



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing (PIH)**

Special Attention of:

Notice PIH 2007-3

Regional and Field Office Directors of Public Housing, Section 8 Financial Management Center; Public Housing Agencies (PHAs) Administering Public Housing and Housing Choice Voucher Programs; Regional Directors; State and Area Coordinators; Regional Directors for CPD; CPD Field Directors

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Cross References: HUD
Notices PIH 2006-12, 29 and
37

Subject: Reoccupancy Policies for Pre-Disaster HUD Assisted and Special Needs Families Displaced by Hurricanes Katrina and Rita.

1. Purpose and Applicability.

HUD has aggressively worked to provide displaced families housing stability during the period of displacement through the payment of Katrina Disaster Housing Assistance Program (KDHAP) and Disaster Voucher Program (DVP) rental subsidies. As pre-disaster HUD-assisted housing units damaged by Hurricanes Katrina and Rita come back on-line, the Department remains fully committed to providing displaced families the opportunity to reoccupy their pre-disaster HUD-assisted housing. In November 2006, HUD posted draft reoccupancy policies on the HUD website for public comment, and convened several meetings in New Orleans, Gulfport and Houston with representatives of the major stakeholders, including public housing residents, pre-disaster and DVP PHAs, tenant advocacy groups, and owners of Section 8 voucher units. The purpose of these meetings and posting of the draft Notice for a public comment period was to solicit feedback on the best strategy for relocating families back to their homes prior to issuing the "final" HUD reoccupancy policies for families displaced by Hurricanes Katrina and Rita.

Until rescinded or amended, this Notice states HUD's reoccupancy policies for pre-disaster public housing, tenant-based voucher, project-based voucher, Section 8 moderate rehabilitation, Section 8 project-based certificate, and Special Needs Families displaced by Hurricanes Katrina and Rita. In addition to the policies outlined in the Notice, all parties must comply with applicable statutory, regulatory and other program requirements.

This Notice is only applicable to families that received HUD assistance under the programs mentioned in the prior paragraph of this Notice. This Notice is not applicable to families that received HUD assistance under a program administered by the Office of Housing.

2. **Background.**

In late August 2005, Hurricane Katrina hit the Gulf Coast area of the United States causing unprecedented and catastrophic damage to property, significant loss of life, and massive displacement of individuals and families from their homes and communities. In September 2005, Hurricane Rita closely followed Hurricane Katrina and once again hit the Gulf Coast, adding to the property damage and displacement that already had been caused by Hurricane Katrina.

In response to Hurricane Katrina, FEMA through a mission assignment with HUD, funded the KDHAP to provide temporary rent subsidy assistance for certain families displaced by Hurricane Katrina. Notice PIH 2005-36, issued December 1, 2005, provides the operating requirements for the KDHAP.

The Department of Defense Appropriations Act, 2006 (Public Law No. 109-148 approved December 30, 2005), provided direct funding to HUD for the DVP to provide temporary housing assistance for certain families displaced by Hurricanes Katrina and Rita. Shortly after passage of the legislation authorizing the DVP, the FEMA mission assignment ended and KDHAP assistance was converted to DVP assistance for the families assisted under the KDHAP. The DVP legislation also provides that all households receiving DVP housing vouchers “shall be eligible to reoccupy their previous assisted housing, if and when it becomes available”. Families did not forfeit their eligibility for their pre-disaster housing by accepting the DVP assistance.

PIH 2006-12, issued February 3, 2006, provides the operating requirements for the DVP. These operating requirements were subsequently amended by PIH 2006-37, issued September 28, 2006. The DVP provides a temporary monthly rent subsidy during the time in which the family’s former home is repaired or replaced. Unless expressly renewed or extended by Congress, DVP assistance is time-limited. For purposes of administering the DVP, HUD is using September 30, 2007, as the date by which assistance to DVP participants is expected to end.

HUD developed the Disaster Information System (DIS) in support of the KDHAP and DVP. The DIS contains information concerning both KDHAP and DVP participants, and other families receiving HUD housing assistance prior to Hurricanes Katrina and Rita.

3. Definitions.

Definitions of key terms that appear in this Notice are as follows:

Day, for purposes of this Notice, is defined as a calendar day.

Disaster Information System (DIS) is a web-based information system that reflects the universe of families who are currently receiving or are eligible to receive DVP assistance. This system is located on the HUD website and may be accessed by HUD field offices and PHAs.

Disaster Recovery Priority List is a list maintained by the pre-disaster PHA or Special Needs housing provider that identifies the families who will receive a priority in occupying an available project-based assisted housing unit in the pre-disaster area. See also Section 7 of this Notice.

Disaster Voucher Program (DVP) PHA is the PHA that provides (DVP) assistance to the displaced family after Hurricanes Katrina and Rita.

Early Release from the DVP Lease means that the owner of the DVP unit has agreed to the early termination of the DVP tenancy (1) before the initial lease term ends or (2) before the tenancy can otherwise be terminated by the family in accordance with the terms of the lease, including any notice requirements. For purposes of this Notice, Early Release from the DVP Lease refers only to cases where, without the owner's agreement, the earliest possible termination date of the DVP tenancy in accordance with the terms of the lease would be effective after the family's deadline to return to the pre-disaster unit.

Pre-Disaster PHA is the PHA that provided housing assistance to the family prior to Hurricanes Katrina and Rita.

Project-Based Assisted Unit, for purposes of this Notice, is defined as a unit assisted under the public housing, Section 8 project-based certificate, Section 8 project-based voucher, Section 8 moderate rehabilitation, supportive housing, shelter plus care, or Housing Opportunities for Persons with AIDS programs. It does not include project-based assisted units under programs administered by the Office of Housing.

Special Needs Family, for purposes of this Notice, is defined as an individual or family that resided in an emergency shelter, transitional housing or housing assisted through a Special Needs housing program (Supportive Housing Program, Shelter Plus Care, or Housing Opportunities for Persons with AIDS (HOPWA)); or was sleeping on the streets or in other places not meant for human habitation in one of the federally declared disaster areas between August 21 to 28, 2005 (for Hurricane Katrina) or September 16 to 23, 2005 (for Hurricane Rita).

Special Needs Providers are the agencies or organizations providing homeless and/or HOPWA services in a community or Continuum of Care jurisdiction.

4. Reoccupancy Policies: Maintaining Contact with Displaced Families.

a. *Contact when the family applies for the DVP.* Sections 4.f and 4.g of Notice PIH 2006-12 outlines the family application process for the DVP, including the Referral Call Center (RCC) counselor or DVP PHA determination if the pre-disaster unit is now available for occupancy, and whether the family wants to return or receive DVP assistance in another location.

b. *Contact During the DVP Tenancy and When Pre-Disaster Units are Coming Back On-Line.* The pre-disaster PHA or Special Needs housing provider should keep families apprised of the availability of their pre-disaster project-based assisted units. Families need to reoccupy their pre-disaster housing unit within established deadlines or forego their opportunity to return so owners can lease the units to other eligible families.

The reoccupancy policies vary somewhat by program, and are detailed in Appendices to this Notice. When the family's pre-disaster housing assistance was project-based, the displaced families must be notified in writing at least 60 days prior to the expected date the unit will be ready for reoccupancy, and families must be given at least 30 days from the date the unit is actually ready for occupancy to return to their units¹. Once a unit is ready for occupancy, the family may reoccupy their pre-disaster unit at any time, provided they do so before the return deadline established by the PHA or Special Needs housing provider. For families that had pre-disaster tenant-based vouchers, there is considerable flexibility since the family's return to their pre-disaster area with continued voucher assistance is not dependent on the availability of a specific unit, and the family may receive assistance in another jurisdiction under portability.

In order to coordinate the timing of reoccupancy moves with the date that the initial DVP lease term ends (or the DVP lease can otherwise be terminated by mutual rescission or in accordance with the terms of the lease), HUD will prepare monthly DIS reports listing families whose DVP initial lease term will end within 120 days or less. The Office of Public and Indian Housing (PIH) will send these expiring DVP lease reports to both the pre-disaster PHA and

¹ If a unit is ready for occupancy at the time the pre-disaster PHA or Special Needs housing provider receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the pre-disaster PHA or Special Needs housing provider receives this Notice), the pre-disaster PHA or Special Needs housing provider may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the pre-disaster PHA or Special Needs housing provider may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

the DVP PHA. The Office of Community Planning and Development (CPD) will provide relevant information to Special Needs housing providers.

Once the DVP and pre-disaster PHAs receive the DIS report, they should monitor the order in which leases are expiring and coordinate efforts to reoccupy the pre-disaster assisted housing units in order to create as smooth as possible transition for the family's return. The DVP PHA should assist the family in negotiating any necessary early release from the DVP lease, and inform the pre-disaster PHA or Special Needs housing provider of any pending DVP lease terminations. The DVP PHA will inform the pre-disaster PHA or Special Needs housing provider when the DVP lease has been terminated and record the family's end of DVP participation in the DIS.

Effective communication between the DVP PHA and the pre-disaster PHA or Special Needs housing provider is essential. Contact information such as PHA addresses and phone numbers can be accessed on the PIH website at www.hud.gov/pih and from the local HUD field office. The pre-disaster PHA or Special Needs housing provider must provide to the DVP PHA copies of letters to a family concerning the reoccupancy of their pre-disaster unit. It is recommended that the pre-disaster PHA, Special Needs housing provider, and DVP PHA provide each other with a copy of all written communications with the DVP family.

c. Resources for finding displaced families. The pre-disaster PHA or Special Needs housing provider will decide the best way to locate their displaced families. Methods of contact may include letters to any known post-disaster address, postings at public areas, pre-disaster PHA web postings, and radio, newspaper and television public announcements. In the past, sending letters to the family's last known address has proven to be a successful way to contact a family that has filed a change of address with the postal service. Resident organization leaders may also have suggestions about the best way to contact families, and may know where the families relocated.

