

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FREQUENTLY ASKED  
QUESTIONS (FAQ'S) ON DISASTER RECOVERY**

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## SECTION 1. QUESTIONS FROM THE PUBLIC

### Evacuees Needing Immediate Assistance

**Q.** I am an evacuee of a disaster. Where do I go for immediate assistance?

**A.** It is important that you register with the Federal Emergency Management Agency (FEMA) to apply for assistance for disaster related losses. Call 1-800-621-FEMA (3362) or 1-800-462-7585 (TTY). If you use 711 relay or Video Relay Service (VRS), call 800-621-3362. The toll-free telephone numbers will operate from 7 a.m. to 10 p.m. (seven days a week until further notice). You can also go to their website at <http://www.fema.gov/>.

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

Additional numbers and useful internet websites for immediate assistance are:

- Disaster Assistance.gov for access to disaster help and resources:
- <https://www.disasterassistance.gov/get-assistance/find-assistance>.
- Red Cross: 1-800-RED CROSS (1-800-733-2767) - Web: <http://www.redcross.org/>
- 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.

**Q.** I am looking for a family member where can I get information?

**A.** FEMA maintains a site that provides a list of resources available covering these topics at: <https://www.fema.gov/recovery-resources>. Or you may contact the American Red Cross free restoring Family links national helpline at 1.844.782.9441

If your loved one has serious medical needs, contact the American Red Cross Immediately at 7-800-733-2767

**Q.** I need food, water, or hygiene items, where can I get these?

**A.** FEMA and the American Red Cross have vehicles providing food and water throughout the disaster area, where accessible. You can also get these items in a local disaster shelter. Contact the

American Red Cross or your local emergency manager for locations and times for distribution. Also, watch for information about points of distribution where you can get additional supplies

**Q.** Are state government-level emergency resources available?

**A.** Yes, the State and FEMA work closely together during disasters. FEMA maintains a directory of state emergency management departments on its website at: <https://www.fema.gov/emergency-management-agencies>. If you are a public housing resident or receive HUD assistance and having trouble contacting your PHA, please contact your local field office which can be located by using this link: <http://portal.hud.gov/hudportal/HUD?src=/states>.

### **FHA and Conventional Mortgage-Related Questions**

**Q.** I have an FHA-insured mortgage and my home was affected by the disaster. I won't be able to pay my mortgage. What do I do?

**A.** During a Presidentially-declared disaster there may be a 90-day moratorium on foreclosures and forbearance on foreclosures of Federal Housing Administration (FHA) insured home mortgages.

- HUD's National Servicing Center (NSC) hotline number is 1-877-622-8525 and the NSC website can be found at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/nsc](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/nsc). HUD's National Servicing Center helps FHA homeowners by working with lenders to find creative solutions to avoid foreclosure. They also provide direction and training to lenders and housing counseling agencies, which are then better able to provide assistance to homeowners.
- HUD-approved housing counseling agencies may be able to assist you in your communication with your FHA 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>

**Q.** I have a conventional (non-FHA) mortgage and my home was affected by the storm. I won't be able to pay my mortgage. What do I do?

**A.** You should contact your lender immediately.

**Q.** I am having trouble getting assistance from my lender. Can anyone else help me?

**A.** 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>.

The Federal National Mortgage Association (Fannie Mae) has advised that homeowners with Fannie Mae loans with homes damaged by a disaster and who will have difficulty paying their mortgage should contact their mortgage servicer to see if they qualify for a 90-day mortgage forbearance. More information on Fannie Mae's response to a disaster is available at <https://www.fanniemae.com/singlefamily/disaster-assistance> or by calling 1-800-232-6643. You

can also contact your lender to ask them about any disaster programs that may apply to your mortgage.

**Q.** I have a Home Equity Conversion Mortgage (HECM) mortgage that provides me with monthly payments. I have not received my monthly payment from my mortgagee. What should I do?

**A.** In order for HUD to assist you, HUD will need the name of your mortgage lender, and the address of your home. If the damage caused by the disaster has temporarily affected your lender's ability to send you your payment, HUD may be able to assist you in obtaining your payment under your HECM mortgage loan. Contact the HUD National Servicing Center at 877-622-8525.

## **Special Mortgage Insurance Program for Disaster Victims – 203(h)**

**Q.** Under HUD's 203(h) mortgage insurance program for disaster victims, can I purchase a new home in an area other than the Presidential Declared Disaster area?

**A.** Yes, disaster victims can take advantage of this program in any part of the country and are not required to purchase in the disaster area.

**Q.** What kind of documentation must I provide to prove that I am eligible for this program?

**A.** You will need to provide documentation showing that your permanent residence was in the affected area before the disaster, which includes a valid driver's license, a voter registration card, utility bills, etc. You will also need to provide documentation regarding destruction of the residence, which includes an insurance report, an inspection report by an independent inspector or government agency, or conclusive photographic evidence showing the destruction or damage.

