



U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Special Attention of:
Regional and Field Office Directors of Public
Housing; Section 8 Financial Management
Center; Public Housing Agencies Administering
Housing Choice Voucher Programs; Regional
Directors; State and Area Coordinators

Notice PIH 2006-12

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HUD Notice PIH 2005-36

Subject: Disaster Voucher Program (DVP) Operating Requirements -- Rental Assistance for HUD-Assisted Families and Special Needs Families Displaced by Hurricanes Katrina and Rita

1. Purpose.

This Notice provides instructions for the continuation of temporary rental assistance for HUD-assisted families and special needs/homeless families displaced as a result of Hurricane Katrina through implementation of the Disaster Voucher Program (DVP). The DVP also provides temporary rental assistance for certain HUD-assisted and special needs/homeless families displaced as a result of Hurricane Rita.

The implementation of the DVP is necessary to comply with the statutory conditions of the funding recently appropriated to HUD to assist this population of displaced families, many of whom were initially assisted through the Katrina Disaster Housing Assistance Program (KDHAP). HUD has waived all requirements related to income eligibility and tenant contribution for families participating under the DVP for the statutory maximum term of 18 months. Such action will smooth the transition to the DVP for KDHAP families through the retention of key programmatic features of the KDHAP, and will expedite the provision of DVP housing assistance to those eligible families not currently assisted under the KDHAP.

In addition to families presently displaced from their homes, DVP funds are also being made available to assist pre-disaster voucher families that have returned to the most heavily impacted areas of Louisiana and Mississippi that were subject to the federal disaster declarations in connection with Hurricane Katrina (Louisiana or Mississippi) or Hurricane Rita (Louisiana). The Department of Defense Appropriations Act, 2006, (Public Law No. 109-148), provides that HUD may authorize PHAs in those heavily impacted areas to combine voucher funding under section 8(o) with public housing funding under sections 9(d) and 9(e) of the United States Housing Act of 1937 for calendar year 2006. HUD intends to exercise this authority to provide those PHAs with the flexibility to use such funding promptly and efficiently in addressing the needs of their families and communities. A displaced family who has returned to the same or a

replacement voucher unit in the jurisdiction of a pre-disaster PHA that administers both public housing and a voucher program in these heavily impacted areas may be assisted under the DVP, under the DVP operating requirements, after the DVP contractual documents are executed. Use of the DVP in lieu of the PHA's current voucher program funding is to the advantage of the PHA, as it will free-up voucher funding that may then be used in accordance with forthcoming HUD guidance on the combined use of voucher and public housing funding.

This Notice supersedes HUD Notice PIH 2005-36 for families participating in the DVP. However, the requirements of HUD Notice PIH 2005-36 remain in effect for a limited number of families as discussed later in this notice (see section 4.a).

2. Background.

Beginning in October 2005, rental assistance was made available to HUD-assisted and special needs/homeless families displaced by Hurricane Katrina through the KDHAP. The Federal Emergency Management Agency (FEMA) provided funding for the KDHAP through a Mission Assignment with HUD. Under the KDHAP, HUD provided rent subsidy assistance, security deposit assistance, utility deposit assistance, and housing search assistance. The KDHAP was administered through PHAs currently administering the housing choice voucher program.

The Department of Defense Appropriations Act, 2006, (Public Law No. 109-148 approved on December 30, 2005), hereafter referred to in this Notice as "the Supplemental", appropriated \$390 million to HUD for temporary rental voucher assistance for certain families displaced by Hurricanes Katrina and Rita (i.e., the Disaster Voucher Program, or DVP). As a result, the FEMA Mission Assignment with HUD under which the KDHAP is funded ends January 31, 2006. However, PHAs received funding appropriated under the Supplemental to cover the February 2006 rental payments to continue assisting eligible KDHAP participants.

Unlike KDHAP funding, the DVP funding under the Supplemental is specifically authorized under section 8(o) of the United States Housing Act of 1937. However, the Supplemental expressly provides that HUD may waive the requirements for income eligibility and tenant contribution for up to 18 months. The Supplemental further provides that the family receiving assistance under the DVP shall be eligible to reoccupy their previous assisted housing, if and when it becomes available.

HUD consulted with the PHAs currently assisting the greatest number of KDHAP families to determine how best to administer the DVP rental assistance provided under the Supplemental. The consensus of the PHAs was to retain the KDHAP as the delivery model of choice to the greatest extent possible. The PHAs believed that such an approach would simplify the transition for KDHAP families and participating owners, reduce the administrative burden of the transition for PHAs, and expedite the delivery of housing assistance to DVP eligible families not yet receiving KDHAP assistance.

As noted above, HUD has exercised the statutory waiver authority provided under the Supplemental and waived all requirements related to income eligibility and tenant contribution for families participating under the DVP. These waivers apply for the statutory maximum term of 18 months or the end of the DVP, whichever comes first. This means that the PHA does not have the burden of examining and verifying family income for the first 18 months that the family receives assistance. Moreover, HUD has retained the KDHAP information system (hereafter referred to as the Disaster Information System) to convey family eligibility status to the PHA and for the PHA to report leasing and end of participation information back to HUD. In addition, HUD has eliminated Form HUD-50058 reporting in the PIC system for DVP families and established alternative portability procedures to eliminate PHA billing. These steps are taken in order to reduce PHA administration burden and expedite housing assistance for families.

