, and you believe you will miss future mortgage payments, please continue to **If Your FHA Loan Was Current before the Disaster but Now You Can't Make Your Next Month's Payment.**

Are You Eligible for a Foreclosure Moratorium

You may be eligible for FHA Disaster Relief if you are one of the affected borrowers as described below. You must be in one of three basic groups in order to qualify for a moratorium on foreclosure:

- You or your family live within the geographic boundaries of a Presidentially-declared disaster area, you are automatically covered by a 90-day foreclosure moratorium.
- You are a household member of someone who is deceased, missing or injured directly due to the disaster, you qualify for a moratorium.
- Your financial ability to pay your mortgage debt was directly or substantially affected by a disaster, you qualify for a moratorium.

If you are in one of the three groups above, please proceed to **Take Action to Qualify for Foreclosure Relief.**

If not, please proceed to **If Your Lender is Unable to Assist You.**

Take Action to Qualify for Foreclosure Relief

A Foreclosure Moratorium applies only to borrowers who are delinquent on their FHA loan. If you are current on your loan payments, then you should continue to make them.

FHA lenders will automatically stop all foreclosure actions against families with delinquent loans on homes within the boundaries of a Presidentially-declared disaster area.

It is very important that you notify your lender to be sure that they realize you are an affected borrower. Your lender may request supporting documentation and use it to determine if you meet the relief criteria. Once identified as an affected borrower, foreclosure action may be stopped for the duration of the moratorium period.

If your home was damaged in the disaster or you will not be able to make your monthly loan payment(s) because your finances were adversely affected, contact your lender immediately to request assistance.

Borrowers who were injured or whose income relied on individuals who were injured or died in the disaster will be asked for documentation such as medical records or death certificates, if available. Your lender will ask you for financial information to help evaluate what assistance can be provided to you to reinstate your loan.

If Your FHA Loan Was Current before the Disaster but Now You Can't Make Your Next Month's Payment

FHA's Foreclosure Moratorium only applies to borrowers in default. If you are current, you should continue to make your mortgage payment whenever possible. If, however, you are unable to pay your loan as a result of the disaster, your lender may waive any late fees normally charged and let you know about other options. Also, if you foresee ongoing problems in making your mortgage payments resulting from changes in your financial status, you should contact your lender immediately and continue to Section V below.

If Your Lender is Unable to Assist You

HUD is confident that your mortgage lender will make every attempt possible to assist you. If you are not satisfied after discussing possible relief actions with your lender, please call a HUD-approved counseling agency toll free at (800) 569-4287 or call HUD's National Servicing Center at 877-622-8525 or visit their website:

https://www.hud.gov/program_offices/housing/sfh/nsc

HUD-approved housing counseling agencies may be able to assist you in your communications with your conventional lender. You can locate a local housing counseling agency by calling (800) 569-4287, or at

<http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm>.

WHAT RESIDENTS NEED TO KNOW – MORTGAGE INSURANCE

Special Mortgage Insurance Program for Disaster Victims 203(h)

Summary and Purpose:

The Section 203(h) program allows the Federal Housing Administration (FHA) to insure mortgages made by qualified lenders to victims of a major disaster who have lost their homes and are in the process of rebuilding or buying another home.

Through Section 203(h), the Federal Government helps victims in Presidentially designated disaster areas recover by making it easier for them to get mortgages and become homeowners or re-establish themselves as homeowners.

Type of Assistance:

This program provides mortgage insurance to protect lenders against the risk of default on mortgages to qualified disaster victims. Individuals are eligible for this program if their homes are located in an area that was designated by the President as a disaster area and if their homes were destroyed or damaged to such an extent that reconstruction or replacement is necessary. Insured mortgages may be used to finance the purchase or reconstruction of a one-family home that will be the principal residence of the homeowner. Like the basic FHA mortgage insurance program, it resembles (Section 203(b) Mortgage Insurance for One to Four Family Homes), Section 203(h) offers features that make recovery from a disaster easier for homeowners:

No down payment is required. The borrower is eligible for 100 percent financing. Closing costs and prepaid expenses must be paid by the borrower in cash or paid through premium pricing or by the seller, subject to a 6 percent limitation on seller concessions.