**Q.** Can I use Section 203(h) to purchase a home even though I rented the damaged property?

**A.** Yes, this program is available to both renters and owners of affected properties. For example, if you rented a unit in an apartment complex that was destroyed in the disaster, you may purchase a home using this program.

**Q.** Are there limitations to how much money I can borrow?

**A.** Yes, as a victim of a major disaster, you may borrow up to 100% of the appraised value of the property subject to the maximum mortgage amounts. These maximum mortgage amounts are the same as for HUD's basic mortgage insurance programs. The maximum loan to value ratio limit is 100%, subject to the borrower's minimum credit score. A list of mortgage amounts, which are determined by county, can be found on HUD's website at <https://entp.hud.gov/idapp/html/hicostlook.cfm>. (This website is a search engine that displays mortgage limit data by state and county. The mortgage limits vary from county to county.)

## **Homeowner Repair Programs**

**Q.** Does HUD have a loan program for repairs?

**A.** HUD has an insured mortgage program called Section 203(k). Section 203(k) insurance enables homebuyers and homeowners to finance both the purchase (and refinancing) of a house and the cost of its rehabilitation through a single mortgage. It also allows homeowners who have damaged houses to finance the rehabilitation of their existing single-family home. This program encourages lenders to make mortgages available to borrowers who would not otherwise qualify for conventional loans on affordable terms and to residents of disadvantaged neighborhoods. Information can be found on the web at: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/203k/203k--df](https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/203k/203k--df) (This website has basic information on the 203k rehabilitation mortgage)

**Q.** What other loans, mortgages or grants are available to citizens for repair of a home?

**A.** Other HUD home improvement programs can be found on the web at:

<http://www.hud.gov/improvements/index.cfm>. Some of these programs, especially the grants, are administered through local government agencies and are not directly available through HUD.

**Q.** How can I find a lender that can help me with a mortgage to repair my home?

**A.** A list of lenders can be found online at:

[https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/lender/lenderlist](https://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/lender/lenderlist). (**NOTE:** This is a search engine that will display lenders according to the search terms entered.)

**Q.** How can I find a housing counselor that will help me with my disaster related housing problems?

**A.** HUD sponsors certain approved housing counseling agencies that in turn provide counseling services to citizens for free. To find a counselor that serves your neighborhood, call HUD's toll-free number at: 1-800-569-4287 or search online via the HUD website <http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm> and look for a housing counseling agency near you. You do not have to have a FHA loan to meet with a HUD approved housing counseling agency and there is never a fee for foreclosure prevention counseling.

### **Public Housing and Section 8 Voucher Programs**

**Q.** I was a tenant who lived in Public Housing (or had a Section 8 voucher), and I was displaced by the disaster. What should I do?

**A.** First, it is important that ALL persons impacted register with FEMA. Apply for assistance by calling 1-800-621-FEMA (3362) or 1-800-462-7585 (TTY). If you use 711 relay or Video Relay Service (VRS), call 800-621-3362 directly. The toll-free telephone numbers will operate from 7 a.m. to 10 p.m. (seven days a week until further notice).

To find the nearest Disaster Recovery Center where you can apply for assistance and meet face-to-face with recovery specialists text DRC and your Zip Code to 43362.

Second, Tenants who lived in Public Housing or had Section 8 vouchers and were displaced should call their local Public Housing Agency. For a list of contact numbers for all Public Housing Authorities by State, go to: <http://www.hud.gov/offices/pih/pha/contacts/index.cfm>. (Use this web page to find the housing authority in the local area of the caller). If you are having trouble contacting your PHA, please contact your local field office which can be located by using this link:

<http://portal.hud.gov/hudportal/HUD?src=/states>.

## Fair Housing Concerns

**Q.** I think I have been discriminated against because of my race. I went to an apartment building that had a vacancy sign out front. When I inquired about renting an apartment I was told there's nothing available. The place continues to post a vacancy sign. What can I do?

**A.** HUD enforces the Fair Housing Act, which prohibits discrimination against persons in nearly all housing transactions, including the rental and sale of housing and the provisions of mortgage loans, because of race, color, religion, national origin, sex, familial status (children in the family), or disability, as well as other civil rights laws. If you believe you have been the victim of racial or any other type of illegal discrimination, you can file a complaint with HUD by calling our toll-free housing discrimination hotline at 1-800-669-9777 or 1-888-560-8913. For persons with hearing impairments, please call TTY (800)927-9275. You can also file a complaint online at [www.hud.gov/fairhousing](http://www.hud.gov/fairhousing). We will investigate your complaint.

**Q.** I am a person with a disability. When the government relocates people to new or temporary housing, will I be provided with accessible housing?