Furthermore, in recognition of the additional efforts employed by PHAs to help displaced families locate suitable housing in an expeditious manner, the administrative fee provisions of the DVP are similar to those paid under the KDHAP. The administrative fee remains 10 percent of the actual monthly housing assistance payment. Finally, HUD will continue to provide a one-time placement fee if the PHA is successful in helping the family to lease a unit under the DVP. This one-time placement fee has been increased from \$1,000 under the KDHAP to \$1,500 for the DVP.

This Notice covers the process necessary to transition KDHAP participating families into the DVP. Families currently participating in the KDHAP who are eligible for the DVP will have their KDHAP assistance converted to the DVP. The DVP also will assist eligible HUD-assisted and special needs/pre-disaster homeless families displaced by either Hurricanes Katrina or Rita who are not presently assisted by the KDHAP.

PHAs that agree to administer the DVP must do so in accordance with the operating requirements in this Notice, all regulatory requirements at 24 CFR part 982 not waived by HUD in connection with the implementation of the DVP, and any subsequent HUD directives and guidance for the program.

Unless expressly renewed or extended by Congress, DVP assistance is time limited. Funding must be obligated by HUD by September 30, 2007, and 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.

3. General Overview.

The DVP replaces the KDHAP and provides a temporary monthly rent subsidy to assist certain families displaced by Hurricanes Katrina or Rita to obtain decent, safe, and sanitary housing in the privately owned rental market. In order to participate, a PHA must already be administering a housing choice voucher program. Family eligibility is dependent on several criteria. The family must have been displaced by Hurricane Katrina or Rita and must have either been previously assisted under certain HUD-assisted

housing programs or must qualify as a pre-disaster special needs/homeless family. Family income is not a consideration for eligibility.

Under the DVP, the PHA assumes responsibility to not only provide a monthly rent subsidy on behalf of the family, but also to actively assist the family in locating an eligible unit. Pre-disaster homeless families and those families that received assistance through a Special Needs Housing program will receive DVP assistance in combination with extensive case management services. PHAs may contract with Continuum of Care providers to cover these additional responsibilities or may administer the case management responsibilities themselves. Separate guidance on PHA options with regard to these additional responsibilities and administrative fees will be provided in the near future. This guidance will also include a list of participating Continuum of Care providers and a model contract for use with those entities, should a participating PHA wish to partner with a Continuum of Care provider in fulfilling these additional responsibilities.

The PHA will receive a one-time placement fee for successfully placing the family in addition to a monthly administrative fee. Under the DVP housing assistance payments contract, the PHA pays a monthly rent subsidy directly to the owner on behalf of the family. The PHA must record the family unit information in the Disaster Information System once the DVP housing assistance payments contract is executed with the owner.

The maximum monthly housing assistance payment is based on the PHA payment standard. Unlike the regular voucher program, family income is not considered by the PHA in calculating the monthly rent subsidy for up to 18 months. As noted above, the DVP is temporary assistance and may not continue beyond the time funds obligated by HUD by September 30, 2007, are expended, unless DVP funding is expressly renewed or extended by law. Subsequent guidance on the reoccupancy of the family's former housing at the end of the DVP will be provided in the future.

4. Operating Requirements.

The operating requirements are presented in the following order:

- a. KDHAP Transition to the DVP
- b. Family Eligibility for the DVP
- c. HUD Database of Eligible DVP Families
- d. Participating PHAs
- e. Referral Call Center (RCC) Assistance For Families
- f. RCC Family Intake Process Up to Arrival at the DVP PHA
- g. PHA Determination of Family Eligibility
- h. Family Briefing and Housing Search Issues
- i. DVP Monthly Housing Assistance Payment
- j. Rent Reasonableness
- k. Housing Quality Standards Inspections
- l. Eligible Housing and Prohibition Against Other Housing Subsidy

- m. Family Obligations and PHA Termination of Assistance
- n. Subsequent Moves After DVP Lease-Up
- o. Expiration of DVP Assistance and Transitional Issues
- p. Disaster-Impacted PHA Responsibilities for Voucher Families Temporarily Assisted under the DVP
- q. Use of DVP Funding and Record Keeping
- r. Administrative Fees
- s. Disbursement of Funds
- t. Program Close-Out
- u. Summary of PHA Processing Steps
- Appendix 1. DVP and KDHAP: Key Differences
- Appendix 2. DVP Requirements for PHA Admission Eligibility Screening (Non-Citizens, Crime and Alcohol Abuse) for Section 202, Section 811, Special Needs, and Pre-disaster Homeless Individuals and Families

a. KDHAP Transition to the DVP

The DVP replaces the KDHAP for most families currently assisted under KDHAP rent subsidy contracts (see the discussion below in this section regarding KDHAP families that are not eligible for assistance under the DVP). Provided the owner, PHA and family agree to the transition, the family's KDHAP assistance will be converted to DVP assistance by amending the existing KDHAP rent subsidy contract and lease using the HUD-prescribed documents. The actions necessary to complete this conversion are as follows:

- The PHA will explain the DVP program to the family, recalculate the monthly housing assistance payment under DVP rules (see section 4.i below), advise the family of any family share of the rent or any utility reimbursement, and require the family to execute the HUD-provided amendment to the KDHAP lease addendum with the owner. No later than March 1, 2006, a family who chooses to participate in the DVP must sign a copy of the DVP family obligations provided by the PHA, which must be consistent with 24 CFR part 982.551.
- The PHA will explain the DVP program and any changes in the portion of the rent to owner paid by the PHA and the family, and require the owner to execute a HUD-provided amendment to the KDHAP rent subsidy contract and a HUD-provided amendment to the KDHAP lease addendum with the family no later than March 1, 2006 in order to conform to the DVP rules. The lease will not be terminated and the original lease term will in most cases remain applicable to the DVP tenancy. Likewise, the rent currently charged by the owner is not affected by the amendment to the KDHAP rent subsidy contract and the amendment to the KDHAP lease addendum.
- In some instances the amendment to the KDHAP rent subsidy contract and the amendment to the KDHAP lease addendum may extend the initial lease term under KDHAP to a 12-month initial lease term (e.g., from 6

months to 12 months). This is required when the initial lease term under KDHAP is less than 12 months. However, the PHA may approve a shorter lease term (negating the need to extend the initial lease term under KDHAP) if the PHA determines that the initial term of the lease is the prevailing market practice and would improve housing opportunities for the tenant.

- After the amendment to the KDHAP lease addendum is executed by the family and the owner, and the addendum to the KDHAP rent subsidy contract is executed by the PHA and the owner, the PHA must record the family's end of KDHAP participation and enter the DVP leasing information in the Disaster Information System.
- In cases where (1) the owner, the family, and the PHA have agreed to continue the assisted tenancy by converting the existing KDHAP lease and contract to the DVP and (2) the amount of the housing assistance payment under the DVP differs from the KDHAP monthly rent subsidy:
 - If the DVP housing assistance payment is greater than the KDHAP monthly rent subsidy, the increase in the housing assistance payment and any corresponding reduction in the family share of the gross rent must be applied retroactively to February 2006. If the family pays a portion of the rent to owner under the DVP, the PHA may choose to make the retroactive adjustment for February as part of a future housing assistance payment or payments with advance notice to the owner or tenant. Otherwise, the PHA shall provide the adjustment for February directly to the family.
 - If the DVP housing assistance payment is less than the KDHAP monthly rent subsidy, the increase in the family share is not applied retroactively. The increase in the family share and the decrease in the subsidy amount must be made effective March 1, 2006.
- If the family refuses to sign the amendment to the KDHAP lease addendum, the KDHAP rent subsidy contract terminates and assistance ends.
- If the owner refuses to sign either the amendment to the KDHAP rent subsidy contract or the amendment to the KDHAP lease addendum, the KDHAP assistance will be terminated and the family will have to move to another unit to receive DVP assistance. The owner must refund any security deposit balance to the PHA, and the PHA must arrange for a refund of any utility deposits from the utility companies.

DVP funding is provided under the PHA's consolidated annual contributions contract for the voucher program; the PHA and HUD will not execute a new funding contract. If the KDHAP family will receive DVP assistance in the same unit, a new HQS inspection and rent reasonableness determination is not needed. However, the first annual HQS inspection will be required no later than 12 months from the beginning of the KDHAP lease.

DVP Transition – Impact on Partial Portability Payments under KDHAP

Some pre-disaster voucher families moved from the disaster area to the KDHAP administering PHA's jurisdiction under portability and remained under regular voucher rules even after the implementation of KDHAP. In those instances, HUD provided KDHAP funding directly to the receiving PHA to assist the KDHAP eligible family rather than have the receiving PHA bill the initial PHA under normal portability procedures. However, in a few cases where the monthly housing assistance payment for those families exceeded 100 percent of the FMR (the maximum KDHAP rent subsidy), the receiving PHA was required to bill the initial PHA for the remaining balance during the family's KDHAP participation. These instances of partial portability billing will cease when the family converts to DVP assistance. Under the DVP, the entire monthly housing assistance payment will be covered directly by HUD. The DVP PHA must notify the disaster-impacted PHA once the family is participating in the DVP.

The receiving PHA must reimburse the disaster-impacted PHA for any portability billing payments they received from the initial PHA on behalf of these KDHAP families that overlap with the DVP payment from HUD. (At such time the DVP funding ends, the receiving PHA may resume billing the disaster-impacted PHA for the full amount of the HAP payment and 80 percent of the initial PHA administrative fee under the portability billing procedures of the housing choice voucher program.)