Pre-disaster PHA and Special Needs housing provider efforts to contact families should be documented. Pre-disaster PHAs and Special Needs housing providers may opt to send families certified letters.

In addition, HUD has family contact and leasing information for families receiving KDHAP and DVP assistance, and may have contact information for some other families that received pre-disaster housing assistance. This contact information is in the DIS, and can be accessed by PHAs. PIH will provide this information to CPD so CPD can forward relevant information to Special Needs housing providers.

d. *Letters to families.* Sample generic letters informing displaced families of the availability of their pre-disaster housing, and requesting a family certification of intent to reoccupy the pre-disaster project-based assisted housing or return to the pre-disaster tenant-based voucher location are Appendices 8 and 9 to this Notice. It is suggested that pre-disaster PHAs enclose a self-addressed postage-paid return envelope with these letters to families.

5. **Supplemental Policies for Families Receiving DVP Assistance.**

Appendices 1, 3, 5 and 7 specify the supplemental reoccupancy policies for families receiving DVP assistance who were displaced from:

- Public Housing Units
- Section 8 Moderate Rehabilitation, Project-Based Certificate, and Project-Based Voucher Units
- Tenant-Based Voucher Units
- Special Needs Housing

These Appendices expand on the policies contained elsewhere in this Notice.

6. **Supplemental Policies for Families Not Receiving DVP Assistance.**

Some families displaced by Hurricanes Katrina and Rita that were eligible to receive DVP assistance never applied and instead made other temporary housing arrangements such as moving in with relatives, living in a FEMA trailer, or being admitted to a public housing unit in another location. For purposes of this Notice, these families have retained their identity as HUD-assisted families.

When a pre-disaster project-based assisted unit is ready for reoccupancy, the pre-disaster family not receiving DVP assistance must be provided the opportunity to reoccupy their pre-disaster unit in accordance with this Notice. The opportunity to return to the pre-disaster project-based assisted unit or to resume tenant-based voucher assistance in the pre-disaster PHA's jurisdiction will be afforded to all families, regardless of whether the family is currently receiving housing assistance in a location outside the pre-disaster PHA's jurisdiction (e.g., a public housing unit in another State).

Appendices 2, 4, and 6 specify the supplemental reoccupancy policies for families not receiving DVP assistance who were displaced from:

- Public Housing Units
- Section 8 Moderate Rehabilitation, Project-Based Certificate, and Project-Based Voucher Units
- Tenant-Based Voucher Units

These Appendices expand on the policies contained elsewhere in this Notice.

7. Reoccupancy Policies for Project-Based Assisted Units; Disaster Reoccupancy Priority List.

When a public housing unit or other project-based assisted unit becomes available for reoccupancy, the pre-disaster PHA or Special Needs housing provider must, to the extent practical, offer this unit to the family who was leasing the unit immediately before the disaster. There are a limited number of situations when the “same unit, same family” reoccupancy policy is impractical. Examples of such situations include: (a) the pre-disaster unit is the wrong size for the pre-disaster family because of changes in family composition, (b) the family has already leased a different project-based assisted housing unit in the pre-disaster PHA’s or Special Needs housing provider’s jurisdiction, (c) the PHA or Special Needs housing provider has already leased the family’s pre-disaster unit to a different family prior to receipt of this Notice, (d) the family cannot return within the specified return deadline without moving in violation of the terms of the DVP lease, and (e) the family now needs an accessible unit. In addition, the “same unit, same family” reoccupancy policy is not applicable to units that were vacant at the time of the hurricanes or when the disaster-displaced family decides to not return to their pre-disaster housing unit.

The names of families who want to return but are not offered their pre-disaster unit because of an “impractical determination” will be automatically placed on the Disaster Reoccupancy Priority List maintained by the pre-disaster PHA or Special Needs housing provider, and the families will be so notified. These families do not forfeit the opportunity to return to their pre-disaster assisted housing without being considered “new admissions”. Instead, they will be offered the opportunity to return at a later date without having to reapply for assistance, and they will not be considered “new admissions”. In addition, when necessary to fill vacant units after higher priority families have received reoccupancy offers, the pre-disaster PHA or Special Needs housing provider will add the names of other families whose pre-disaster units are not currently available for reoccupancy (even if those pre-disaster units are expected to be available at a later date).

When a project-based assisted unit becomes available for occupancy, including units that were vacant immediately prior to the hurricanes, the pre-disaster PHA or Special Needs housing provider must determine to whom the unit will be offered in accordance with this Notice. In cases when the unit will not be offered to the pre-disaster family (or is not accepted by the pre-disaster family),² the pre-disaster PHA or Special Needs housing provider

² This also includes instances when the unit was offered to a pre-disaster family who could terminate the DVP tenancy in accordance with the lease terms and the family did not return by the return deadline.

must offer the unit to another family in accordance with program requirements and the following recommended rank priority order³:

Priority One: Displaced families on the Disaster Reoccupancy Priority List whose pre-disaster units came back “on-line” but it was impractical to offer them the unit (in decreasing order of priority).

- (i) Family whose pre-disaster unit was already filled by another family and the PHA or Special Needs housing provider failed to offer the pre-disaster family the opportunity to return.
- (ii) Family whose family composition has changed and the pre-disaster unit is either too large or too small (as determined by the pre-disaster PHA or Special Needs housing provider), or the family now needs an accessible unit or other reasonable accommodation.
- (iii) Family was offered their pre-disaster unit when it became available but was unable to terminate the DVP tenancy in accordance with the lease terms, and the family’s DVP lease is now expiring or has a month-to-month term.

Priority Two: Displaced families on the Disaster Reoccupancy Priority List whose pre-disaster units are not currently available for reoccupancy (in decreasing order of priority).

- (i) Family who resided in the same development/project immediately before Hurricanes Katrina or Rita and the family’s DVP tenancy can be terminated in accordance with the lease terms.
- (ii) Family who resided in the same development/project immediately before Hurricanes Katrina or Rita and a negotiated end to the DVP lease is necessary since the family’s DVP tenancy cannot be terminated in accordance with the lease terms.
- (iii) In the case of public housing vacancies only, the family resided in any of the PHA’s developments immediately before Hurricanes Katrina or Rita and the family’s DVP tenancy can be terminated in accordance with the lease terms.
- (iv) In the case of public housing vacancies only, the family resided in any of the PHA’s developments immediately before Hurricanes Katrina or Rita and a negotiated end to the DVP lease is necessary since the family’s DVP tenancy cannot be terminated in accordance with the lease terms.
- (v) Other families who were eligible for, but not receiving, DVP assistance (e.g., temporarily living with relatives and families).

Priority Three: Families on the “regular” waiting list.

Families from the regular program/project waiting list using locally established PHA or Special Needs housing provider admission preferences such as working families.

³ If there are more families in a priority category than there are available units, the pre-disaster PHA policy should address the order in which families in the priority category will receive unit offers. For example, the PHA may want to use a lottery system to determine which families will be offered the units, or the PHA may want to establish a secondary preference.

8. Policies if the Pre-Disaster Housing Is Unavailable for Reoccupancy.

If the family's pre-disaster project-based unit will not be made available for reoccupancy, the family will not have the option to return to their pre-disaster unit. The family's options for receiving housing assistance in a unit other than the pre-disaster unit vary by the pre-disaster assistance the family received.

Families are encouraged to contact their pre-disaster PHA or Special Needs Housing Provider to determine whether their pre-disaster project-based housing unit will be available for reoccupancy and, if not, whether the tenant will receive a replacement voucher or some other form of subsidized housing. It is noted that the DVP assistance will continue until September 30, 2007. Although HUD is committed to pursuing other strategies to provide continued housing assistance after September 30, 2007, HUD cannot guarantee that housing assistance will continue indefinitely for families whose pre-disaster project-based housing is not ready for reoccupancy.

In some cases, families displaced from project-based assisted housing were assisted after the hurricanes through non-DVP HUD assisted housing programs (e.g, immediately after Hurricane Katrina the family was issued a "regular voucher" or moved into a public housing unit in another jurisdiction, or the family was issued a "demolition/disposition" voucher because their pre-disaster public housing will be demolished). Such families may elect to have their name remain on the Disaster Reoccupancy Priority List if they want to relinquish their post-disaster voucher or other housing assistance to return to their pre-disaster project-based assisted housing when a unit becomes available.

With respect to the tenant-based voucher program, a voucher family need not return to the family's pre-disaster unit since the voucher subsidy is tenant-based rather than project-based. If the pre-disaster voucher program unit does not meet the housing quality standards (HQS) or is otherwise unavailable, the family may receive voucher rental assistance in a different unit. A voucher family also has portability options.

9. Continued Assistance if the PHA Is Unsuccessful in Contacting the Family, the Family Fails to Return the Certification by the Deadline, or the Family Opts Not to or Fails to Reoccupy Their Pre-Disaster Project-Based Housing by the Return Deadline.

a. *The PHA is unsuccessful in contacting a pre-disaster public housing, project-based voucher, Section 8 moderate rehabilitation, or Section 8 project-based certificate family or the family failed to return the Appendix 8 certification by the PHA deadline.* If a family who the PHA attempted to contact (but was unsuccessful in locating or the family failed to return the

Appendix 8 certification by the PHA deadline) subsequently contacts the pre-disaster PHA within a reasonable time period (as determined by the pre-disaster PHA) after Hurricanes Katrina or Rita, the pre-disaster PHA will add the family's name to the Disaster Reoccupancy Priority List for leasing a vacant unit in the pre-disaster project-based assistance program. The length of time that is considered "reasonable" is a local pre-disaster PHA decision and should be incorporated into the PHA's Section 8 administrative plan and/or public housing Admissions and Continued Occupancy Policy. The returning family is not considered a "new admission" if they contact the pre-disaster PHA and are placed on the Disaster Reoccupancy Priority List within the reasonable time period established by the pre-disaster PHA.