**A.** HUD is working with the Federal Emergency Management Administration (FEMA) to help ensure that accessible temporary housing will be made available for persons with disabilities who need it. Individuals who need accessible temporary housing should make their specific needs known when completing housing forms, and when talking to government personnel and other individuals coordinating relocation efforts.

HUD also will be working with FEMA to help ensure that disability-related access needs are addressed with respect to replacement housing. Housing programs operated with federal funds must be accessible to persons with disabilities. In addition, under the Federal Fair Housing Act, newly-constructed multifamily housing located in buildings with four or more units must meet certain accessibility requirements. HUD will work with FEMA, other Federal agencies, and state and local governments to ensure that these accessibility requirements are enforced.

**Q.** I do not speak or use English. How can I get information about housing and other disaster relief efforts in another language?

**A.** The Civil Rights Act of 1964 requires recipients of federal funding, including emergency management and housing agencies, to take reasonable steps to ensure meaningful access by limited English proficient (LEP) person in their programs and activities. This includes information regarding disaster relief, housing, and long term recovery efforts in the languages spoken in the impacted area. For more information, including disaster related information in languages other than English, please visit [HUD'S LEP webpage](#). For additional information for recipients of HUD funding, please visit [Emergency Preparedness Guidance](#) and [Tips and Tools for Reaching Limited English Proficient Communities in Emergency Preparedness](#).

## SECTION 2: QUESTIONS FROM HUD LENDERS

FHA-Insured Mortgages:

**Q.** What kind of mortgage can HUD provide to disaster victims?

**A.** HUD provides a mortgage insurance program to assist victims of Presidentially Declared Disasters, known commonly as Section 203(h). This program allows FHA to insure mortgages made by qualified lenders to individuals and families whose residences were destroyed or damaged to such an extent that reconstruction or repair is necessary and are eligible for 100% financing for the purchase of a home. However, closing costs and prepaid expenses not paid by the seller must be paid by the borrower in cash or through premium pricing (slightly higher than market interest rate).

Information on Section 203(h) can be found on HUD's website at

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/ins/203h-dft](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/ins/203h-dft). Or, you can contact one of the HUD Homeownership Centers (Atlanta, Denver, Philadelphia, or Santa Ana). Visit [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/sfhocs](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/sfhocs) for contact information.

HUD also provides a program for the rehabilitation and repair of single family properties, known commonly as Section 203(k). This program is an important tool for community and neighborhood revitalization and for expanding homeownership opportunities. Damaged residences are eligible for Section 203(k) mortgage insurance regardless of the age of the property. The residences need only to have been completed and ready for occupancy for eligibility under Section 203(k). For further information on FHA's 203(k) program visit HUD's 203(k) website at: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/housing/sfh/203k/203k--df](http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/sfh/203k/203k--df). Call the Single-Family FHA Resource Center through our toll-free number (800) CALL-FHA (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. Or access our Online FAQ Site: [www.hud.gov/answers](http://www.hud.gov/answers) to help you find answers 24/7.



## SECTION 3: QUESTIONS FROM CPD & HOME GRANTEES

### General Questions

**Q.** Can we use CDBG and HOME for Disaster Recovery?

**A.** HUD recently issued a notice which provides extensive detail on how these programs can be deployed to meet recovery needs. The link to the notice is:  
<https://www.hudexchange.info/resources/documents/Notice-CPD-17-06-Using-CPD-Funds-for-Disaster-Response-and-Recovery.pdf>

In general, grantees may reprogram previously awarded CDBG and HOME grant funds for disaster recovery activities. HUD can assist in this effort by:

- waiving regulatory and statutory program requirements (except for certain provisions such as environmental review) to increase grantee ability to use available funds for disaster recovery; and
- providing technical assistance on potential uses of funds.

In making a request for a regulatory waiver or statutory suspension of CDBG or HOME program requirements, a grantee should first discuss its needs with its respective CPD Director to ensure that a waiver or suspension is actually required or permissible. If a waiver or suspension is needed, the request should be made through the local CPD Director and include a well-documented justification citing the good cause for such action (e.g., why it is necessary for disaster relief/recovery). CPD will reach out to grantees and will work closely with them to ensure a smooth and expedited process.

**Q.** Can HUD Provide Regulatory and Statutory Relief in the Use of CDBG?

**A.** HUD can always waive its regulatory program requirements to increase the utility of CDBG for disaster recovery and is prepared to be expansive in considering these requests. In addition, for areas covered by a Presidentially-declared major disaster, the Secretary has authority to waive most CDBG statutory requirements under section 122 of the Housing and Community Development Act of 1974 [42 USC 5321]. This provision authorizes the Secretary to suspend statutory requirements for use of CDBG funds in disaster areas as follows:

"For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income."

**Q.** Can HUD suspend a number of HOME statutory and regulatory requirements to facilitate the use of HOME funds for disaster recovery?