FHA mortgage insurance is not free. Mortgagees collect from the borrowers an up-front insurance premium (which may be financed) at the time of purchase, as well as monthly premiums that are not financed, but instead are added to the regular mortgage payment.

HUD sets limits on the amount that may be insured. To make sure that its programs serve low- and moderate-income people, FHA sets limits on the dollar value of the mortgage. The current FHA mortgage limit can be viewed online here: <https://entp.hud.gov/idapp/html/hicostlook.cfm>. These figures vary over time and by place, depending on the cost of living and other factors (higher limits also exist for two to four family properties).

Eligible Participants:

FHA approved lending institutions, such as banks, mortgage companies, and savings and loan associations, are eligible for Section 203(h) insurance.

Eligible Customers:

Anyone whose home has been destroyed or severely damaged in a Presidentially declared disaster area is eligible to apply for mortgage insurance under this program.

Application:

The borrower's application for mortgage insurance must be submitted to the lender within one year of the President's declaration of the disaster. Applications are made through an FHA approved lending institution, who make their requests through a provision known as "Direct Endorsement," which authorizes them to consider applications without submitting paperwork to HUD. Mortgage insurance processing and administration for this and other FHA single family mortgage insurance products are handled through HUD's Homeownership Centers.

Technical Guidance:

This program is authorized under Section 203, National Housing Act (12 U.S.C. 1709, 1715(b)). Program regulations are in 24 CFR Part 203. These regulations, as well as handbooks, notices, and letters relevant to this program, are available through HUDCLIPS here:

https://www.hud.gov/program_offices/administration/hudclips.

The program is administered by the Office of Single Family Housing in HUD's Office of Housing, Federal Housing Administration.

For More Information:

Contact the FHA Resource Center. Homeowners can also visit HUD's website for a searchable listing of approved FHA lenders nationwide. Homeowners are encouraged to also contact a HUD-approved housing counseling agency, for assistance with disaster related issues or call toll-free at: (800) 569-4287.

WHAT RESIDENTS NEED TO KNOW – REPAIR PROGRAMS

Section 203(k) Insurance

Summary and Purpose:

Section 203(k) insurance enables homebuyers and homeowners to finance both the purchase (or refinancing) of a house and the cost of its rehabilitation through a single mortgage or to finance the rehabilitation of their existing home. When buying a house that needs repair or modernization, homebuyers usually have to follow a complicated and costly process. The interim acquisition and improvement loans often have relatively high interest rates, short repayment terms and a balloon payment. However, Section 203(k) offers a solution that helps both borrowers and lenders, insuring a single, long term, fixed or adjustable rate loan that covers both the acquisition and rehabilitation of a property. Section 203(k) insured loans save borrowers time and money. They also protect the lender by allowing them to have the loan insured even before the condition and value of the property may offer adequate security.

For less extensive repairs/improvements, see Limited 203(k). For housing rehabilitation activities that do not also require buying or refinancing the property, borrowers may also consider HUD's Title I Property Improvement Loan program.

Type of Assistance:

Section 203(k) insures mortgages covering the purchase or refinancing and rehabilitation of a home that is at least a year old. A portion of the loan proceeds is used to pay the seller, or, if a refinance, to pay off the existing mortgage, and the remaining funds are placed in an escrow account and released as rehabilitation is completed. The cost of the rehabilitation must be at least \$5,000, but the total value of the property must still fall within the FHA mortgage limit for the area, available here: <https://entp.hud.gov/idapp/html/hicostlook.cfm>.

The value of the property is determined by either (1) the value of the property before rehabilitation plus the cost of rehabilitation, or (2) 110 percent of the appraised value of the property after rehabilitation, whichever is less.

Many of the rules and restrictions that make FHA's basic single family mortgage insurance product (Section 203(b)) relatively convenient for lower income borrowers apply here. But lenders may charge some additional fees, such as a

supplemental origination fee, fees to cover the preparation of architectural documents and review of the rehabilitation plan, and a higher appraisal fee.

