



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Dear Executive Director:

Thank you for agreeing to administer tenant protection vouchers (TPVs) on behalf of families displaced from HUD's Office of Multifamily Housing (MFH) properties due to Hurricanes Katrina or Rita, and the owner subsequently either prepaid the preservation eligible mortgage or the Section 8 project-based assistance contract was terminated or not renewed.

HUD's Office of Multifamily Housing has been and continues to contact affected families to offer them TPVs. Families that accept the vouchers must indicate where they wish to use the voucher. Your agency may receive subsequent invitations to assist additional families that may be eligible to receive a TPV. In that instance, you will have to submit a separate form HUD-52515 for all subsequent families assigned to your agency.

Attached is guidance on the administration of these TPVs since it varies in certain areas from the normally applicable guidance outlined in HUD Notice PIH 2001-41 for a Housing Conversion Action. Also attached is your initial list of families that have chosen to use their vouchers in your jurisdiction. The spreadsheet also provides contact information for the family, the name of the project under which the family qualifies for the tenant protection voucher, and the applicable income limit (based on the type of the Housing Conversion Action). In addition, the spreadsheet also identifies if the family is receiving or benefiting from another type of assistance (e.g. public housing, DVP, or Disaster Housing Assistance Program (DHAP)). The family must relinquish the other form of assistance at the time the family is admitted to the Housing Choice Voucher (HCV) program. Please begin contacting these families immediately to begin their transition into the HCV program.

If you have any questions regarding these instructions, please contact [Insert Field Analyst] at [Insert Phone Number].

Sincerely,

[Name]
[Title]
[Organization]

Attachments (2)

Tenant Protection Voucher Process

Since many of the families that qualify for voucher assistance by virtue of the owner prepayment or the project-based contract termination no longer live in the PHA jurisdiction where the impacted project is located, HUD contacted the family to determine where the family first wishes to receive voucher assistance. Unlike a typical Housing Conversion Action, HUD is inviting PHAs to administer voucher assistance on the basis of where the families indicated they wished to first receive voucher assistance, rather than on the location of the impacted property.

Tenant Eligibility and Income Eligibility Determination

Please begin contacting the families on the attached spreadsheet immediately. Families must be determined income eligible under the applicable income limits for the area in which the family will receive the TPV.

For families affected by a prepayment, the family must be: 1) a low-income family; 2) a moderate-income elderly or disabled family; or 3) a moderate-income family in a low-vacancy area (the area under consideration is the area where the family has indicated they wish to receive the voucher, i.e., the PHA's jurisdiction). The PHA uses the family's present income to determine income-eligibility. If the family is over-income, the PHA must ask the family if they have experienced an increase in income since the time of the eligibility event (i.e., prepayment, opt-out, Section 8 project-based contract terminated). If the answer is yes and the family is able to document their income at the time of the eligibility event, the PHA will re-determine the family's income eligibility based on the income at the time of the eligibility event.

If the family is currently receiving another form of assistance (e.g. public housing, DVP) and an income reexamination has occurred within the past six months, the PHA may determine the family's income eligibility using this information as long as the family certifies that its income has not changed since the reexamination was completed. In all other cases, the PHA must complete an examination of family income to determine if the family will be eligible to receive a TPV.

The PHA must explain to the families that the voucher assistance is only made available to families that the PHA determines meet the eligibility requirements for the HCV program. If a family is not eligible for a TPV, and is currently receiving another form of assistance, the family may remain on the other type of assistance. Note that if a PHA determines that a family is not income eligible for a TPV, the PHA must give the family an opportunity for an informal review in accordance with 24 CFR 982.554 and the PHA's Administrative Plan. Additionally, the PHA must immediately notify the local HUD Field Office that a family is not eligible for the TPV. The local HUD Field Office will subsequently notify the Housing Voucher Financial Management Division to recall funding for the number of ineligible families identified by the PHA. The PHA may not use the TPVs for families who were not displaced by Hurricanes Katrina or Rita and who do not qualify for voucher assistance by virtue of an eligibility event as described above.

Voucher Issuance and Lease-up

The PHA may begin issuing vouchers as soon as a family has been determined eligible for HCV assistance. HUD encourages PHAs to issue the vouchers as quickly as possible, particularly for families receiving DVP or DHAP assistance. Upon issuance of the TPV, the family must lease-up in accordance with the HCV program regulations and the PHA's Administrative Plan.

For eligible families currently receiving another form of HUD assistance administered by your PHA, your agency must enter an end of participation (EOP) date in the appropriate system (DIS or PIC) at the time the family is admitted to the HCV program. When entering an EOP in the DIS, please enter into the comments section the reason for the EOP: "Obtained Permanent Housing." For families receiving other HUD assistance from another PHA, your agency must contact that PHA in a timely manner to notify the PHA that the family is being admitted to the HCV program and the effective date. This is necessary so the other PHA can terminate the current assistance and record the EOP in DIS and/or PIC.

DVP Families Remaining In-Place

If a family receiving DVP assistance from your agency wants to use the TPV to continue to reside in the same unit and the owner agrees, the transition to HCV assistance from DVP is completed in the following manner:

- In cases where the PHA executed "Part D of the Housing Assistance Payments (HAP) Contract: Disaster Voucher Program Addendum," the owner must be notified that Part D of the HAP contract will automatically expire when the family is admitted to the HCV program. The HAP contract [HUD-52641] and the lease may remain in effect, as long as the lease term has not expired, or the landlord is willing to renew the lease. With regard to Housing Quality Standards (HQS) inspections, so long as the HAP contract and lease remain in effect for the unit, the PHA may, but is not required to, conduct an additional HQS inspection of the unit prior to the annual inspection. However, an HQS inspection is required at the time a new HAP contract and lease become effective. Units must be in full HQS compliance as found in the HCV program regulations at 24 CFR 982.401.
- However, if an "Amendment to Katrina Disaster Rent Subsidy Contract" and an "Amendment to KDHAP Lease Addendum" are in effect for the family in question, the PHA and owner must execute a new HAP contract, and the owner and tenant must execute a new lease, which includes the HUD-required Tenancy Addendum, to transition the family to the HCV program. An HQS inspection of the unit is also required. Units must be in full HQS compliance as found in the HCV program regulations at 24 CFR 982.401.