**A.** Eligible HOME activities include: acquisition, rehabilitation, and construction of housing for rent or homeownership, and the provision of tenant-based rental assistance. HOME participating jurisdictions located in disaster areas may request regulatory waivers or statutory suspensions that make HOME funds more flexible in addressing both immediate disaster-related housing needs and long-term housing recovery. For example:

- HUD may eliminate the requirement that 15% of each HOME allocation be used for housing owned, developed or sponsored by community housing development organizations (CHDOs), making it possible to award all available HOME funds to entities and for activities that are most suited to the jurisdiction's disaster-related housing needs.
- Statutory maximum per unit subsidy limits can be suspended to permit the participating jurisdiction to award larger amounts of HOME funds to units or projects, without the necessity of obtaining other public or private financing sources.
- The HOME statutory matching requirements can be reduced or completely eliminated so that the participating jurisdiction is not required to identify matching contributions for disaster-related HOME expenditures.
- A participating jurisdiction may request a waiver of the HOME property standards to facilitate the use of HOME funds for emergency disaster-related repairs without having to address all substandard components in a unit.
- The statutory requirement for written tenant selection criteria (e.g., waiting lists) can be suspended to enable persons displaced by a disaster to be admitted to a HOME-assisted rental unit without having been placed on the waiting list in chronological order of application.
- HUD can grant waivers and suspensions to permit participating jurisdictions located in areas with an available supply of decent, safe and sanitary rental units and can use HOME funds to provide tenant-based rental assistance to households displaced by a major disaster.

**Q.** May Grantees designate funds from existing grants to address damage in a Presidentially Declared Disaster area and request waivers or suspensions to expand use of funds for disaster recovery activities?

**A.** Disaster recovery waiver or suspension requests should be submitted to HUD field offices, which will expedite the requests, together with field office reviews and recommendations, to headquarters for decision. Some common CDBG regulatory provisions for which suspension requests might be expected include:

- extension of the deadline for submitting the annual performance report (CAPER) when the disaster delays its completion;

- change in the period, or extension of length of time (up to 3 years), within which to meet the 70 percent spending requirement (70 percent of expenditures must benefit low and moderate-income persons); and
- removal of other limitations that are not required by statute.

Some CDBG statutory provisions for which suspension requests might be expected include: removal of restrictions on the repair or reconstruction of buildings used for the general conduct of government; removal of prohibitions on new housing construction; and modification of the limitation on the amount of CDBG funds used for public services. When suspensions are granted, the activities being carried out with the designated funds would operate under different requirements than the regular CDBG program. Therefore, the grantee will be required to annotate its CAPER in such a way that activities for which suspensions have been granted are distinguishable from regular program activities.

**Q.** What else should I know about the use of CDBG Funds for Disaster Relief?

**A.** The most appropriate use of CDBG funds is generally for longer term needs such as redevelopment of affected areas, because the Federal government provides immediate disaster relief primarily through FEMA and SBA. However, communities may elect to use their CDBG funds for emergency, short-term assistance if such activities are not funded by FEMA or SBA or if required as match to other Federal programs. (In many cases emergency needs will be funded by FEMA and advance payments from FEMA may be available.)

Such CDBG activities typically include the following, if they are not fully covered by FEMA:

- clearance of debris;
- provision of extra security patrols;
- demolition, clearance and/or reconstruction of damaged property posing an immediate threat to public safety;
- emergency reconstruction of essential water, sewer, electrical and telephone facilities; and
- providing a variety of relief services to individuals and businesses.

All CDBG-assisted activities, including those addressing emergency needs, must meet one of three CDBG national objectives. Therefore, not all of the community's needs can be met through use of CDBG funds. States and entitlement communities must spend at least 70% of their funds for activities that benefit low- and moderate-income persons. HUD may be able to extend the length of time that the recipient has to meet this requirement if needed to accommodate emergency activities that would not principally benefit such persons (see above regulatory waivers).

Some grantees provide a set-aside for use in responding to emergency needs in their communities. Other grantees provide for reordering of funding categories in the event of a disaster. Those that do not have these contingencies may amend their programs to change funding priorities for any funds that have not already been obligated to activities. With regard to the State CDBG program, each state establishes its own method to distribute funds as part of its

annual action plan. Citizen participation procedures must be followed but HUD will consider waivers to shorten public comment timeframes where appropriate. However, a state may put its process on a fast track commensurate with the need to provide disaster relief.

- **Non-entitlement local governments which already have received a CDBG grant from the state may ask the state to permit an amendment if the locality determines that the disaster has created higher priority needs** - Each state has the authority to respond to such a request and each state has different applicable policies. If a state should establish a set-aside for disaster recovery, localities must of course develop applications and apply. This process also involves citizen participation but it may be accelerated consistent with the need to address an emergency situation.
- **The Section 108 Loan Guarantee program is another source of assistance for redevelopment of affected areas** - Section 108 loan guarantees can be used by CDBG grantees to finance acquisition of real property (including related public improvements, clearance, and relocation), rehabilitation of publicly owned real property (including infrastructure such as streets), housing rehabilitation, public facilities, and economic development activities. The maximum loan repayment period is 20 years.