Transition to DVP – Special KDHAP Cases

PHAs that absorbed KDHAP eligible voucher families under the portability procedures or admitted KDHAP eligible families to their regular voucher program and subsequently received KDHAP assistance for assisting these families will now receive DVP assistance for these families. As under the KDHAP, the PHA must monitor leasing rates, turnover vouchers and costs in their housing choice voucher program to ensure voucher assistance will be available at such time the DVP funding from HUD for these families ends while complying with any requirements prohibiting or restricting the over-leasing of units.

KDHAP Families Not Eligible for DVP Assistance

The Supplemental did not extend DVP eligibility to several categories of HUD-assisted dwelling units that were previously eligible for the KDHAP. These units are: (1) non-Section 8 units in Section 236 housing, (2) non-Section 8 units in non-insured Section 236(b) housing, (3) non-Section 8 units in Section 221(d)(3) BMIR housing, and (4) units in FHA-insured and non-insured projects with RAP assistance or Rent Supplement assistance. **The Mission Assignment between FEMA and HUD has been extended to February 28, 2006 for these families only. KDHAP families that are not eligible for the DVP will have their assistance continue under the KDHAP contract with FEMA funding provided under the Katrina Disaster Contributions Contract (KDCC) for the month of February.** The PHA does not

execute the addendum to the KDHAP rent subsidy contract with the owner or have the owner and family execute a DVP lease addendum. HUD will issue guidance that addresses assisting this population of families subsequent to February 28, 2006.

b. Family Eligibility for the DVP

In order to be determined eligible for the DVP, all of the following criteria must be met:

- (1) The individual or family must have evacuated from a Hurricane Katrina federally-declared disaster area within Louisiana, Mississippi or Alabama or a Hurricane Rita federally-declared disaster area within Louisiana or Texas;
- (2) Except in cases where a pre-disaster voucher participant will receive DVP assistance from its pre-disaster PHA in the most heavily impacted areas of Louisiana and Mississippi, the individual's or family's residence must have been destroyed or is uninhabitable or lacks essential services, as determined by HUD or a HUD-designated entity; and
- (3) The individual or family, immediately prior to their evacuation, must have either:
 - (a) Resided in a HUD-assisted dwelling unit as defined below;
 - (b) Resided in an emergency shelter, transitional housing or housing assisted through a Special Needs Housing program (Supportive Housing Program (SHP-PH), Shelter Plus Care (S+C), or Housing Opportunities for Persons with AIDS (HOPWA)); or
 - (c) Been homeless (i.e., sleeping on the streets or in other places not meant for human habitation) immediately prior to Hurricanes Katrina or Rita.

A HUD-assisted dwelling unit is defined as a unit receiving a rental subsidy under one of the following HUD-assisted rental programs: rental public housing; units receiving tenant-based or project-based Section 8 assistance (including vouchers and SRO moderate rehabilitation projects but excluding homeownership voucher units); Section 202 housing; and Section 811 housing.

As noted in section 4.a, the law does not extend DVP eligibility to several categories of HUD-assisted dwelling units that were previously covered under the KDHAP. These units are: (1) non-Section 8 units in Section 236 housing, (2) non-Section 8 units in non-insured Section 236(b) housing, (3) non-Section 8 units in Section 221(d)(3) BMIR housing, and (4) units in FHA-insured and non-insured projects with RAP assistance or Rent Supplement assistance. HUD will issue guidance that addresses assisting this population of families subsequent to February 28, 2006.

The homeless population eligible for DVP assistance is individuals or families who were already homeless before Hurricanes Katrina or Rita, not individual or families who lost their homes as a result of the disasters.

HUD will verify if a family resided in a HUD-assisted unit immediately prior to the disaster. Families that received assistance through a Special Needs Housing program or families that were homeless immediately prior to Hurricanes Katrina or Rita will have their eligibility verified through an alternative method. Either a Continuum of Care provider, another entity under contract with the PHA, or the PHA itself, will verify the family's eligibility status. HUD will provide the PHA with additional administrative fees for this function. Further guidance will be issued in the near future.

There are restrictions on DVP admission based on non-citizenship status and drug-related and other criminal activity. See section 4.g of this notice and Appendix 2.

c. HUD Database of Eligible DVP Families

HUD will verify if families resided in HUD-assisted units prior to the disasters. These families are entered into the Disaster Information System (formerly the KDHAP information system) database.

The Disaster Information System is a web-based system that provides initial intake information, as well as the reporting mechanism for participating PHAs to provide subsidy information to HUD once the family is leasing a unit with DVP assistance.

PHAs and counselors in the HUD-established Referral Call Centers (RCCs) will use the Disaster Information System to determine family eligibility for DVP assistance. Participating PHAs will use the Disaster Information System to provide information to HUD concerning the DVP families.

d. Participating PHAs

In order to administer the DVP, a PHA must be currently administering a housing choice voucher program and must be willing to administer DVP assistance.