If a family who the PHA attempted to contact (but was unsuccessful in locating or the family failed to return the Appendix 8 certification by the PHA deadline) subsequently contacts the pre-disaster PHA after the reasonable time period (as determined by the pre-disaster PHA), the family's name is not placed on the Disaster Reoccupancy Priority List. Instead, the family will need to reapply for assisted housing in the pre-disaster location or in other locations (when the rental assistance provider is accepting applications). The pre-disaster PHA may opt to adopt a policy to provide an admission preference to such families.

b. *The PHA succeeds in contacting the family but the family opts not to (or fails to) reoccupy their pre-disaster public housing, project-based voucher, Section 8 moderate rehabilitation, or Section 8 project-based certificate housing by the return deadline.* Families that do not reoccupy their pre-disaster project-based assisted housing by the return deadline will need to reapply for assisted housing in the pre-disaster location or in other locations (when the rental assistance provider is accepting applications). The pre-disaster PHA may opt to adopt a policy to provide an admission preference to families that were assisted immediately prior to Hurricanes Katrina or Rita, but did not return to their pre-disaster assisted unit within the specified return deadline.

c. *The PHA is unsuccessful in contacting a pre-disaster tenant-based voucher family or a family not receiving DVP or regular voucher assistance failed to return the Appendix 9 certification by the PHA deadline.* If a family who the PHA attempted to contact (but was unsuccessful in locating or a family not receiving DVP or regular voucher assistance failed to return the Appendix 9 certification by the PHA deadline) subsequently contacts the pre-disaster PHA within a reasonable time period (as determined by the pre-disaster PHA) after Hurricanes Katrina or Rita, the pre-disaster PHA will resume voucher assistance (assuming that there is an available voucher to issue to the family). If voucher assistance is not immediately available, the pre-disaster PHA must give the family priority to receive the next available opportunity for continued tenant-based voucher assistance. The length of time that is considered

“reasonable” is a local pre-disaster PHA decision and should be incorporated into the PHA’s Section 8 administrative plan. The family is not considered a “new admission” if they contact the pre-disaster PHA within the reasonable time period established by the pre-disaster PHA.

If a family who the PHA attempted to contact (but was unsuccessful in locating or a family not receiving DVP or regular voucher assistance failed to return the Appendix 9 certification by the PHA deadline) subsequently contacts the pre-disaster PHA after the reasonable time period (as determined by the pre-disaster PHA), the family will need to reapply for assisted housing in the pre-disaster location or in other locations (when the rental assistance provider is accepting applications). The pre-disaster PHA may opt to adopt a policy to provide an admission preference to such families.

10. List of Appendices to this Notice.

Appendix 1. Reoccupancy Policies for Disaster-Displaced Public Housing Families Receiving DVP Assistance

Appendix 2. Reoccupancy Policies for Disaster-Displaced Public Housing Families Not Receiving DVP Assistance

Appendix 3. Reoccupancy Policies for Disaster-Displaced Section 8 Moderate Rehabilitation (including Single Room Occupancy (SRO)), Project-Based Certificate, and Project-Based Voucher Families Receiving DVP Assistance

Appendix 4. Reoccupancy Policies for Disaster-Displaced Section 8 Moderate Rehabilitation (including (SRO), Project-Based Certificate, and Project-Based Voucher Families Not Receiving DVP Assistance

Appendix 5. Reoccupancy Policies for Disaster-Displaced Tenant-Based Voucher Families Receiving DVP Assistance

Appendix 6. Reoccupancy Policies for Disaster-Displaced Tenant-Based Voucher Families Not Receiving DVP or Regular Voucher Assistance

Appendix 7. Reoccupancy Policies for Special Needs Families Receiving DVP Assistance

Appendix 8. Sample Letter to Displaced Project-Based Assisted Families

Appendix 9. Sample Letter to Displaced Tenant-Based Voucher Families Not Receiving DVP or Regular Voucher Assistance

11. Other Matters.

The information collection requirements imposed by HUD in this document have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2577-0169. In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB number.

12. Additional Information.

Any questions about this Notice that are related to the tenant-based and project-based voucher, moderate rehabilitation, or project-based certificate programs should be addressed to the Housing Voucher Management and Operations Division at (202) 708-0477.

Any questions about this Notice that are related to the public housing program should be addressed to the Public Housing Management and Occupancy Division at (202) 708-0744.

Any questions about this Notice that are related to the Special Needs programs and the homeless should be addressed to the Special Needs Assistance Programs Office at (202) 708-1226. Questions related to persons living with HIV/AIDS should be addressed to the Office of HIV/AIDS Housing at (202) 708-1934 or email HOPWA@hud.gov.

/s/

Orlando J. Cabrera, Assistant Secretary
for Public and Indian Housing

Appendix 1. Reoccupancy Policies for Disaster-Displaced Public Housing Families Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster public housing families currently receiving DVP assistance.

1. Public housing families displaced by Hurricanes Katrina or Rita who are receiving DVP assistance will be offered the opportunity to reoccupy public housing when their pre-disaster unit is repaired and available for reoccupancy. When a public housing unit becomes available for reoccupancy, the pre-disaster PHA must, to the extent practical, offer this unit to the family who was leasing the unit immediately before the disaster. See Section 7 of this Notice for additional information concerning the pre-disaster PHA's determination whether it is practical to offer the family their same pre-disaster unit, or whether the family's name will be placed on the pre-disaster PHA's Disaster Reoccupancy Priority List.
2. Prior to notifying a family that their pre-disaster unit is available for reoccupancy, the pre-disaster PHA must determine that (1) the unit meets the uniform physical condition standards (UPCS), and 2) an adequate community infrastructure (e.g., hospitals, schools and dependable utilities) exists.
3. The pre-disaster PHA must notify the displaced family and the DVP PHA in writing at least 60 days prior to the expected date that the family's pre-disaster public housing unit will be ready for reoccupancy.⁴ A displaced family will be given at least 30 days to submit the certification⁵ of intent to reoccupy their pre-disaster public housing unit.
4. If the family wants to reoccupy their pre-disaster public housing unit, the DVP PHA and the family will determine whether (1) the family can terminate the tenancy in accordance with the DVP lease, or (2) if a early release from the DVP lease is necessary for the family to return to the pre-disaster unit by the return deadline. The DVP PHA will assist the family in negotiating any necessary early release from the DVP lease.

Commencing on the issuance date of this Notice, the DVP PHA is eligible to receive a one-time special administrative fee of \$1500 for each family that the DVP PHA helps negotiate an early release from the DVP lease.

This special one-time fee is only paid if the owner agrees to an early release

⁴ If a unit is ready for occupancy at the time the pre-disaster PHA receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the pre-disaster PHA receives this Notice), the pre-disaster PHA may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the pre-disaster PHA may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

⁵Section 9 of this Notice addresses situations when a family fails to return the Appendix 8 certification by the PHA deadline.

from the DVP lease and the DVP tenancy terminates after the issuance date of this Notice. As part of the negotiation with the DVP owner, the DVP PHA may opt to use some of this fee to reimburse owners for vacancy loss. The DVP PHA will claim the special fee by checking the appropriate box in DIS when completing the end-of-participation record for the family. If the DVP PHA and the family are unsuccessful in negotiating an early release from the DVP lease, the DVP PHA should contact Alfred C. Jurison, Director, Housing Voucher Management and Operations Division in HUD Headquarters at (202) 708-0477 to discuss further actions.

5. Families who are not offered their pre-disaster unit because the DVP tenancy could not be terminated in accordance with the lease terms do not forfeit the opportunity to return to their pre-disaster housing. Instead, the names of such families will be placed on a Disaster Reoccupancy Priority List and they will be offered the opportunity to return at a later date. See Section 7 of this Notice.
6. Unless the family has declined the opportunity to return, the pre-disaster PHA will give the family and the DVP PHA a second written return notice stating that (a) the unit will be ready for occupancy in 30 days, (b) the family will have at least 30 days⁶ to move in after the unit is ready for occupancy, and (c) the family should give the DVP owner the family's notice to vacate the DVP unit in accordance with the lease terms or any negotiated early release. (This second notice is given during the initial 60-day notice period, not at the end of the 60 days. Thus, there is a minimum 90-day period⁷ after the first notice for the family to occupy the public housing unit.) Once the unit is ready for occupancy, the family may move into the unit at any time prior to the return deadline.⁸
7. The pre-disaster PHA may use DIS information, the Family Certification of Intent to Reoccupy Pre-Disaster Project-Based Assisted Housing (Appendix 8), and communications with the DVP PHA and the family to determine the status of the family's DVP lease and whether the family wants to return to their pre-disaster public housing. If the family moves in violation of their DVP lease, the family is ineligible for continued DVP assistance in another unit.
8. The family's opportunity to return is not in perpetuity. If the displaced family receiving DVP assistance opts not to return or fails to return by the

⁶ If unit is not available for occupancy by the specified date, the pre-disaster PHA must so advise the family and extend the return deadline so that the family has at least 30 days to return from the date that the unit is actually ready for occupancy.

⁷ The minimum 90-day period consists of the 60 days from the expected unit ready date plus the 30 days from the actual unit ready date. See footnote 4 for exceptions to this minimum 90-day period.