Section 108 enables CDBG entitlement communities to obtain loan guarantees equal to 5 times their most recent CDBG entitlement amount. For non-entitlement communities, Section 108 funds can be accessed in one of two ways. One approach enables the state to apply for Section 108 funds and, in turn, pass them through to non-entitled local governments or states can permit non-entitlement jurisdictions to apply directly. In either case, the maximum amount is equal to 5 times the state's grant under the CDBG program and the state must be willing to pledge its CDBG funds as security for the loan guarantees. Grantees that have received guarantees in the past for activities that have yet not materialized may ask HUD to amend that guarantee to use those funds for activities that will address disaster recovery needs.

In general, the guaranteed loan funds must be used in accordance with all of the other requirements that apply to CDBG funds received directly from HUD, including the 70 percent spending requirement discussed above. (This means that the spending of the loan proceeds must be considered together with the spending of grant funds and program income to ensure that at least 70 percent has been spent on activities that principally benefit low- and moderate-income persons within the period certified by the grantee.) Presently, the Department has no authority to waive statutory requirements for the Section 108 Loan Guarantee program.

### **Crosscutting Requirements**

**Procurement** – 2 CFR 200.320 provides that the competition usually required for contracting is not needed in certain emergency situations.

**Environmental Review** - Similarly, responsible entities can perform many activities without completing an environmental review or with shortened comment periods. If emergency activities for temporary improvements do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to arrest the effects of the disaster they are exempt from

environmental review under 24 CFR § 58.34(a)(10). In cases in which a request for release of funds is required, if funds are needed on an emergency basis and when adherence to separate comment periods would prevent the provision of assistance, the combined Notice of Finding of No Significant Impact (FONSI) and the Notice of Intent to Request Release of Funds may be disseminated and/or published simultaneously with the submission of the Request for Release of Funds as provided for in § 58.33 (b). The notice must also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice.

Information on Environmental Review Processing During Emergencies and Following Disasters under 24 CFR Part 58 can be found on HUD's website at:

<https://www.hudexchange.info/resource/2926/hud-memo-environmental-review-exemptions-disasters-imminent-threats/>

**Consolidated Plan** - The grantee will be required to annotate and describe the activity in such a way in its consolidated plan, action plan or amended action plan, as appropriate, that the activity is clearly distinguishable as a designated disaster recovery activity. The grantee should be reminded of the consolidated plan amendment requirements at 24 CFR § 91.505.

**Duplication of Benefit** - State and local governments should be cautious of potential duplication of benefits (e.g., double funding from two or more government agencies of the same costs or duplication of payments for losses paid by private insurance, etc.). Please contact your HUD field office for additional information on duplication of benefit issues.

**SECTION 4: QUESTIONS FROM CONTINUUM OF CARE and EMERGENCY SOLUTIONS  
GRANTS PROGRAM RECIPIENTS**

**Eligibility Questions**

**Q.** How is HUD defining —homeless?

**A.** For this purpose, a person who has registered with FEMA in a Presidentially Declared Disaster area is considered homeless if they meet the definition of “homeless” at 24 CFR 578.3 or 25 CFR 576.2, as appropriate. This includes persons who (1) met the definition of homeless prior to the disaster, (2) were housed in HUD-funded homeless programs prior to the disaster and are currently residing in an emergency shelter, or (3) had a residence prior to the storm, but is currently residing in an emergency shelter or other place described in the definition of homeless and whose residence has been damaged beyond repair and the household lacks the financial resources and support networks needed to obtain immediate housing

**Q.** If persons displaced by a disaster seek help from a HUD-funded homeless assistance project, is he or she eligible for assistance?

**A.** A person who meets the definition of “homeless” at 24 CFR 578.3 or 25 CFR 576.2, is eligible for assistance funded with the CoC or ESG Program, if they (1) met the definition of homeless prior to the disaster, (2) were housed in HUD-funded homeless programs prior to the disaster and are currently residing in an emergency shelter, or (3) had a residence prior to the storm, but is currently residing in an emergency shelter or other place described in the definition of homeless and whose residence has been damaged beyond repair and the household lacks the financial resources and support networks needed to obtain immediate housing.

**Q.** Once disaster evacuees are receiving housing funds from FEMA, can they continue to receive supportive services support from HUD homeless assistance programs?

**A.** Once the immediate crisis has passed and evacuees are receiving their housing assistance payments from FEMA, they should also be eligible to receive support services from FEMA and no longer need supportive service assistance from homeless providers. Many survivors are receiving their Public Assistance payments from FEMA. Recipients must identify all types of assistance being paid for by FEMA in order to avoid a duplication of benefits.