The PHA administers the DVP under its regular voucher Consolidated Annual Contributions Contract (CACC) with HUD. The PHA becomes a DVP participating PHA after the PHA receives its initial funding exhibit for DVP funding. HUD will automatically transmit this funding exhibit to a PHA if it is administering KDHAP assistance. If the PHA is not administering the KDHAP, HUD will transmit the initial funding exhibit when that PHA first enters DVP data in the Disaster Information System.

e. Referral Call Center (RCC) Assistance for Families

HUD has established Referral Call Centers (RCCs). The RCCs may be accessed by a toll-free telephone number (1-866-373-9509).

RCC counselors will use resources, including the Disaster Information System, to match eligible families with participating PHAs with available units.

f. RCC Family Intake Process Up to Arrival at the DVP PHA

The family must make a decision concerning where they wish to receive DVP assistance. Some families may wish to stay in the location where they are now, others may wish to move to another area (for example, an area where they may have relatives to provide a supportive environment). When the family arrives at the new location, the PHA will provide housing search assistance for the family, taking into consideration the special needs of persons with disabilities.

The family telephones the RCC counselor using the toll-free phone number. The RCC counselor will verify family eligibility for DVP assistance using the web-based Disaster Information System, obtain family composition information, ask the family where they want to move, and counsel the family on available housing options. The RCC counselor will determine whether or not there is a PHA administering the voucher program with jurisdiction in the location where the family wants to move. If the answer is yes, the RCC counselor will contact the receiving PHA to find out (a) whether the PHA is willing to participate in the DVP (if the PHA has not already been identified as a participating PHA), and (b) whether there are available units in that location of the suitable size for the family. If there is not a DVP PHA or there are no available units of the appropriate size in that location, the RCC counselor will advise the family to consider other options.

If there are available units where the family wants to move and a DVP PHA, the RCC counselor will advise the PHA that an eligible DVP family has requested to relocate to the PHA's jurisdiction. The RCC counselor notifies the DVP PHA of the family's actual travel plans, if known.

RCC counselors must advise the families that the family may be further screened by the PHA before they may be admitted to the DVP (see section 4.g of this notice).

For families receiving project-based assistance (e.g., public housing, project-based section 8, etc.) prior to the disaster, the RCC counselor will advise the family if their pre-disaster project is now available for occupancy, as determined by HUD in accordance with applicable statutory requirements and HUD requirements. This information will be made available to the RCC counselor through the Disaster Information System. If the pre-disaster project is now available for occupancy, the following options apply:

1. Family Wants to Return to the Available Project-Based Pre-Disaster Assisted Housing. The family returns to its pre-disaster project. The family is not placed under the DVP.
2. Family Does Not Want to Return to the Available Project-Based Pre-Disaster Assisted Housing. The RCC counselor will advise the family that if the family declines the opportunity to return to their pre-disaster assisted housing,

the PHA or owner will lease the unit to another family. Further, the RCC counselor will advise the family that they may only receive DVP assistance until such time as the DVP ends and must re-apply for permanent housing assistance. The RCC counselor will inform the family that they must complete a certification at the PHA acknowledging the family is declining their opportunity to return to their pre-disaster housing. The family may not receive DVP assistance until this certification is completed.

If the project is not ready for reoccupancy or such determination has yet to be made, the family will be assisted under the DVP.

With respect to pre-disaster tenant-based voucher participants, the RCC counselor will inquire where the family wishes to go:

1. The Tenant-Based Voucher Participant Wants to Return to the Pre-Disaster location. The RCC counselor will contact the pre-disaster PHA to advise the PHA of the family's impending return. If the family is returning to the most heavily impacted areas of Louisiana and Mississippi, the family may choose to be assisted under the DVP if the pre-disaster PHA agrees to administer the DVP assistance.
2. Tenant-Based Voucher Participant Does Not Want to Return to the Pre-Disaster Location. The family may receive DVP assistance in another location.

Additional information on the Department's reoccupancy policies will be issued as separate guidance.

g. PHA Determination of Family Eligibility

When the family arrives at the PHA, the PHA checks the Disaster Information System to see if the family has been determined eligible by HUD and to obtain the status of the family's pre-disaster unit. If the pre-disaster unit is available and the family has declined the opportunity to return, the family must sign the certification to that effect. The PHA does not examine family income at this time as the family income eligibility requirements do not apply to the DVP and family income is not used to calculate the family's initial housing assistance payment.

If the family has not contacted the RCC, the PHA assumes the role of the RCC as specified in section 4.f to inquire if the family wishes to return to the pre-disaster project if the Disaster Information System indicates the family's pre-disaster project is now available.

In the case of special needs/homeless families, the PHA must also verify the family's pre-disaster status (or contract with a HUD-recommended Continuum of Care provider or other entity) in accordance with HUD guidance that will be provided

separately on the verification and case management responsibilities and administrative options for special needs/homeless families.

The PHA must further determine eligibility for admission with respect to non-citizen status, crime, and drug and alcohol abuse in accordance with 24 CFR parts 5 and 982.553 for families not previously assisted under the United States Housing Act of 1937. Appendix 2 summarizes the additional PHA screening responsibilities required for individuals and families that immediately before Hurricanes Katrina or Rita:

- (1) resided in an emergency shelter, transitional housing or housing assisted through a Special Needs Housing program ((SHP-PH), (S+C), or (HOPWA));
- (2) were homeless (i.e., sleeping on the streets or in other places not meant for human habitation) immediately prior to Hurricanes Katrina or Rita; or
- (3) resided in a non-Section 8 unit in a Section 202 or Section 811 project.