Eligible Activities:

The extent of the rehabilitation covered by Section 203(k) insurance may range from relatively minor (though exceeding \$5000 in cost) to virtual reconstruction: a home that has been demolished or will be razed as part of rehabilitation is eligible, for example, provided that the existing foundation system remains in place. Section 203(k) insured loans can finance the rehabilitation of the residential portion of a property that also has non-residential uses; they can also cover the conversion of a property of any size to a one- to four- unit structure. The types of improvements that borrowers may make using Section 203(k) financing include:

- structural alterations and reconstruction
- modernization and improvements to the home's function
- elimination of health and safety hazards
- changes that improve appearance and eliminate obsolescence
- reconditioning or replacing plumbing; installing a well and/or septic system
- adding or replacing roofing, gutters, and downspouts
- adding or replacing floors and/or floor treatments
- major landscape work and site improvements
- enhancing accessibility for a disabled person
- making energy conservation improvements

HUD requires that properties financed under this program meet certain basic energy efficiency and structural standards.

Application:

Applications must be submitted through an FHA approved lender, which can be located here: https://www.hud.gov/program_offices/housing/sfh/lender/lenderlist

Technical Guidance:

Insurance for rehabilitation is authorized under Section 203(k) of the National Housing Act (12 U.S.C. 1709(4k)). Program regulations are at 24 CFR 203.50. For more information contact the FHA Resource Center at answers@hud.gov or 1-800-225-5342

Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339.

WHAT PHAS NEED TO KNOW – GENERAL INFORMATION FAQs

Q. Can a PHA use its own existing available vouchers or public housing units to assist either displaced public housing or voucher participants affected by the disaster?

A. A PHA may use its own existing available vouchers or public housing units to assist either displaced public housing or voucher participants affected by the disaster, provided it amends its Administrative Plan and/or Admissions and Continued Occupancy Policy (ACOP) to specify a preference for a disaster-affected family. The Board must approve the amendment. The Executive Director should have the amendment written to specify that families of federally declared disasters who are Section 8 voucher holders or public housing residents in another jurisdiction will receive preference over other waiting list placeholders. Once written, and it need only be a few sentences, the PHA may convene a conference call with all the members of the board and ask the Board to approve the amendment. (Please note that it is HUD's recommendation that the PHA's Board not consider the amendment as "significant" to the Administrative Plan or ACOP. Should the Board consider the amendment as "significant" then a formal notice to the public must be prepared and public meeting advertised and held.) Once passed and recorded, the PHA may then immediately admit disaster victims using its own resources. Please remember that these are federal guidelines. PHAs must ensure that they have complied with individual state or local requirements above and beyond the federal requirements such as the Open Meetings Act or similar state law. Contact your local field office with any questions.

Q: Is a PHA required to cover relocation or temporary housing costs for tenants displaced from PH units?

A. No, the disaster was outside the control of the PHA. Therefore, the PHA is not required to pay relocation or temporary housing costs for affected tenants. Nevertheless, HUD encourages PHAs to consider electively use capital funds to pay relocation and/or temporary housing expenses for impacted residents when needed to ensure safety of residents. PHAs doing this should keep complete records of all expenses as these costs may be reimbursed through public assistance funds from FEMA.

Q. Where can owners call who want to make their properties available to public housing/HCV residents?

A. Owners should call the PHA in the jurisdiction. Please use this link to locate a PHA that is near you, <http://www.hud.gov/offices/pih/pha/contacts/index.cfm>

Q. Can PHAs provide lease terms of less than one year?

A. Yes, if shorter term is the prevailing local market practice and it will improve housing opportunities for the family.

Q. Will HUD provide relief (i.e., exempt PHAs) from certain regulatory requirements of SEMAP due to a disaster?

A. Yes, PHAs should refer to the current applicable Federal Register Presidential Major Disaster Declaration notice for options and instructions for submission. If a PHA has any questions, they should contact their local HUD field office.

Q. Can a PHA temporarily house over-income disaster victims in a public housing unit and temporarily hold off on housing eligible applicants on the waiting list?