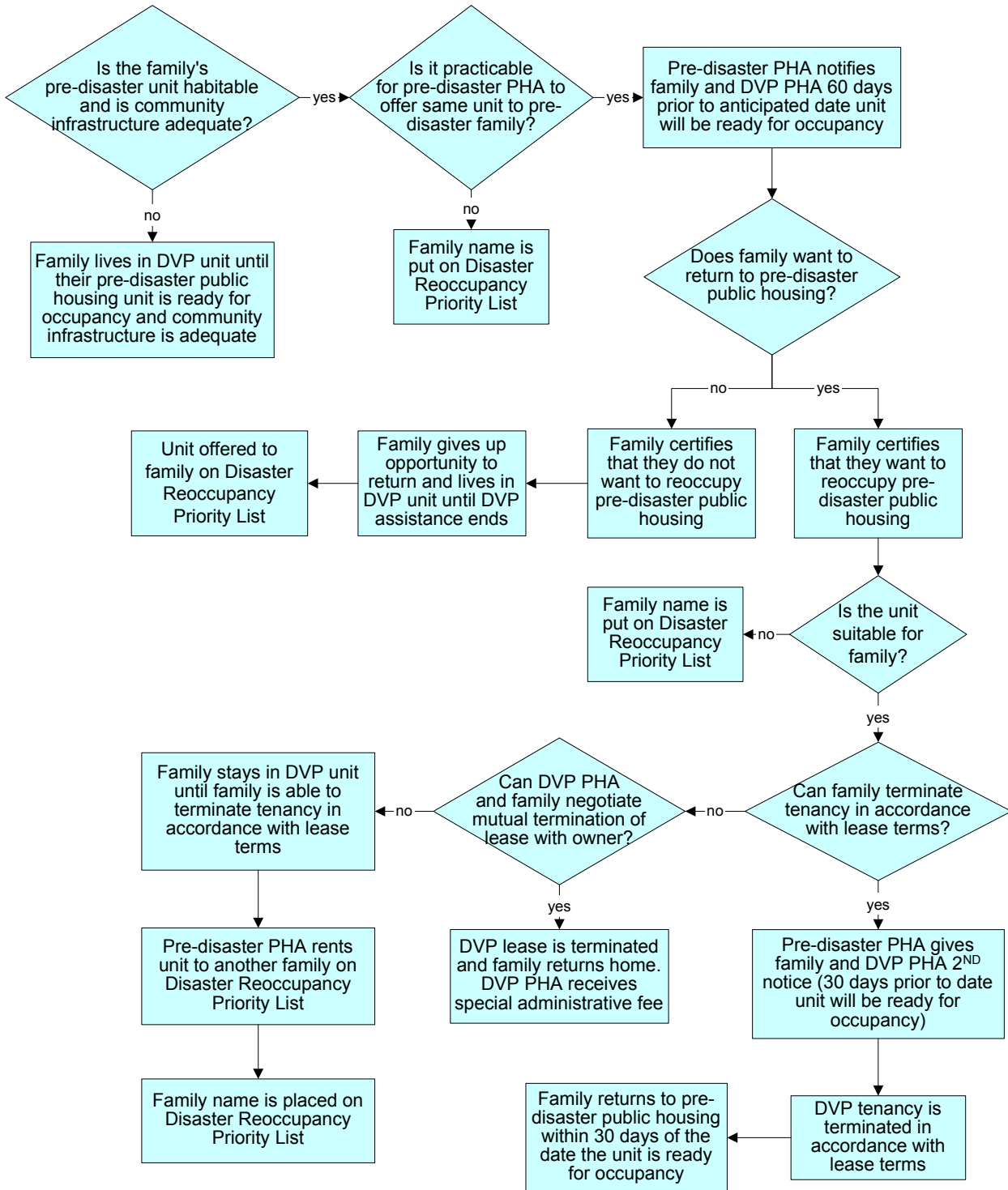
⁸ Notwithstanding these timeframes, the family may opt to move into the unit before expiration of the cumulative 90-day notice period if (a) the unit is available for occupancy, and (b) the family can terminate the DVP tenancy in accordance with the lease.

return deadline, the family's DVP lease and assistance will continue (in accordance with the DVP requirements). However, when the DVP assistance stops, the family's eligibility to receive continued housing assistance (without being considered a "new admission") will end and the family will have to reapply to receive housing assistance. See Section 9 of this Notice.

9. The pre-disaster PHA must abide by State and local law in removing the family's unclaimed personal belongings from the pre-disaster unit.

A flowchart depicting the reoccupancy policies for pre-disaster public housing families receiving DVP assistance follows.

Reoccupancy Policy For Pre-Disaster Public Housing Families Receiving DVP Assistance



Appendix 2. Reoccupancy Policies for Disaster-Displaced Public Housing Families Not Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster public housing families not receiving DVP assistance who have not already returned to a public housing unit in the pre-disaster PHA's jurisdiction.

1. Public housing families displaced by Hurricanes Katrina or Rita who are not receiving DVP assistance will be offered the opportunity to reoccupy their pre-disaster public housing unit after it is repaired and available for reoccupancy. When a public housing unit becomes available for reoccupancy, the pre-disaster PHA must, to the extent practical, offer this unit to the family who was leasing the unit immediately before the disaster. See Section 7 of this Notice for additional information concerning the pre-disaster PHA's determination whether it is practical to offer the family their same pre-disaster unit, or whether the family's name will be placed on the pre-disaster PHA's Disaster Reoccupancy Priority List.
2. Prior to notifying a family that their pre-disaster unit is available for reoccupancy, the pre-disaster PHA must determine that (1) the public housing meets the UPCS, and (2) an adequate community infrastructure (e.g., hospitals, schools and dependable utilities) exists.
3. The pre-disaster PHA must notify the displaced family in writing at least 60 days prior to the expected date that the family's pre-disaster public housing unit will be ready for reoccupancy⁹. A displaced family will be given at least 30 days to submit the certification of intent to reoccupy their pre-disaster public housing unit.
4. Unless the family has declined the opportunity to return, the pre-disaster PHA will give the family a second written return notice stating that (a) the unit will be ready for occupancy in 30 days, and (b) the family will have at least 30 days¹⁰ to move in after the unit is ready for occupancy. (This second notice is given during the initial 60-day notice period, not at the end of the 60 days. Thus, there is a minimum 90-day period¹¹ after the first notice for the family

⁹ If a unit is ready for occupancy at the time the pre-disaster PHA receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the pre-disaster PHA receives this Notice), the pre-disaster PHA may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the pre-disaster PHA may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

¹⁰ If the unit is not available for occupancy by the specified date, the pre-disaster PHA must so advise the family and extend the return deadline so that the family has at least 30 days to return from the date that the unit is actually ready for occupancy.

¹¹ The minimum 90-day period consists of the 60 days from the expected unit ready date plus the 30 days from the actual unit ready date. See footnote 9 for exceptions to this minimum 90-day period.

to occupy the public housing unit.) Once the unit is ready for occupancy, the family may move into the unit at any time prior to the return deadline.¹²

5. The pre-disaster PHA may use PIH Information Center (PIC) information, the Family Certification of Intent to Reoccupy Pre-Disaster Project-Based Assisted Housing (Appendix 8), and communications with the family to determine the family's new address and whether the family wants to return to their pre-disaster public housing.
6. The family's opportunity to return is not in perpetuity. If the family opts not to return or fails to return by the return deadline, the family's eligibility to receive continued housing assistance (without being considered a "new admission") will end and the family will have to reapply to receive housing assistance. See Section 9 of this Notice.
7. The pre-disaster PHA must abide by State and local law in removing the family's unclaimed personal belongings from the pre-disaster unit.

¹² Notwithstanding these timeframes, the family may opt to move into the unit before expiration of the cumulative 90-day notice period if the unit is available for occupancy.

Appendix 3. Reoccupancy Policies for Disaster-Displaced Section 8 Moderate Rehabilitation (including SRO), Project-Based Certificate (PBC), and Project-Based Voucher (PBV) Families Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster moderate rehabilitation, PBC and PBV families currently receiving DVP assistance.

1. Moderate rehabilitation, PBC and PBV families displaced by Hurricanes Katrina or Rita who are receiving DVP assistance will be offered the opportunity to reoccupy their pre-disaster unit when it is repaired and available for reoccupancy. When a unit becomes available for reoccupancy, to the extent practical, the pre-disaster PHA must offer (and the owner must lease), this unit to the family who was leasing the unit immediately before the disaster. See Section 7 of this Notice for additional information concerning the pre-disaster PHA's determination whether it is practical to offer the family their same pre-disaster unit, or whether the family's name will be placed on the pre-disaster PHA's Disaster Reoccupancy Priority List.
2. The owner must keep the pre-disaster PHA informed about the progress of the unit repairs and advise the pre-disaster PHA of the expected date the unit will be ready for reoccupancy. The owner must inform the pre-disaster PHA if the disaster-displaced family contacts the owner directly, and share any information concerning the family.
3. Prior to notifying a family that their pre-disaster unit is available for reoccupancy, the pre-disaster PHA must determine that (1) the unit meets HQS or UPCS, as applicable, and (2) an adequate community infrastructure (e.g., hospitals, schools and dependable utilities) exists.
4. The pre-disaster PHA must notify the displaced family and the DVP PHA in writing at least 60 days prior to the expected date that the family's pre-disaster housing unit will be ready for reoccupancy¹³. A displaced family will be given at least 30 days to submit the certification¹⁴ of intent to reoccupy their pre-disaster project-based assisted unit.