The PHA need not apply the non-citizen, crime, and drug and alcohol abuse admissions criteria to any family previously assisted under the 1937 Act (i.e., all tenant-based and project-based Section 8 families and public housing families), which are the vast majority of families eligible for the DVP. These families were already subject to such restrictions as a condition of participation in the 1937 Act programs.

If a PHA denies admission to the DVP as result of these restrictions, the PHA must give the family prompt notice and the opportunity for an informal review, as required under 24 CFR part 982.554.

h. Family Briefing and Housing Search Issues

Some families may contact the PHA directly, without a referral from a RCC counselor. Other families will receive RCC counseling and the PHA will have advance notice of the family's arrival.

There are a number of actions a PHA may take to expedite the leasing of DVP units.

1. Actions PHA May Take Before DVP Families Arrive. The PHA may begin to survey available housing units (including units that are accessible to persons with disabilities), and provide outreach to owners to explain how the DVP works, and develop a pool of interested owners and potentially available units. The PHA should access FEMA information on owners interested in helping disaster families. There are two FEMA websites to list vacant units: www.dhronline.org for individual properties, and www.swern.gov for large-scale properties such as manufactured housing parks.

If the PHA has been notified by the RCC of the family's impending arrival, the PHA will know the family composition and will be able to determine the family's unit size based on the PHA's subsidy standards. The PHA can then conduct owner outreach and identify vacant units (including accessible units) of the appropriate bedroom size.

2. PHA Actions After the DVP Family Arrives at the PHA. When the family arrives at the new location, the PHA will provide housing search assistance to the family to expedite execution of the DVP housing assistance payments contract.
 - a. Eligibility Confirmation. The PHA will access the Disaster Information System website to determine or confirm eligibility for the DVP when the family arrives at the PHA. The PHA may need to determine eligibility for admission to the DVP in accordance with section 4.g and Appendix 2 of this notice, or in accordance with the separate guidance provided for special needs/homeless families.
 - b. Family Briefing. The PHA must explain to the family how the DVP works. (See 24 CFR part 982.301.)
 - c. Voucher Issuance and Family Unit Search. The PHA issues the family a voucher. The PHA is responsible for providing intensive housing search assistance to the family. Once the unit to be leased is located, the PHA may help facilitate execution of the lease. In providing housing search assistance to a household that includes a person with disabilities, the PHA will take the special needs of the household into consideration.
 - d. Local Resources for Security Deposits and Other Pre-Leasing Family Expenses. At the discretion of the PHA, the PHA may coordinate local resources or use the DVP initial placement fee and/or the ongoing administrative fee to pay all or a portion of any security deposits required by the owner, and other pre-leasing expenses of the family. Unlike KDHAP, there is no separate funding provided for security deposit assistance or utility deposits for the family.

A DVP family is not subject to the eligibility, income targeting, and waiting list requirements of 24 CFR 982 subpart E.

The PHA immediately records the family unit information in the Disaster Information System once the DVP housing assistance payments contract is executed with the owner.

i. DVP Monthly Housing Assistance Payment

The owner must execute the DVP housing assistance payments contract with the PHA. The owner is responsible for performing all of the owner's obligations under the HAP contract and lease (see 24 CFR part 982.452).

The monthly housing assistance payment is calculated differently under the DVP for the first 18 months of assistance than it is under the regular voucher program. The regulations at 24 CFR part 982.505 do not apply to the calculation of the DVP housing assistance payment for the first 18 months that the family receives assistance

under the DVP. The regulations at 24 CFR part 982.516 concerning regular and interim family income examinations also do not apply for the first 18 months that the family receives assistance under the DVP.

The monthly DVP housing assistance payment equals the lesser of:

1. the monthly gross rent; or
2. the PHA payment standard amount established for the PHA's regular voucher program in accordance with 24 CFR 982.503.

The monthly gross rent is the sum of the rent to owner plus any applicable PHA utility allowance for tenant-provided utilities. The rent to owner is the total monthly rent payable to the owner under the lease for the unit. Rent to owner covers payment for any housing services, maintenance, and utilities that the owner is required to provide and pay for under the lease (see 24 CFR part 982.4 for definitions of terms).

The applicable PHA payment standard used to calculate the monthly housing assistance payment is the lesser of:

1. the bedroom size for which the family qualifies under the PHA subsidy standards for the housing choice voucher program (family unit size); or
2. the bedroom size of the actual unit leased.

The PHA may not establish a separate payment standard amount for families assisted under the DVP.

The family unit size is determined using the subsidy standards established by the PHA for the regular housing choice voucher program.

If the amount on the PHA payment standard schedule decreases during the term of the DVP housing assistance payment contract, the lower payment standard amount is not applied to the family during the term of the DVP housing assistance payment contract.