A. The Department's first priority is to assist existing public housing and voucher program participants who have been affected by a disaster. For the Public Housing program, the regulations at 24 CFR § 960.503 allow only PHAs with less than 250 units to house over income families. Such PHAs may, on a monthly basis, lease a unit in a public housing project to an over-income disaster family, but only if there are no eligible families applying for housing assistance for the PHA for that month and the PHA provides not less than a 30-day public notice of such assistance. If the unit is vacant and there is no one on the waiting list, the PHA may allow an over-income family to gain immediate occupancy in the unit while simultaneously providing reasonable public notice and outreach with regard to the availability of the unit.

For PHAs with more than 250 units, vacant public housing units can be temporarily deprogrammed and made available for temporary occupancy by disaster victims without regard to income. These units would not receive operating subsidy during the period which they are deprogrammed for use by disaster victims. PHAs with more than 250 units should contact their local field office if they are interested in deprogramming units for this purpose.

Q. Can a PHA use operating funds to cover temporary relocation of families to hotels or other non-PHA owned units?

A. Relocation and/or temporary housing is not generally considered to be a normal operating expense and large PHAs may only use operating funds for operating eligible expenses. However, small PHAs (less than 250 units) are allowed flexibility to utilize operating funds for any operating or capital fund eligible expense and relocation and temporary housing is a capital fund eligible activity.

Q. Can PHA staff volunteer?

A. PHA employees can on their own time (e.g., weekends, annual leave) volunteer their services to another PHA. The receiving PHA can use operating subsidy to pay the volunteers a nominal fee and to provide reasonable benefits (e.g., shelter, food) in connection with the volunteer activities.

Q. Can PHAs donate goods and service to relief efforts?

A. Under applicable cost principles PHAs cannot use grant funds as part of a contribution or donation. PHAs cannot simply donate services, goods, or labor to another PHA without remuneration. A PHA cannot use its funds for expenditures for another PHA because the use of the funds must be in connection with its projects and public housing families. There are no provisions that would exempt disaster relief from this prohibition. PHAs that want to provide services of their staff, goods or equipment can do so under the following conditions. The "sending" PHA and "receiving" PHA should enter into an agreement to cover issues related to costs. The agreement should set out which agency will pay for travel costs and other related costs (shelter, food, etc.). The receiving PHA should provide remuneration to the sending PHA for the services, goods and labor. The agreement should cover how such costs would be allocated.

Q. What are HUD's PHA procurement policies to meet disaster needs?

A. 2 CFR 200.320 permits a PHA to procure from single source through noncompetitive proposals. A PHA can use single source when award is infeasible under small purchase, sealed bids or competitive proposals and item is available only from single source or public exigency or emergency for the requirement will not permit a delay from competitive solicitation. PHAs must maintain in their files, however, rationale of the single source proposal and cost analysis, i.e., proposed cost data, cost projections, evaluation of specific elements of cost and profits. Labor costs are based on the going market rate at the time.

Q. How do I determine if my PHA is in a Presidentially Declared Disaster area?

A. Go to the FEMA website and search by state and name of the disaster: <http://www.fema.gov/disasters>. Then click on the link for affected counties to determine if your county is listed (Public Assistance applies to PHAs).

Q. If my PHA is in a Presidentially Declared Disaster area, to whom do I apply for funds for rehabilitation of public housing units or for cleanup/debris removal and reconstruction?

A. PHAs in Presidentially Declared Disaster areas must apply for Public Assistance funding through FEMA. Per FEMA's Disaster Assistance Fact Sheet 9580.205, issued May 20, 2010, —FEMA may provide funding to public housing authorities (PHAs) under the Public Assistance Program for emergency work costs and for the repair, replacement or restoration of disaster damaged public housing facilities.

There are 2 types of funding that apply to PHAs in disasters:

- Section 403 - emergency funding for debris removal and the demolition of unsafe structures.
- Section 406 - funding available for permanent reconstruction of public facilities.

Q. My PHA has units damaged by the disaster and I am not in a Presidentially Declared Disaster area, can my PHA apply for disaster assistance?

A. Yes. Subject to the availability of funds, a PHA who are not located in a Presidentially Declared Disaster area may receive natural disaster assistance from the Emergency Capital Needs Fund regardless of the availability of other Capital Funds or reserves, but only to the extent that the PHA's needs are in excess of its insurance coverage or other Federal assistance (e.g., flood insurance). A PHA may only receive natural disaster assistance for damage caused by a non-Presidentially declared natural disaster occurring in the same Federal Fiscal Year (FFY) as the Emergency Capital Needs Funds were appropriated. Disaster applications will be funded on a first come first serve basis.