**Q.** Can my grant agreement be amended to receive more money for serving disaster evacuees?

**A.** No, HUD cannot amend a grant agreement to award more money to a project. The amount awarded cannot be increased and the annual renewal amount must remain the same.

**Waivers**

**Q.** Can recipients re-program previously awarded homeless assistance grant funds for disaster recovery activities?

**A.** HUD can assist in this effort by:

- waiving regulatory and certain statutory program requirements (except for certain provisions) to increase recipient ability to use available funds for disaster recovery; and
- providing technical assistance on potential uses of funds.

In making a request for a regulatory waiver or statutory suspension of the h CoC or ESG Program requirements, a recipient should first discuss its needs with its respective CPD Director to ensure that a waiver or suspension is actually required or permissible. If a waiver or suspension is needed, the request should be made through the local CPD Director and include a well-documented justification citing the good cause for such action (e.g., why it is necessary for disaster relief/recovery). CPD will reach out to grantees and will work closely with recipients to ensure a smooth and expedited process.

HUD can also provide Regulatory and Statutory Relief in the use of the CoC Programs. The department can always waive its regulatory program requirements to increase the utility of its homeless assistance grants for disaster recovery and is prepared to be expansive in considering these requests. In addition, for areas covered by a Presidentially-declared major disaster, the Secretary has authority to waive most McKinney-Vento statutory requirements under section 122 of the Housing and Community Development Act of 1974 [42 USC 5321]. This provision authorizes the Secretary to suspend statutory requirements for use of homeless assistance and grant funds in disaster areas as follows:

"For funds designated under this title by a recipient to address the damage in an area for which the President has declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Secretary may suspend all requirements for purposes of assistance under section 106 for that area, except for those related to public notice of funding availability, nondiscrimination, fair housing, labor standards, environmental standards, and requirements that activities benefit persons of low- and moderate-income."

HUD may suspend a number of McKinney-Vento statutory and regulatory requirements to facilitate the use of CoC program funds for disaster recovery - Eligible CoC Program costs include acquisition, rehabilitation, new construction, leasing, rental assistance, supportive services, operating, Homeless Management Information Systems (HMIS), and project administration in permanent housing (including permanent supportive housing and rapid re-housing), transitional housing, supportive service only, and HMIS projects.. Eligible Emergency Solutions Program activities are essential services for street outreach; operations or rehabilitation for emergency shelters as well as essential services for emergency shelters; and short- or medium-term rental assistance and housing stabilization and relocation services in homelessness prevention and rapid re-housing. Homeless assistance housing and service providers that are in jurisdictions located in disaster areas may request regulatory waivers or statutory suspensions that make their ESG or CoC Program funds more flexible in addressing both immediate disaster-related housing needs and long-term housing recovery.

Recipients may designate funds from existing grants to address damage in a Presidentially Declared Disaster area and request waivers or suspensions to expand use of funds for disaster recovery activities. Disaster recovery waiver or suspension requests should be submitted to the local HUD CPD field office which will expedite requests, together with field office reviews and recommendations, to



headquarters for decision. Some common McKinney-Vento regulatory provisions for which suspension requests might be expected include:

- extension of the deadline for submitting the annual performance report (APR) when the disaster delays its completion;
- for CoC recipients, an extension of the deadline for submitting the annual performance report (CAPER) when the disaster delays its completion;
- For ESG recipients, an extension of the deadline for submitting the annual performance report (CAPER) when the disaster delays its completion.
- change in the period, or extension of length of time (up to 3 years), within which to meet the 2-year obligation requirement; and
- removal of other limitations that are not required by statute.

When suspensions are granted, the activities being carried out with the designated funds would operate under different requirements than the regular ESG program. Therefore, the grantee will be required to annotate its CAPER in such a way that activities for which suspensions have been granted are distinguishable from regular program activities.

**Q.** What are the crosscutting requirements?

**A.** There are several crosscutting requirements.

**Procurement** - 2 CFR 200.320 provides that the competition usually required for contracting is not needed in certain emergency situations.

**Environmental Review** - Similarly, responsible entities can perform many activities without completing an environmental review or with shortened comment periods. If emergency activities for temporary improvements do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to arrest the effects of the disaster they are exempt from environmental review under 24 CFR § 58.34(a) (10). In cases in which a request for release of funds is required, if funds are needed on an emergency basis and when adherence to separate comment periods would prevent the provision of assistance, the combined Notice of Finding of No Significant Impact (FONSI) and the Notice of Intent to Request Release of Funds may be disseminated and/or published simultaneously with the submission of the Request for Release of Funds as provided for in § 58.33 (b). The notice must also invite commenters to submit their comments to both HUD and the responsible entity issuing the notice.