Please note that if the unit was assisted through the PBV program, and the PBV family occupied the PBV unit for 12 months or more before Hurricanes Katrina or Rita, the family may choose between returning to the PBV project and receiving a tenant-based voucher or comparable

¹³ If a unit is ready for occupancy at the time the pre-disaster PHA receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the pre-disaster PHA receives this Notice), the pre-disaster PHA may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the pre-disaster PHA may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

¹⁴ Section 9 of this Notice addresses situations when a family fails to return the Appendix 8 certification by the PHA deadline.

tenant-based assistance from the pre-disaster PHA in accordance with §983.260. If a tenant-based voucher or other comparable assistance is not immediately available, the pre-disaster PHA must give the family priority to receive the next available opportunity for continued tenant-based rental assistance.

5. If the family wants to reoccupy their pre-disaster unit, the DVP PHA and the family will determine whether (1) the family can terminate the tenancy in accordance with the DVP lease, or (2) if an early release from the DVP lease is necessary for the family to return to the pre-disaster unit by the return deadline. The DVP PHA will assist the family in negotiating any necessary early release from the DVP lease.

Commencing on the issuance date of this Notice, the DVP PHA is eligible to receive a one-time special administrative fee of \$1500 for each family that the DVP PHA helps negotiate an early release from the DVP lease. This special one-time fee is only paid if the owner agrees to an early release from the DVP lease and the DVP tenancy terminates after the issuance date of this Notice. As part of the negotiation with the DVP owner, the DVP PHA may opt to use some of this fee to reimburse owners for vacancy loss. The DVP PHA will claim the special fee by checking the appropriate box in DIS when completing the end-of-participation record for the family. If the DVP PHA and the family are unsuccessful in negotiating an early release from the DVP lease, the DVP PHA should contact Alfred C. Jurison, Director, Housing Voucher Management and Operations Division in HUD Headquarters at (202) 708-0477 to discuss further actions.

6. Families who are not offered their pre-disaster unit because the DVP tenancy could not be terminated in accordance with the lease terms do not forfeit the opportunity to return to their pre-disaster housing. Instead, the names of such families will be placed on a Disaster Reoccupancy Priority List and they will be offered the opportunity to return at a later date. See Section 7 of this Notice.
7. Unless the family has declined the opportunity to return, the pre-disaster PHA will give the family and the DVP PHA a second written return notice stating that (a) the unit will be ready for occupancy in 30 days, (b) the family will have at least 30 days¹⁵ to move in after the unit is ready for occupancy, and (c) the family should give the DVP owner the family's notice to vacate the DVP unit in accordance with the lease terms or any

¹⁵ The owner (not the pre-disaster PHA) will decide whether the family's return deadline may be longer than 30 days from the date the unit is actually ready for reoccupancy. If unit is not available for occupancy by the specified date, the pre-disaster PHA must so advise the family and extend the return deadline so that the family has at least 30 days to return from the date that the unit is actually ready for occupancy.

negotiated early release. (This second notice is given during the initial 60-day notice period, not at the end of the 60 days. Thus, there is a minimum 90-day period¹⁶ after the first notice for the family to occupy the assisted housing unit.) Once the unit is ready for occupancy, the family may move into the unit at any time prior to the return deadline.¹⁷

8. The pre-disaster PHA may use DIS information, the Family Certification of Intent to Reoccupy Pre-Disaster Project-Based Assisted Housing (Appendix 8), and communications with the DVP PHA and the family to determine the status of the family's DVP lease and whether the family wants to return to their pre-disaster assisted housing. If the family moves in violation of their DVP lease, the family is ineligible for continued DVP assistance in another unit.
9. The family's opportunity to return is not in perpetuity. If the displaced family receiving DVP assistance opts not to return or fails to return by the return deadline, the family's DVP lease and assistance will continue (in accordance with the DVP requirements). However, when the DVP assistance stops, the family's eligibility to receive continued housing assistance (without being considered a "new admission") will end and the family will have to reapply to receive housing assistance. See Section 9 of this Notice.
10. The owner must abide by State and local law in removing the family's unclaimed personal belongings from the pre-disaster unit.

Note 1: If the moderate rehabilitation, PBC or PBV units were destroyed or the owner did not repair the units within a reasonable time period (as determined by the pre-disaster PHA), the pre-disaster PHA should have reduced the number of units under HAP contract or terminated the entire HAP contract. (Reducing the number of HAP contract units or termination of the entire HAP contract does not release the owner from use restrictions that exist independently as a result of the project's mortgage, regulatory agreement, use agreement, or other binding commitment.)

PBC and PBV units are funded using voucher program funds. Therefore, if the number of units under a PBC or PBV HAP contract is reduced or the entire HAP contract is terminated, the pre-disaster PBC or PBV assisted families will be issued tenant-based vouchers to find alternate assisted units.

¹⁶ The minimum 90-day period consists of the 60 days from the expected unit ready date plus the 30 days from the actual unit ready date. See footnote 13 for exceptions to this minimum 90-day period.

¹⁷ Notwithstanding these timeframes, the family may opt to move into the unit before expiration of the cumulative 90-day notice period if (a) the unit is available for occupancy, and (b) the family can terminate the DVP tenancy in accordance with the lease.

Likewise, if the number of units under a moderate rehabilitation HAP contract is reduced or the entire HAP contract is terminated, the pre-disaster moderate rehabilitation families will be issued vouchers (using the freed-up moderate rehabilitation funding) to find alternate assisted units, in accordance with §882.514(e).

Note 2: If there was damage to one or more moderate rehabilitation, PBC or PBV units and the units were slated for repairs and reoccupancy within a reasonable time period (as determined by the pre-disaster PHA) after Hurricane Katrina and Rita, the pre-disaster PHA should have abated the housing assistance payments, in accordance with the HAP contract and program requirements, during the time the units (a) did not meet HQS (PBV) or UPCS (PBC and moderate rehabilitation), and/or (b) were unoccupied except during any PBV discretionary vacancy period (see §983.352), or moderate rehabilitation mandatory vacancy period (see §882.411). Vacancy payments may be made only in a manner that is consistent with both the HAP contract and program requirements.

Appendix 4. Reoccupancy Policies for Disaster-Displaced Section 8 Moderate Rehabilitation (including SRO), Project-Based Certificate (PBC), and Project-Based Voucher (PBV) Families Not Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster moderate rehabilitation, PBC and PBV families not receiving DVP assistance who have not already returned to a moderate rehabilitation, PBC or PBV unit (as applicable) in the pre-disaster PHA's jurisdiction.

1. Moderate rehabilitation, PBC and PBV families displaced by Hurricanes Katrina or Rita who are not receiving DVP assistance will be offered the opportunity to reoccupy their pre-disaster unit when it is repaired and available for reoccupancy. When a unit becomes available for reoccupancy, to the extent practical, the pre-disaster PHA must offer (and the owner must lease) this unit to the family who was leasing the unit immediately before the disaster. See Section 7 of this Notice for additional information concerning the pre-disaster PHA's determination whether it is practical to offer the family their same pre-disaster unit, or whether the family's name will be placed on the pre-disaster PHA's Disaster Reoccupancy Priority List.
2. The owner must keep the pre-disaster PHA informed about the progress of the unit repairs and advise the pre-disaster PHA of the expected date the unit will be ready for reoccupancy. The owner must inform the pre-disaster PHA if the disaster-displaced family contacts the owner directly, and share any information concerning the family.
3. Prior to notifying a family that their pre-disaster unit is available for reoccupancy, the pre-disaster PHA must determine that (1) the unit meets HQS or UPCS, as applicable, and (2) an adequate community infrastructure (e.g., hospitals, schools and dependable utilities) exists.
4. The pre-disaster PHA must notify the displaced family in writing at least 60 days prior to the expected date that the family's pre-disaster housing unit will be ready for reoccupancy¹⁸. A displaced family will be given at least 30 days to submit the certification of intent to reoccupy their pre-disaster project-based assisted unit.

Please note that if the unit was assisted through the PBV program, and the PBV family occupied the PBV unit for 12 months or more before Hurricanes Katrina or Rita, the family may choose between returning to

¹⁸ If a unit is ready for occupancy at the time the pre-disaster PHA receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the pre-disaster PHA receives this Notice), the pre-disaster PHA may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the pre-disaster PHA may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

the PBV project and receiving a tenant-based voucher or comparable tenant-based assistance from the pre-disaster PHA in accordance with §983.260. If a tenant-based voucher or other comparable assistance is not immediately available, the pre-disaster PHA must give the family priority to receive the next available opportunity for continued tenant-based rental assistance.

5. Unless the family has declined the opportunity to return, the pre-disaster PHA will give the family a second written return notice stating that (a) the unit will be ready for occupancy in 30 days, and (b) the family will have at least 30 days¹⁹ to move in after the unit is ready for occupancy. (This second notice is given during the initial 60-day notice period, not at the end of the 60 days. Thus, there is a minimum 90-day period²⁰ after the first notice for the family to occupy the assisted housing unit.) Once the unit is ready for occupancy, the family may move into the unit at any time prior to the return deadline.²¹
6. The pre-disaster PHA may use PIC information, the Family Certification of Intent to Reoccupy Pre-Disaster Project-Based Assisted Housing (Appendix 8), and communications with the family to determine whether the family wants to return to their pre-disaster assisted housing.
7. The family's opportunity to return is not in perpetuity. If the displaced family opts not to return or fails to return by the return deadline, the family's eligibility to receive continued housing assistance (without being considered a "new admission") will end and the family will have to reapply to receive housing assistance. See Section 9 of this Notice.
8. The owner must abide by State and local law in removing the family's unclaimed personal belongings from the pre-disaster unit.

Note 1: If the moderate rehabilitation, PBC or PBV units were destroyed or the owner did not repair the units within a reasonable time period (as determined by the pre-disaster PHA), the pre-disaster PHA should have reduced the number of units under HAP contract or terminated the entire HAP contract. (Reducing the number of HAP contract units or termination of the entire HAP contract does not release the owner from use restrictions that exist independently as a result of the project's

¹⁹ The owner (not the pre-disaster PHA) will decide whether the family's return deadline may be longer than 30 days from the date the unit is actually ready for reoccupancy. If unit is not available for occupancy by the specified date, the pre-disaster PHA must so advise the family and extend the return deadline so that the family has at least 30 days to return from the date that the unit is actually ready for occupancy.