The procedures for submitting a preliminary application for funding is described in Notice PIH 2012-48; HUD Funding for Non-Presidentially Declared Natural Disasters. A PHA may submit a preliminary application for funding if the PHA has

immediate repairs that need to be made to preserve the property or safety of public housing residents, and the agency has not yet compiled all of the information, such as the detailed cost on the loss and the amount of any reimbursement the PHA will be receiving from insurance. The procedures for submitting a Preliminary Disaster application are in HUD Notice 2010-14:

<http://portal.hud.gov/hudportal/documents/huddoc?id=10-14pihn.doc>

A PHA must submit a final application for a new disaster grant, or when additional funds are requested after a preliminary grant has been approved. See HUD Notice 2010-14: <http://portal.hud.gov/hudportal/documents/huddoc?id=10-14pihn.doc>

Q. To whom does my PHA send a preliminary or final disaster grant application?

A. To your local HUD Public Field Office, who will review the application, and then forward to HUD HQ with a recommendation on whether or not to fund the application.

Q. What are the Environmental Review requirements for Disaster work?

A. Environmental regulations at 24 CFR §58.34(a)(10) allow for an expedited review for improvements related to disasters and imminent threats. Specifically, “temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety” are exempt activities. For emergencies and disasters, PHAs may request a Part 50 Review from their local HUD field office and HUD will expedite reviews related to emergency work items. However, PHAs still do not have the authority to determine if the exemption is appropriate and must receive formal written clearance before obligating funds.

PHAs may also remind their RE that for activities not exempt or categorically excluded not subject to §58.5, REs can shorten comment periods during a Presidentially-declared disaster or local emergency declared by the chief elected official. REs may contact their local Field Environmental Officer for additional guidance.

However, PHAs may conduct any activity that is covered under the Part 50 Programmatic Determination, located in Notice PIH 2016-22: Environmental Review Requirements for Public Housing Agencies, without a request for an environmental review.

Q. May HUD waive security deposits in Public Housing for disaster victims?

A. No HUD waiver is required. The PHA has the option to eliminate security deposits for public housing families that are disaster victims.

Q. For housing choice voucher units that have been damaged by the disaster where deficiencies are not life-threatening and the unit is habitable, does the PHA have flexibility to allow owners additional time to make HQS repairs?

A. The regulation, 24 CFR § 982.404(a)(3), provides that in the case of where a PHA determines that the HQS violation is not life-threatening, the owner must correct the defect within on more than 30 calendar days or any PHA-approved extension. Assuming the unit is habitable and the family can return to it, the PHA could use its existing administrative discretion to allow additional time for the owner to make non-life-threatening repairs to bring the unit back into compliance.

WHAT PHAs NEED TO KNOW – PORTABILITY FAQs

Q. What is the admissions process for a portable voucher family? Can a PHA choose not to issue vouchers to local applicants in order to absorb incoming portable voucher families from disaster areas? What is the admissions process for a portable voucher?

A. The assistance for a family affected by a disaster is administered by a receiving PHA under existing portability procedures. A PHA may always choose to use available voucher funding to absorb portability families is not required to place these families on the waiting list first.

Q. Can a receiving PHA admit additional family members to a portable voucher family or must the family composition remain as it was under the disaster-impacted PHA's program?

A. The receiving PHA has the authority to approve the family composition for the incoming portable family.

Q. Is the PHA required to determine income eligibility for an incoming voucher family moving under portability?

A. If a family is a voucher participant, the receiving PHA does not determine income eligibility. However, for a portable family that was issued a voucher but never leased a unit, the family must be determined income eligible in the receiving PHA's jurisdiction (e.g., the receiving PHA's income limits are applicable).

WHAT PHAs NEED TO KNOW – PREFERENCES FAQs

Q. Can PHAs give a preference to existing public housing residents and voucher participants that have been displaced by the disaster?

A. Yes, PHAs with a voucher or public housing program are encouraged to adopt an admission preference for displaced residents and program participants.