Information on Environmental Review Processing During Emergencies and Following Disasters under 24 CFR Part 58 can be found on HUD's website at:

<https://www.hudexchange.info/resource/2926/hud-memo-environmental-review-exemptions-disasters-imminent-threats/>

**Consolidated Plan** - The Entitlement Jurisdiction will be required to annotate and describe the activity in such a way in its consolidated plan action plan or amended action plan, as appropriate, that the activity is clearly distinguishable as a designated disaster recovery activity. The ESG recipients should be reminded of the consolidated plan amendment requirements at 24 CFR § 91.505.

**Duplication of Benefit** - State and local governments should be cautious of potential duplication of benefits and the penalties resulting from (e.g., double funding from two or more government agencies of the same costs or duplication of payments for losses paid by private insurance, etc.). Please contact your local CPD HUD field office for additional information on duplication of benefit issues.

**Q.** Can the match requirement for the ESG or CoC program be waived?

**A.** The match requirement for both grants is a statutory, not a regulatory requirement, and, therefore, cannot be waived.

**Q.** Can program participant eligibility requirements for projects funded by the ESG or CoC program be waived?

**A.** It is possible. There are certain eligibility requirements that are imposed by the statute for both programs and others that are imposed by the applicable regulation. Those that are imposed by the regulation may be waived. Further, for the CoC Program, there are certain eligibility requirements that are imposed by the Fiscal Year Notice of Funding Availability under which the project was awarded – and imposed through the recipient’s grant agreement – and these may be waived.

To determine if the eligibility requirement you had in mind can be waived, please contact your local HUD CPD Field Office.

**Q.** Will the cap on uses of Emergency Solutions Grants funds for emergency shelters and street outreach activities be waived?

**A.** No, The cap on the use of Emergency Solutions Grants program grant funds on emergency shelter and street outreach activities is statutory and cannot be waived.

### **Redirecting Funds**

**Q.** Can a CoC Program recipient that has remaining grant funds that would be recaptured at the end of this year’s grant term use those funds to pay for services for disaster evacuees?

**A.** Projects have the flexibility to use remaining grant funds to provide eligible assistance to disaster evacuees, experiencing homelessness (as defined at 24 CFT 578.3) pending an extension approval by the field office.

## **Emergency Solutions Grants (ESG) Program**

**Q.** Are persons who are at-risk of losing their homes due to significant storm-related damage eligible to receive homelessness prevention assistance under the Emergency Solutions Grants (ESG) program?

**A.** Homelessness prevention under the ESG program is an eligible activity for households that meet the definition of at-risk of homelessness, or meet the criteria in paragraph 2, 3 or 4 of the homeless definition at 24 CFR 576.2, and whose annual household income is below 30 percent of the area median income. The activities allowable under homelessness prevention may include housing relocation and stabilization services and short- or medium-term rental assistance. The recipient or sub-recipient should ensure that the household has exhausted all of the other resources available to people in a Federal disaster area, including FEMA or other HUD assistance. Additionally, case managers must assess and document the financial resources, support networks, and other housing options available to the household – as they must do for all applicants. See HUD's ESG Eligibility Determination and Documentation Guidance for more information.

Keep in mind, insurance will often cover temporary housing while a home is being repaired or rehabilitated.

**Q.** What kind of ESG funded housing relocation and stabilization services can be offered to an eligible individual or family under either rapid re-housing or homelessness prevention?

**A.** Financial assistance costs, such as, rental application fees, security deposits, last month's rent, utility deposits, utility payments, moving costs, services costs which includes housing search and placement, housing stability case management, mediation, and legal services.

**Q.** Can we use ESG funds to rehabilitate our emergency shelter that was damaged during a disaster?

**A.** Often, insurance will cover repairs and rehabilitation. If the shelter does not have insurance or enough money to rehabilitate or repair the shelter, ESG assistance may be used to repair and/or rehabilitate the facility. The recipient/sub-recipient is responsible for ensuring that it has exhausted all of the other resources available to repair and/or rehabilitate the facility, including FEMA or other HUD assistance. The recipient/sub-recipient must be able to document that it had applied for benefits available.

**Q.** Can we use ESG funds for transportation costs?

**A.** Transportation costs can be paid for under the emergency shelter or street outreach program components, only if the costs consist of the transportation of a program participants travel to and from medical care, employment, child care, or other eligible essential services facilities. These costs include the following:

- The costs of a program participant's travel on public transportation;
- For service workers using their own vehicles, mileage reimbursement for service workers to visit program participants;

- The costs of purchasing or leasing a vehicle for the recipient or sub-recipient in which staff transports program participants and/or staff serving program participants, and the costs of gas, insurance, taxes, and maintenance of the vehicle; and
- The travel costs of recipient or sub-recipient staff to accompany program participants to use public transportation.