²⁰ The minimum 90-day period consists of the 60 days from the expected unit ready date plus the 30 days from the actual unit ready date. See footnote 18 for exceptions to this minimum 90-day period.

²¹ Notwithstanding these timeframes, the family may opt to move into the unit before expiration of the cumulative 90-day notice period if the unit is available for occupancy.

mortgage, regulatory agreement, use agreement, or other binding commitment.)

PBC and PBV units are funded using voucher program funds. Therefore, if the number of units under a PBC or PBV HAP contract is reduced or the entire HAP contract is terminated, the pre-disaster PBC or PBV assisted families will be issued tenant-based vouchers to find alternate assisted units.

Likewise, if the number of units under a moderate rehabilitation HAP contract is reduced or the entire HAP contract is terminated, the pre-disaster moderate rehabilitation families will be issued vouchers (using the freed-up moderate rehabilitation funding) to find alternate assisted units, in accordance with §882.514(e).

Note 2: If there was damage to one or more moderate rehabilitation, PBC or PBV units and the units were slated for repairs and reoccupancy within a reasonable time period (as determined by the pre-disaster PHA) after Hurricane Katrina and Rita, the pre-disaster PHA should have abated the housing assistance payments, in accordance with the HAP contract and program requirements, during the time the units (a) did not meet HQS (PBV) or UPCS (PBC and moderate rehabilitation), and/or (b) were unoccupied except during any PBV discretionary vacancy period (see §983.352), or moderate rehabilitation mandatory vacancy period (see §882.411). Vacancy payments may be made only in a manner that is consistent with both the HAP contract and program requirements.

Appendix 5. Reoccupancy Policies for Disaster-Displaced Tenant-Based Voucher Families Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster tenant-based voucher families currently receiving DVP assistance.

1. A pre-disaster tenant-based voucher family displaced by Hurricanes Katrina or Rita that is receiving DVP assistance may not “port” the DVP voucher to their pre-disaster PHA’s jurisdiction. If the family opts to return to their pre-disaster PHA jurisdiction prior to the end of DVP, the family is not eligible for continued DVP assistance in the jurisdiction of their pre-disaster PHA. Instead, the family will issued a regular voucher from the pre-disaster PHA.
2. When the DVP ends, the pre-disaster tenant-based voucher families displaced by Hurricanes Katrina or Rita have three options: return to the jurisdiction of the pre-disaster PHA and receive a regular voucher, remain in the jurisdiction of the DVP PHA when DVP assistance ends and revert to regular voucher assistance through portability, or move to another jurisdiction (outside the pre-disaster and DVP PHA jurisdictions) and receive regular voucher assistance through portability. These options are described below. The DVP PHA must contact the families prior to the end of DVP to determine which option the families choose.
3. *Tenant-based voucher family participating in the DVP wants to return to the jurisdiction of the pre-disaster PHA and receive a regular voucher.* Prior to the end of the DVP (or when contacted by a family interested in returning to the pre-disaster PHA’s jurisdiction), the DVP PHA must advise the family how to contact and request assistance from the pre-disaster PHA. The pre-disaster PHA will advise the family of any community infrastructure (e.g., hospitals, schools and dependable utilities) problems and the overall availability of rental units.

The pre-disaster PHA should use DIS information and communications with the DVP PHA and the family to determine the status of the family’s DVP lease when the family wants to return to the pre-disaster PHA’s jurisdiction.

If the family opts to return to the pre-disaster PHA jurisdiction before the end of the DVP, the family’s return should be delayed until the date that the initial DVP lease term ends or the DVP lease can otherwise be terminated by the family in accordance with the lease, including any notice requirements. The DVP PHA should assist the family in negotiating any necessary early release from the DVP lease. Please note that there is no special administrative fee in connection with negotiating an early release from the DVP for a tenant-based voucher family.

If the family moves in violation of their DVP lease, the family is ineligible for continued DVP assistance in another unit.

When the DVP family returns to the pre-disaster jurisdiction, the pre-disaster PHA will issue the family a regular voucher to locate a unit. Since there are severe rental housing shortages on the Gulf coast as a result of Hurricanes Katrina and Rita, some Gulf coast pre-disaster PHAs will receive a one-time special administrative fee for providing housing search services to returning pre-disaster voucher families. This special administrative fee will be \$250 for the initial tenant-based voucher HAP contract (executed after the issuance date of this Notice) on behalf of a pre-disaster voucher family leasing a unit in the jurisdiction of one of the following PHAs: New Orleans, Lafayette City, Kenner, Jefferson Parish, Bogalusa, Mamou, Vinton, Sulphur, St. Landry Parish, Ponchatoula, Denham Springs, Rapides Parish, Avoyelles Parish Police Jury, Meridian, Biloxi, Mississippi Region V, Mississippi Region VII, Mississippi Region VIII, and Long Beach.

Since the family will be moving to another unit with continued tenant-based voucher assistance, the term of the lease for the new assisted unit may begin during the month the family moves out of the old DVP assisted unit. It is permissible to overlap the voucher housing assistance payments for the month the family moves out of the old DVP unit and moves into the new unit. See §982.311.

The DVP PHA will inform the pre-disaster PHA when to expect the family and record the family's end of DVP participation in the DIS.

4. *Tenant-based voucher family participating in the DVP wants to remain in the jurisdiction of DVP PHA when DVP assistance ends.* Once the DVP PHA is aware of the family's choice, the DVP and pre-disaster PHAs will follow the normal portability requirements outlined at 982.355. When the DVP ends, the DVP PHA may absorb the family into the DVP PHA's regular voucher program, or the family may receive regular voucher assistance through a portability billing arrangement between the pre-disaster PHA and the DVP PHA.

The DVP PHA must inform the pre-disaster PHA whether the DVP PHA will bill the pre-disaster PHA for the assistance on behalf of the portable family, or will absorb the family into its own program. If the family will be assisted through portability billing, the pre-disaster PHA must send the portability information form (Form HUD-52665) to the DVP PHA. The DVP PHA must record the family's end of DVP participation in the DIS.

Please note that the Department is exploring an expedited payment process directly from HUD to the DVP (or other receiving) PHA when the

portability billing is for more than ten families displaced by Hurricanes Katrina or Rita.

5. *Tenant-based voucher family participating in the DVP wants to move to another jurisdiction (outside the pre-disaster and DVP PHAs' jurisdictions) and receive regular voucher assistance.* The DVP PHA informs the pre-disaster PHA that the family is leaving the DVP and is moving under the regular voucher program procedures. The pre-disaster PHA and family must follow the normal portability requirements outlined in §982.355.

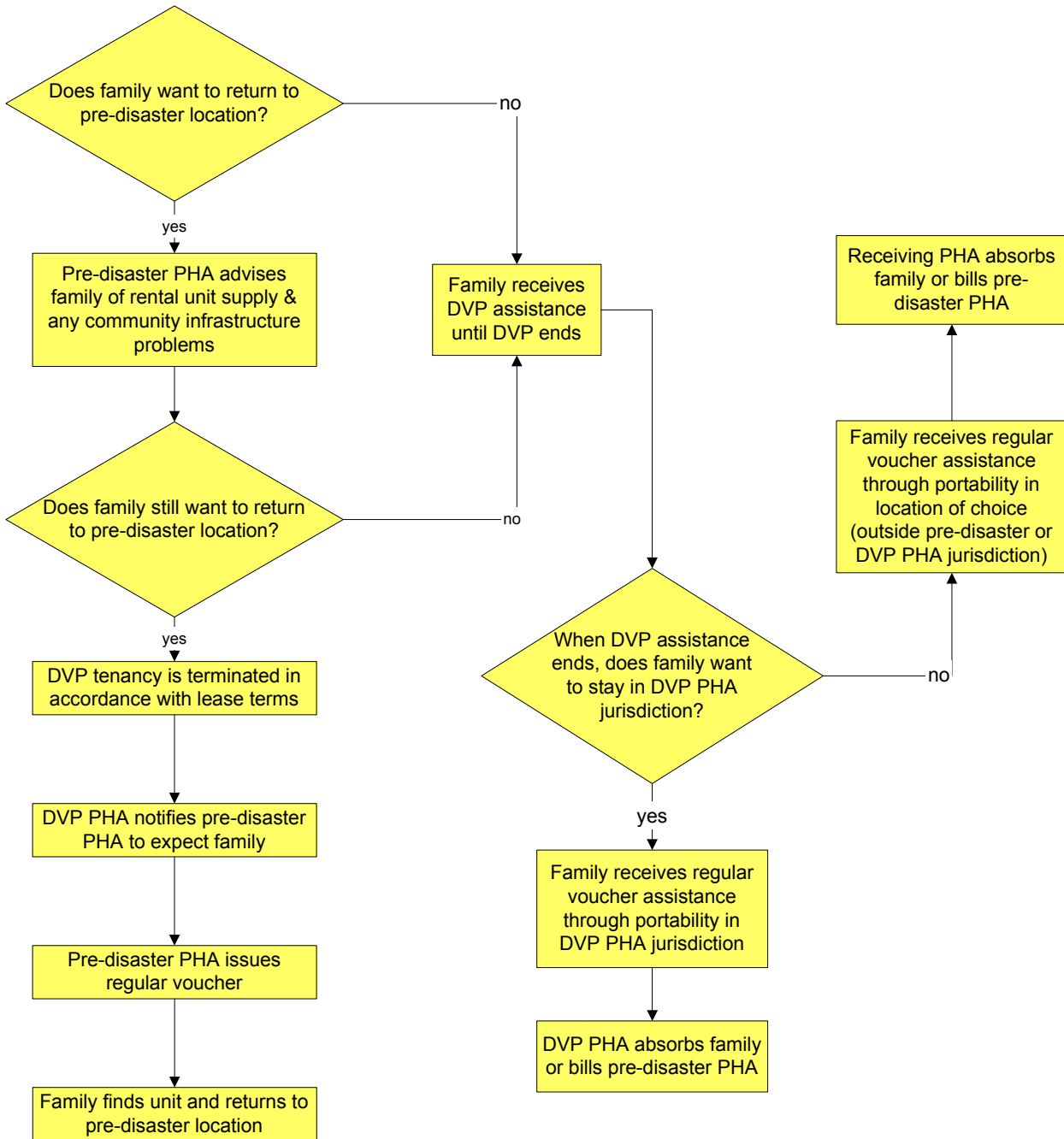
Note 1: The HAP contract for a vacant pre-disaster voucher unit with no damage (or minimal damage that was repaired quickly) from Hurricanes Katrina or Rita should have been terminated many months ago, in accordance with the voucher program requirements, which are summarized below.