Q. Can PHAs give preference to disaster area residents who are not currently a Public Housing resident or voucher holder but who are determined program eligible?

A. Yes, the PHA may provide for an admission preference for unassisted disaster families that are income eligible. The decision to establish a preference is at the discretion of the PHA and should be done in accordance with the applicable regulations—24 CFR § 960.206 for Public Housing and 24 CFR § 982.207 for the Housing Choice Voucher Program.

Q. Should PHAs notify applicants currently on their voucher and public housing waiting list of their intent to provide a local preference for disaster-impacted families?

A. For the Public Housing Program, the regulations at 960.206(a)(4) require that you inform all applicants about the availability of the preference and must give applicants an opportunity to qualify.

PHAs must use best efforts to implement the notification to all applicants but such actions should not delay addressing urgent housing needs.

The Housing Choice Voucher Program does not have the same regulatory requirement. However, the Administrative Plan would dictate what procedures the PHA would have to follow in notifying applicants of a change in preferences.

Q. Are PHAs required to post changes to its administrative policies?

A. Yes. Preferences and other such policies must be posted in the PHA's admission office and provided to residents, upon request. Such actions need not occur before the disaster victims are admitted to the public housing program.

WHAT PHAs NEED TO KNOW – FUNDING FAQs

Q. May PHAs use voucher administrative fees and administrative fee reserves to assist public housing displacees as well as voucher program displacees?

A. By law, housing choice voucher administrative fees may only be used for administration of the voucher program, and administrative fee reserves may only be used for Section 8 purposes, so those funds may not be used to assist public housing displacees. However, pre-2004 PHA earned administrative fee reserves may be used to assist both public housing and voucher program displacees.

Q. If a PHA determines that a unit does not meet HQS as a result of damage from the storm, must the owner return the HAP payment for the months the units was not in compliance?

A. The HAP contract provides that the PHA shall not make any housing assistance payments if the contract unit does not meet the HQS, unless the owner corrects the defect with the period specified by the PHA and the PHA verifies the correction.

If the PHA now determines that as a result of the storm the unit does not currently meet HQS, the PHA is not required to make the owner repay the HAP for the months of non-compliance HAP. However, the PHA must notify the owner of the defect and require the owner to make the correction within a specified time. Should the owner fail to make the repairs in within the specified time, the PHA may not make any subsequent HAP payments.

Q. May PHAs use their housing voucher program administrative fees to pay for security deposits, utility deposits, or transportation expenses for housing voucher families displaced by the disaster?

A. Yes. PHAs may use funds from PHA administrative fees and PHA administrative fee reserves to assist housing voucher families displaced by the disaster with security deposits, utility deposits, or transportation expenses relating to relocation.

Q. Can a PHA use Operating funds to cover temporary relocation of families to hotels or other non-PHA owned units?

A. Relocation and/or temporary housing is not generally considered to be a normal operating expense and non-small PHAs may only use operating funds

for operating eligible expenses. However, small PHAs (less than 250 units) are allowed flexibility to utilize operating funds for any operating or capital fund eligible expense and relocation and temporary housing is a capital fund eligible activity.

Q. Can PHAs continue to make payments for homeownership units that were demolished or seriously damaged by a disaster?

A. Yes, PHAs may continue making payments under the homeownership option of the voucher program. The PHA may continue such payments while the family completes repairs with proceeds from its insurance policy or sells the property. A family cannot receive benefits as a renter and homeowner at the same time. Homeowner's with FHA-insured homes should contact their lender to determine what the best options for the family.

Q. May a PHA make housing assistance payments under a HAP contract without conducting an HQS inspection with the understanding that the inspection will be conducted at a later date?

A. No, the PHA may not make housing assistance payments under a HAP contract without first conducting an HQS inspection. However, as the result of HOTMA amendments to Section 8(o)(8)(A) of the 1937 Act, a PHA may authorize occupancy of a unit prior to the inspection being completed if in the previous 24 months the unit had passed an alternative inspection.

The PHA must then inspect the unit. Once the PHA determines the unit meets the initial HQS inspection requirements, the PHA then makes retroactive payments to the beginning of the assisted lease term.