If the amount on the PHA payment standard schedule increases during the term of the DVP housing assistance payment contract, the higher payment standard amount shall be used to calculate the monthly housing assistance payment beginning on the first 12-month anniversary date of the HAP contract on or after the effective date of the increase in the payment standard amount.

As discussed above, HUD has waived all statutory and regulatory requirements related to the tenant contribution for the statutory maximum of 18 months. During the first 18 months of DVP assistance, there is no family contribution to the monthly gross rent if the family rents a unit where the gross rent is less than the applicable payment standard.

The family may rent a unit where the gross rent exceeds the applicable payment standard. However, in such a case the family is responsible for any portion of the rent to owner and tenant-paid utilities that is not covered by the monthly housing assistance payment. The requirement at 24 CFR 982.508 that the family share at the initial occupancy may not exceed 40 percent of the family's adjusted monthly income does not apply for the first 18 months that the family receives DVP assistance.

If the rent to owner is less than the PHA payment standard, and the lease requires the family to furnish one or more utilities, the PHA will provide a utility reimbursement to the family. The utility reimbursement to the family is the housing assistance payment (i.e., for the first 18 months of assistance, the lesser of the payment standard or the gross rent of the unit) minus the rent to owner. The PHA may opt to pay the utility reimbursement either to the family or directly to the utility supplier on behalf of the family.

The family pays its share of the rent to owner directly to the owner. The family pays the utility supplier directly.

If the family leases a unit in an insured or non-insured Section 236 project, a Section 202 or 811 project, a Section 221(d)(3) below market interest rate (BMIR) project, or a Section 515 project of the Rural Development Administration, the rent to owner is the lower of the basic rent, contract rent, or market rent as determined in accordance with the requirements of the applicable program.

Keep in mind the family contribution under the DVP is not income driven for the first 18 months that the family receives DVP assistance. Familiar rent concepts from the housing choice voucher program such as total tenant payment and PHA minimum rents do not apply to the DVP during the first 18 months of assistance. The PHA does not examine family income under the DVP unless the family receives DVP assistance for more than 18 months.

If the family has received DVP assistance for 18 months prior to September 30, 2007 (or any HUD extension of that date), the family's assistance will be recalculated in accordance with regular voucher program rules effective on the first of the 19th month that the family receives DVP assistance, until such time that the DVP ends or the family leaves the program. The PHA's examination of family income and the family's payment of the family share of rent must be effective on the 1st of the family's 19th month of assistance in order to calculate the family's DVP subsidy in accordance with the regular voucher program rules. (Note that 24 CFR part 982.508, Maximum Family Share at Initial Occupancy, will not be applicable as long as the family is not initially occupying the unit.)

Proration of Assistance for Families with Some Members Without Citizenship or Eligible Immigration Status

For a mixed family (a family whose members include those with citizenship or

eligible immigration status, and those without citizenship or eligible immigration status), an additional step is required to calculate the housing assistance payment. The PHA first determines the amount of housing assistance payment in accordance with this section (i.e., the lesser of the payment standard or the gross rent of the unit) and then multiplies it by a fraction for which the numerator is the number of family members who have established eligible immigration status and the denominator is the total number of family members. The product is the housing assistance payment for the mixed family. Proration of the housing assistance payment does not affect the rent to owner. The family must pay the portion of the rent to owner not covered by the prorated housing assistance payment.

j. Rent Reasonableness

The PHA must determine that the rent is reasonable before approving the unit for leasing and at other times that the unit is under the DVP housing assistance payments contract in accordance with 24 CFR part 982.507.

k. Housing Quality Standards Inspections

The PHA must inspect the unit leased to a family prior to the initial term of the lease, at least annually during assisted occupancy, and at other times as needed, to determine that the units meets the HQS.

The HQS for the DVP are the same HQS used by the PHA for the regular housing choice voucher program at 24 CFR part 982.401 with the following exception. Section 982.401(d) provides, among other things, the requirement for adequate space for the family. With respect to space, this section provides that each dwelling unit must have at least one bedroom or living/sleeping room for each two persons. The PHA may, with consent of the family, exempt units from this requirement on a case-by-case basis. The PHA may take the limited duration of the DVP assistance into consideration in making such a determination. The PHA must record any such exemption for the unit and must maintain a record of the exemption. DVP requirements do not create any right of the family, or any party other than HUD or the PHA, to require enforcement requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS.

l. Eligible Housing and Prohibition Against Other Housing Subsidy

The requirements at 24 CFR 982.352 regarding eligible housing apply to the DVP. However, with respect to the prohibition against other housing subsidy, a family may receive the benefit of the DVP assistance in a unit under a contract for project-based assistance under section 8 of the 1937 Act, provided the owner is willing to forego receiving the project-based section 8 rental assistance for the unit for the duration of the DVP housing assistance payments contract. The rent charged by the owner in

such instances must be set at the rents that were in effect immediately prior to the Presidential declaration of the disaster (see HUD Notice H 04-22).

m. Family Obligations and PHA Termination of Assistance

A family receiving assistance under the DVP must comply with the family obligations under 24 CFR 982.551. The PHA termination of assistance must be in accordance with 24 CFR part 982.552, 982.553, and the informal hearing requirements of 24 CFR part 982.555.