- The family may be absent from the unit for brief periods. For longer absences, the PHA administrative plan establishes the PHA policy on how long, up to a maximum period of 180 consecutive calendar days, the family may be absent from the assisted unit. See §982.312.
- Housing assistance payments stop if the family is absent for longer than the maximum period permitted under local policy. The term of the HAP contract and assisted lease also terminate. The owner must reimburse the PHA for any housing assistance payment for the period after the termination. See §982.312.
- If the family moves to another unit with continued tenant-based voucher assistance such as DVP assistance, the term of the lease for the new assisted unit may begin during the month the family moves out of the old assisted unit. It is permissible to overlap the voucher housing assistance payments for the month the family moves out of the old unit and moves into the new unit. See §982.311.
- The family may not receive Section 8 tenant-based voucher assistance while receiving another housing subsidy under a duplicative federal, State or local housing assistance program. See §982.551(n).
- The voucher unit must be the family's only unit. See §982.551(h).

Note 2: The HAP contract for a pre-disaster voucher unit with significant damage from Hurricanes Katrina or Rita should have been terminated shortly after the hurricane, in accordance with the voucher program requirements.

A flowchart depicting the reoccupancy policies for pre-disaster tenant-based voucher families receiving DVP assistance follows.

Reoccupancy Policy for Pre-Disaster Tenant-Based Voucher Families Receiving DVP Assistance



Appendix 6. Reoccupancy Policies for Disaster-Displaced Tenant-Based Voucher Families Not Receiving DVP or Regular Voucher Assistance

The following supplemental reoccupancy policies apply to pre-disaster tenant-based voucher families not receiving DVP or regular voucher assistance and who have not already returned to their pre-disaster PHA's voucher program.

1. Pre-disaster tenant-based voucher families displaced by Hurricanes Katrina or Rita that are not receiving DVP or regular voucher assistance have three options: return to the jurisdiction of the pre-disaster PHA and receive a regular voucher²², move to another jurisdiction (outside the pre-disaster PHA's jurisdiction) and receive regular voucher assistance through portability, or opt to not resume tenant-based assistance.
2. The pre-disaster PHA may use the Family Certification of Intent to Return to Pre-Disaster Tenant-Based Voucher Location (Appendix 9) and communications with the family to determine whether the family wants to return to the pre-disaster PHA's jurisdiction with voucher assistance or resume voucher assistance elsewhere through portability. A displaced family will be given at least 60 days to submit this certification²³.

If the family wants to return to the pre-disaster PHA's jurisdiction, the pre-disaster PHA will advise the family of any community infrastructure (e.g., hospitals, schools and dependable utilities) problems and the overall availability of rental units.

If the family does not submit the return certification by the submission deadline, the pre-disaster PHA will issue the family's voucher to another family, and the family will need to reapply if they want voucher assistance in the future.

3. When the family returns to the pre-disaster jurisdiction, the pre-disaster PHA will issue the family a regular voucher to locate a unit. Since there are severe rental housing shortages on the Gulf coast as a result of Hurricanes Katrina and Rita, some Gulf coast pre-disaster PHAs will

²² Notice PIH 2006-12 provided that DVP funds could also be made available to assist pre-disaster voucher families that returned to the most heavily impacted areas of Louisiana and Mississippi that were subject to the federal disaster declarations in connection with Hurricanes Katrina and Rita. The purpose of making DVP funding available in lieu of regular voucher assistance in such instances was to free-up voucher funding that might then be used by the PHA in combination with public housing funding under the Department of Defense Act, 2006. Since this fungible use of voucher funds was limited to calendar year 2006 only, pre-disaster tenant-based voucher families returning to their pre-disaster PHA jurisdiction in calendar year 2007 are always assisted through the resumption of their voucher assistance under the PHA's regular voucher program, not the DVP. Any reference in Notice PIH 2006-12 to making DVP assistance available to pre-disaster tenant-based voucher families upon their return to the pre-disaster PHA jurisdiction is no longer applicable.

²³ Section 9 of this Notice addresses situations when a family fails to return the Appendix 9 certification by the PHA deadline.

receive a one-time special administrative fee for providing housing search services to returning pre-disaster voucher families. This special administrative fee will be \$250 for the initial tenant-based voucher HAP contract (executed after the issuance date of this Notice) on behalf of a pre-disaster voucher family leasing a unit in the jurisdiction of one of the following PHAs: New Orleans, Lafayette City, Kenner, Jefferson Parish, Bogalusa, Mamou, Vinton, Sulphur, St. Landry Parish, Ponchatoula, Denham Springs, Rapides Parish, Avoyelles Parish Police Jury, Meridian, Biloxi, Mississippi Region V, Mississippi Region VII, Mississippi Region VIII, and Long Beach.

4. If the family wants to use the voucher assistance in another jurisdiction, the pre-disaster PHA and family must follow the normal portability requirements outlined in §982.355.

Note 1: The HAP contract for a vacant pre-disaster voucher unit with no damage (or minimal damage that was repaired quickly) from Hurricanes Katrina or Rita should have been terminated many months ago, in accordance with the voucher program requirements, which are summarized below.

- The family may be absent from the unit for brief periods. For longer absences, the PHA administrative plan establishes the PHA policy on how long, up to a maximum period of 180 consecutive calendar days, the family may be absent from the assisted unit. See §982.312.
- Housing assistance payments stop if the family is absent for longer than the maximum period permitted under local policy. The term of the HAP contract and assisted lease also terminate. The owner must reimburse the PHA for any housing assistance payment for the period after the termination. See §982.312.
- If the family moves to another unit with continued tenant-based voucher assistance, the term of the lease for the new assisted unit may begin during the month the family moves out of the old assisted unit. It is permissible to overlap the voucher housing assistance payments for the month the family moves out of the old unit and moves into the new unit. See §982.311.
- The family may not receive tenant-based voucher assistance while receiving another housing subsidy under a duplicative federal, State or local housing assistance program. See §982.551(n).
- The voucher unit must be the family's only unit. See §982.551(h).

Note 2: The HAP contract for a pre-disaster voucher unit with significant damage from Hurricanes Katrina or Rita should have been terminated shortly after the hurricane, in accordance with the voucher program requirements.

Appendix 7. Reoccupancy Policies for Special Needs Families Receiving DVP Assistance

The following supplemental reoccupancy policies apply to pre-disaster Special Needs families currently receiving DVP assistance.

The reoccupancy policies for pre-disaster Special Needs families vary depending on the family's housing circumstances immediately before Hurricanes Katrina and Rita. A "Special Needs family", for purposes of this supplemental guidance, is defined as a family (including a single member household) that resided in an emergency shelter, transitional housing or housing assisted through a Special Needs housing program (Supportive Housing Program (SHP), Shelter Plus Care (S+C), or Housing Opportunities for Persons with AIDS (HOPWA)); or was sleeping on the streets or in other places not meant for human habitation in one of the federally declared disaster areas between August 21 - 28, 2005 (for Hurricane Katrina) or September 16 - 23, 2005 (for Hurricane Rita).

Special Needs families that (1) slept on the streets or in other places not meant for human habitation, (2) resided in an emergency shelter, or (3) received temporary assistance in transitional housing programs. Reoccupancy policies are inapplicable to these families since they were not residing in units under a lease or another written occupancy arrangement. If a Continuum of Care (CoC) provider is contacted by such families for assistance in returning to the pre-disaster locality, every effort should be made by the CoC provider to apprise the Special Needs family of any supportive services and relocation resources. Alternately, if a CoC provider is contacted by such families for assistance in obtaining services in the family's current location or another location (other than the pre-disaster locality), every effort should be made by the CoC provider to apprise the Special Needs family of any supportive services and relocation resources, including contact information for the CoC provider in the location where the family wishes to live.

If a Special Needs family that was (1) sleeping on the streets or in other places not meant for human habitation, (2) residing in an emergency shelter, or (3) receiving temporary assistance in a transitional housing program is receiving DVP assistance, the Special Needs family may seek assistance from a Special Needs service provider through the local CoC. This homeless or HOPWA service provider may assist the family in locating suitable housing and services when the DVP assistance ends.

Reoccupancy policies for Special Needs families receiving DVP assistance that resided in housing assisted through SHP, S+C, or HOPWA and who had a lease or another written occupancy arrangement.