**Q.** Can homelessness prevention under the ESG Program be used to provide transportation vouchers?

**A.** No. Transportation costs are only eligible as established under the street outreach and emergency shelter component of 24 CFR Part 576.

**Q.** Can a city receiving ESG funds assist evacuees by providing housing outside its jurisdiction?

**A.** Yes, if there is no suitable emergency shelter within the city's own boundaries and the city opts to use their ESG funds for evacuees, it can provide emergency shelter outside its jurisdiction, but the outside jurisdiction should certify its approval to do so. A recipient or sub-recipient may provide rapid re-housing or homelessness prevention assistance to a program participant to help them move to another jurisdiction only at the request of the program participant. Also, please consider additional caveats to allowing this activity.

- A program participant who is eligible for or receiving ESG rapid re-housing or homelessness prevention tenant-based rental assistance and housing relocation and stabilization services may choose to move to another jurisdiction outside of the recipient's boundaries, so long as the recipient does not require that all program participants live within a particular area for the period in which the rental assistance is provided (pursuant to 24 CFR § 576.106). ESG funds should be used to move a program participant outside of the recipient's or sub-recipient's jurisdiction only at the request of the program participant.
- HUD requires that all ESG program participants receive housing stability case management, which includes at least an initial meeting with a case manager and developing a plan to assist the program participant to retain permanent housing after the ESG assistance ends (24 CFR 576.401(e)). Part of this would be for your organization to ensure that the family will have a stable housing situation in the location to which the family moves.
- Additionally, the recipient or sub-recipient still needs to provide monthly case management for if the ESG assistance is being provided. If the program participant is moving to another metropolitan city or urban county ESG recipient jurisdiction, we recommend that you work with that recipient to inform them that this program participant will be receiving ESG assistance there, and possibly transfer them over to that ESG recipient or a sub recipient that can conduct the case management.
- The sub-recipient would need to make sure that this assistance is provided in compliance with the applicable written standards (either the recipient's or the sub recipient's) - such as any limits on the maximum amount of assistance that any program participant may receive, or any caps on moving costs.
- If moving costs will be incurred, all costs must be reasonable, necessary, and appropriate. If the sub-recipient can document that the costs of the move were reasonable and "necessary to help the program participant regain stability in the program participant's current permanent housing or move into other permanent housing and achieve stability in that housing," it could be eligible.

Make sure that you document the reason for this move following the record keeping requirements in 24 CFR 576.500 of the ESG Interim Rule.

### **Annual Performance Reports**

- Q.** My housing funded through the CoC Program has significant storm related damage. WE will not be able to serve participants for a least one year. What should we do? What should we report in the APR?
- A.** You would provide all of the data that your agency has about persons served. HUD understands that there are some providers that will have no persons served for up to an entire operating year if the damage sustained is drastic. It is advised that you should indicate in the narrative sections at the end of the APR that your project was impacted by the disaster and provide a status report on when you believe services will resume.

## SECTION 5: QUESTIONS FROM PUBLIC HOUSING AUTHORITIES

### General Questions

**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.

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 the requirements of SEMAP for PHAs affected by the disaster?

**A.** Yes, HUD will issue a notice identifying the conditions pursuant to which PHAs may request a waiver for exemptions from SEMAP.

**Q.** Can A June 30 FYE PHA obtain an extension to submit its SEMAP certification if delayed due to the exigencies related to the disaster?

**A.** Yes, submit an extension request to your local 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.** Will HUD give consideration on the vacancy PHAS performance rating to PHAs who hold their current vacant units for a period of time in anticipation of housing displaced families?

**A.** Yes. HUD will issue a Notice identifying the basis for exempting PHAs affected by the disaster from PHAS scoring and will provide some consideration for non-affected PHAs holding back units for a limited period of time to assist displaced families.

**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.

### **Portability**

**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).

### **Preferences**

**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 agency's 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.

## **Funding**

**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.** Is HUD making funds available to private citizens who want to rehab housing for disaster victims?

**A.** No.

**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.** As a result of the HOTMA amendments to Section 8(o)(8)(A) of the 1937 Act, PHAs may authorize occupancy of a unit prior to the PHA's inspection being completed if the property has, in the previous 24 months, passed an alternative inspection method that qualifies as an alternative inspection method pursuant to § 8(o)(8)(E).

Additionally, PHAs may choose to approve an assisted tenancy, execute the HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of non-life-threatening conditions, as such conditions are defined by HUD. Before implementing § 8(o)(8)(A)(ii), PHAs must amend their HCV administrative plans to include HUD's definition of non-life-threatening conditions and specify how they will apply the flexibility, per FR-5976-N-03.

**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, an emergency, or Non-Presidentially Declared Natural disaster.

There are three 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 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.

## **HQS**

**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.

## **ROSS Funds**

**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.

**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.