In addition, a PHA may approve the assisted tenancy and commence making payments if a unit fails the HQS inspection but only has non-life threatening deficiencies. If a PHA makes payments under this exception, the law further provides that the PHA must withhold any assistance payments if the non-life threatening deficiencies are not corrected within no more than 30 days of the PHA notifying the owner in writing of the unit's failure to comply with HQS.

Please see the January 18, 2017 Federal Register HOTMA HCV Implementation Notice for further information on these initial inspection flexibilities.

Q. May PHAs use their Capital Funds to pay for security deposits, utility deposits, or transportation expenses for displaced public housing residents?

A. Yes. PHAs may use Capital Funds for relocation costs for public housing residents if they are related to permanent or temporary relocation, as a direct result of modernization, development, rehabilitation, demolition, disposition, reconfiguration, acquisition, or an emergency. There are two types of assistance:

Direct Payments to the Resident - Residents, at their discretion, may choose to receive either actual or fixed moving expenses. Fixed moving expenses are based on a schedule of allowances published by the Federal Highway Administration. Eligible actual moving expenses include, but are not limited to:

- Transportation of the displaced person and personal property.
- Packing of personal property.
- Storage of personal property
- Utility hookups.
- Other moving-related expenses as determined by the PHA. To the extent that the family's accommodations require higher security deposits, the additional deposit can be paid from Capital Funds. In addition, the costs of moving public housing families and their belongings also may be paid from Capital Funds.

PHA Provided Relocation - A PHA may have a number of available relocation options that may be more cost effective and practical for temporary relocation. For example, private apartment complexes, hotels, etc., may have vacancies or properties that may provide suitable housing. In those cases, PHAs may enter into contractual agreements with the owners to lease the property or units directly. The PHA would then occupy the unit based on its occupancy policies. Eligible expenses would include, but not limited to:

- The cost of lease under the agreement.
- Attorney fees
- Security deposits and utility hookups. PHAs may already be holding such deposits for residents and should use those deposits, when required. To the extent to which costs are higher than the deposits, the additional expenses are eligible. After termination of the lease, these funds become program income.
- Transportation and moving expenses.

- Other reasonable expenses directly related to leasing the property/units and moving the resident.

For temporary housing in another PHA existing public housing development - relocation costs may be charged in either of two ways:

- The resident from the PHA affected by the disaster becomes a resident of the receiving PHA. In this case, the resident receives permanent relocation housing. The PHA affected by the disaster would pay reasonable moving expenses as identified above to/for the resident. No payments would be made by the receiving PHA.
- The PHA affected by the disaster could lease the vacant unit(s) directly from the receiving PHA. In such case, PHA affected by the disaster would pay the receiving PHA payments due under the lease as well as reasonable moving expenses as identified above.

In all cases of Capital Funds used for relocation of public housing residents, PHAs must prepare an amendment to their Capital Fund annual statement pursuant to 24 CFR § 903.21, to reflect any reallocation of funds from other budget line items, into account 1495, Relocation Costs.

Q. Can my PHA use Capital Funds to do emergency work if it is not included in my 5-Year Plan or an approved annual statement?

A. Yes. Per 24 CFR § 905.200 (b) (18), emergency work is an eligible Capital Fund cost whether or not it is indicated the in the PHA's approved Five Year Action Plan or Annual Statement. Please be advised, however, that PHAs must still first secure environmental clearance prior to any emergency work, that is not covered under the Part 50 Programmatic Determination, located in Notice PIH 2016-22: Environmental Review Requirements for Public Housing Agencies.

Q. Can ROSS funds currently under NOFA be redirected to PHAs providing assistance to families impacted by a disaster for services such as counseling, transportation, food?

A. No. ROSS funds must be used for supportive service activities for their public housing residents and that the PHA applied for and that were approved in their grant agreement. Food is an ineligible item in ROSS grants.

Q. Can some of the ROSS funds currently under NOFA be redirected for housing assistance?

A. No. The appropriation language will not allow ROSS funds to be used for housing assistance.

Q. Some PHAs are already ROSS grantees; can HUD add funds to their grants for this purpose?

A. No. The PHAs competed for a set amount and HUD cannot award PHAs funds beyond that amount.