1. Special Needs families currently receiving DVP assistance who (1) were displaced from housing assisted through SHP, S+C, or HOPWA and (2) had a lease or another written occupancy arrangement will be offered the

opportunity to reoccupy their pre-disaster unit when it is repaired and available for reoccupancy. When a unit becomes available for reoccupancy, the Special Needs housing provider must, to the extent practical, offer this unit to the family who was leasing the unit immediately before the disaster. See Section 7 of this Notice for additional information concerning the Special Needs housing provider's determination whether it is practical to offer the family their same pre-disaster unit, or whether the family's name will be placed on the Special Needs housing provider's Disaster Reoccupancy Priority List.

2. Prior to notifying a family that their pre-disaster unit is available for reoccupancy, the Special Needs housing provider must determine that (1) the unit is in good repair, and (2) an adequate community infrastructure (e.g., hospitals, schools and dependable utilities) exists.
3. The Special Needs housing provider will make a good faith effort to notify the displaced family receiving DVP assistance (and will notify the DVP PHA) in writing at least 60 days prior to the expected date that the family's pre-disaster housing unit will be ready for reoccupancy²⁴. A displaced family will be given at least 30 days to submit the certification of intent to reoccupy their pre-disaster unit.
4. If the family wants to reoccupy their pre-disaster unit, the DVP PHA and the family will determine whether (1) the family can terminate the tenancy in accordance with the DVP lease, or (2) if an early release from the DVP lease is necessary for the family to return to the pre-disaster unit by the return deadline. The DVP PHA will assist the family in negotiating any necessary early release from the DVP lease.

Commencing on the issuance date of this Notice, the DVP PHA is eligible to receive a one-time special administrative fee of \$1500 for each family that the DVP PHA helps negotiate an early release from the DVP lease. This special one-time fee is only paid if the owner agrees to an early release from the DVP lease and the DVP tenancy terminates after the issuance date of this Notice. As part of the negotiation with the DVP owner, the DVP PHA may opt to use some of this fee to reimburse owners for vacancy loss. The DVP PHA will claim the special fee by checking the appropriate box in DIS when completing the end-of-participation record for the family. If the DVP PHA and the family are unsuccessful in negotiating an early release from the DVP lease, the DVP PHA should contact Alfred C. Jurison,

²⁴ If a unit is ready for occupancy at the time the Special Needs housing provider receives this Notice (or if the unit will be ready for occupancy before 60 days from the time the Special Needs housing provider receives this Notice), the Special Needs housing provider may opt to provide the family a shorter time to return to their pre-disaster housing. In such cases, the Special Needs housing provider may send the family one return notice (not two return notices) with a return deadline of at least 45 days.

Director, Housing Voucher Management and Operations Division in HUD Headquarters at (202) 708-0477 to discuss further actions.

5. Families who are not offered their pre-disaster unit because the DVP tenancy could not be terminated in accordance with the lease terms do not forfeit the opportunity to return to their pre-disaster housing. Instead, the names of such families will be placed on a Disaster Reoccupancy Priority List and they will be offered the opportunity to return at a later date. See Section 7 of this Notice.
6. Unless the family has declined the opportunity to return, the Special Needs housing provider will undertake reasonable efforts, where practical, to contact the family (and will contact the DVP PHA) with notification that (a) the unit will be ready for occupancy in 30 days, (b) the family will have at least 30 days²⁵ to move in after the unit is ready for occupancy, and (c) the family should give the DVP owner the family's notice to vacate the DVP unit in accordance with the lease terms or any negotiated early release. (This second notice is given during the initial 60-day notice period, not at the end of the 60 days. Thus, there is a minimum 90-day period²⁶ after the first notice for the family to occupy the assisted housing unit.) Once the unit is ready for occupancy, the family may move into the unit at any time prior to the return deadline.²⁷
7. The Special Needs housing provider may use DIS information, the Family Certification of Intent to Reoccupy Pre-Disaster Project-Based Assisted Housing (Appendix 8), and communications with the DVP PHA and the family to determine the status of the family's DVP lease and whether the family wants to return to their pre-disaster assisted housing. If the family moves in violation of their DVP lease, the family is ineligible for continued DVP assistance in another unit.
8. The family's opportunity to return is not in perpetuity. If the displaced family receiving DVP assistance opts not to return or fails to return by the return deadline, the family's DVP lease and assistance will continue (in accordance with the DVP requirements).
9. The Special Needs housing provider may take action to dispose of any personal property in accordance with State and local law.

²⁵ If unit is not available for occupancy by the specified date, the pre-disaster PHA must so advise the family and extend the return deadline so that the family has at least 30 days to return from the date that the unit is actually ready for occupancy.

²⁶ The minimum 90-day period consists of the 60 days from the expected unit ready date plus the 30 days from the actual unit ready date. See footnote 24 for exceptions to this minimum 90-day period.

²⁷ Notwithstanding these timeframes, the family may opt to move into the unit before expiration of the cumulative 90-day notice period if (a) the unit is available for occupancy, and (b) the family can terminate the DVP tenancy in accordance with the lease.

10. The Special Needs housing provider may opt to adopt a policy to provide an admission preference to families that were assisted prior to Hurricanes Katrina or Rita, who did not return to their pre-disaster project within the specified return deadline.

Note: The assistance provided to displaced Special Needs families shall not be used in a duplicative manner with housing assistance received under other programs such as the DVP. Failure to provide accurate information in receiving such assistance is a violation of program requirements and subject to sanctions such as repayment of the assistance.

Appendix 8. Sample Letter to Displaced Project-Based Assisted Families

This letter is to inform you that a unit in _____ (insert name and address of pre-disaster assisted housing project) is expected to be available for occupancy on _____ (insert date at least 60 days from the date of the letter). If you wish to return to this assisted unit, you must return in ___ days (insert 30 or a larger number) from the date the unit is actually ready for occupancy. The date the unit is actually ready for occupancy will be provided in a second notice.

Please be advised that if you do not occupy the unit by the **deadline that will be provided in a second notice**, the _____ (insert name of pre-disaster owner, PHA, or Special Needs housing provider) will lease the unit to another family and may take action to dispose of any personal property in accordance with State and local laws and HUD requirements. (Add if applicable: Please note that the pre-disaster PHA or Special Needs housing provider may be able to provide your family an admission preference for an available vacant unit if you decide to return at a later date. There is no guarantee, however, that you will be offered a vacant unit if you do not occupy the unit by the deadline that will be provided in a second notice.)

Please complete the following information and return this letter to the _____ (insert name of pre-disaster PHA or Special Needs housing provider) **within 30 days from the date of this letter**. If you have questions concerning this letter, please contact _____ at _____.

FAMILY CERTIFICATION OF INTENT TO REOCCUPY PRE-DISASTER PROJECT-BASED ASSISTED HOUSING

I want to occupy this unit. Please notify me of the actual date the unit will be ready for occupancy.

Please check below if any of the following circumstances apply to your family.

My family is larger or smaller than before Hurricanes Katrina or Rita

Other such as wheel chair accessibility (please explain): ____

Print Name of Head of Household

Signature of Head of Household

Date

Current Address

Phone Number

I do NOT want to occupy this unit. **I UNDERSTAND THAT CHECKING THIS BLOCK MEANS THE UNIT WILL BE LEASED TO ANOTHER FAMILY AND THAT I MUST REAPPLY FOR HOUSING ASSISTANCE AT THE END OF ANY DISASTER VOUCHER ASSISTANCE. (THE DISASTER VOUCHER PROGRAM IS EXPECTED TO END ON 9/30/07).**

Print Name of Head of Household

Signature of Head of Household

Date

Current Address

Phone Number

Add only for families that occupied their pre-disaster project-based voucher unit for 12 months or more before Hurricanes Katrina or Rita

Instead of returning to the project-based voucher project that I lived in prior to Hurricanes Katrina or Rita, I want to receive a tenant-based voucher or comparable tenant-based assistance.

Print Name of Head of Household

Signature of Head of Household

Date

Current Address

Phone Number

Appendix 9. Sample Letter to Displaced Tenant-Based Voucher Families Not Receiving DVP or Regular Voucher Assistance

This letter is to inquire about your plans to return to the jurisdiction of the PHA that provided you voucher assistance immediately before Hurricanes Katrina or Rita. In order to help you make this decision, please be advised that:

_____ (describe (1) any problems with the community infrastructure such as hospital closings, school closings, or dependable utilities and (2) the general availability of rental units in the PHA's jurisdiction).

Please complete the following information and return this letter to the _____ (insert name of pre-disaster PHA) within 60 days from the date of this letter. **FAILURE TO COMPLETE AND RETURN THIS LETTER WITHIN 60 DAYS MEANS THAT YOUR PRE-DISASTER VOUCHER WILL BE GIVEN TO ANOTHER FAMILY AND THAT YOU MUST REAPPLY FOR HOUSING ASSISTANCE IF YOU WANT ANOTHER VOUCHER IN THE FUTURE.**

If you have questions concerning this letter, please contact _____ at _____.

FAMILY CERTIFICATION OF INTENT TO RETURN TO PRE-DISASTER TENANT-BASED VOUCHER LOCATION

I want to return to the jurisdiction of my pre-disaster PHA and receive regular voucher assistance.

 Print Name of Head of Household

 Signature of Head of Household Date

 Current Address Phone Number

I do NOT want to return to the jurisdiction of my pre-disaster PHA at this time. Instead, I want to receive regular voucher assistance in the following City and State:_____.

 Print Name of Head of Household

 Signature of Head of Household Date

 Current Address Phone Number

I do NOT want to return to the jurisdiction of my pre-disaster PHA to receive voucher assistance, and I do NOT want to receive regular voucher assistance in

another City and State. **I understand that checking this block means that my pre-disaster voucher will be given to another family and that I must reapply for housing assistance if I want another voucher in the future.**

Print Name of Head of Household

Signature of Head of Household

Date

Current Address

Phone Number