During the term of the DVP housing assistance payments contract, the PHA must periodically contact the family and owner to verify the family is still living in the unit.

If the family's participation in the program is terminated, the PHA must record the end of participation in the Disaster Information System.

n. Subsequent Moves After DVP Lease-Up

The family may move to a new unit within the DVP PHA's jurisdiction with continued DVP assistance in accordance with the requirements of 24 CFR part 982.314 and 982.353. In addition, the initial lease term for the new unit (at least one year unless a shorter lease term is the prevailing market practice and the PHA determines such shorter lease term would improve housing opportunities for the family) must end no later than September 30, 2007 (unless extended by HUD).

Section 982.355 on the portability process does not apply to the DVP. In order to process a move with continued DVP assistance outside of the DVP PHA jurisdiction, the initial DVP PHA must contact the receiving PHA to notify them to expect the family. Before approving the requested move, the DVP PHA must verify with the receiving PHA that the initial lease term will be met if the family wishes to move with less than one year remaining prior to the DVP expiration date. If the family is eligible to move to that area, the initial DVP PHA completes the portability move-out information in the Disaster Information System and approves the family's move.

The receiving PHA will access the family information through the Disaster Information System. Normal portability procedures such as the use of the Portability Information Form (Form HUD-52665), and the billing and absorption options do not apply to moves under the DVP. Instead, HUD will provide DVP funding directly to the receiving PHA on the basis of the portability information entered into the Disaster Information System.

Any subsequent move with continued DVP assistance, either within or outside of the initial DVP PHA's jurisdiction, must be reported in the Disaster Information System.

PHAs do not qualify for one-time placement fees if the DVP family moves with continued assistance under the DVP. The PHA is not required to provide housing

search assistance for a subsequent move. In the case where a special needs/homeless family moves with continued DVP assistance outside of the DVP PHA's jurisdiction, case management services cease on behalf of the family and neither the initial DVP PHA nor the receiving PHA (nor their case management contractors or subcontractors) are required to provide housing search and case management services in the new jurisdiction.

If the conditions specified above that are necessary to permit a move with continued DVP assistance are not met and the family moves within or outside of the PHA jurisdiction, the family's participation in the DVP ends.

If a family who was assisted under the tenant-based voucher program prior to the disaster wishes to move either within or outside of the DVP PHA jurisdiction before the expiration of DVP assistance but is unable to move under the other conditions for continued DVP, the family may opt to leave the DVP and resume their regular voucher assistance. In such a case, the lease termination must be in accordance with the terms of the lease (including mutual consent with the owner). Assuming the DVP PHA did not absorb the family into their voucher program, the PHA administering the DVP assistance alerts the pre-disaster PHA originally administering the family's voucher. 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 family's pre-disaster PHA assumes the responsibilities of the initial PHA and the receiving PHA may opt to bill the initial PHA. The pre-disaster PHA resumes paying the family's assistance with its housing choice voucher program funding. Of course, if the family is returning to the pre-disaster PHA, the portability procedures do not apply.

If the DVP PHA absorbed the family into their own voucher program, the DVP PHA assumes the responsibilities of the initial PHA if the family leaves the PHA's jurisdiction. If the family moves within the DVP PHA's jurisdiction in such a case, the DVP PHA assists the family under its regular voucher program.

If a family's pre-assistance project-based housing is available before the expiration of the DVP, the family may leave the DVP to return to the project-based housing, provided the lease termination is in accordance with the terms of the lease (including mutual consent with the owner).

o. Expiration of DVP Assistance and Transitional Issues

DVP assistance is temporary housing assistance designed to help a family move into more permanent housing during the time in which the family's former home is repaired or replaced. The DVP assistance is projected to terminate no later than September 30, 2007 (unless extended by HUD as discussed earlier). The Supplemental provides the family shall be eligible to reoccupy their previous assisted housing, if and when it becomes available. The family does not forfeit their eligibility for their pre-disaster housing by accepting the DVP assistance.

Guidance on the reoccupancy of the family's former assisted housing at the end of the DVP will be provided in the future.

When any family leaves the DVP program for any reason, the PHA must record the family's end of participation in the Disaster Information System.

p. Disaster-Impacted PHA Responsibilities for Voucher Families Temporarily Assisted under the DVP

A disaster-affected PHA that has voucher families temporarily assisted under the DVP in other jurisdictions must monitor leasing rates, turnover vouchers and costs in their housing choice voucher program to ensure voucher assistance will be available at such time the DVP funding from HUD for these families ends. The disaster-affected PHA must comply with any requirements prohibiting or restricting the over-leasing of units. In the unlikely event that the disaster-affected PHA has insufficient funding, as determined in accordance with HUD requirements, to permit post-DVP portability billing at higher cost areas, the family in such areas must return to the pre-disaster PHA's jurisdiction or move to a lower cost area in order to resume voucher program assistance.

HUD will require a certification from the disaster-affected PHA certifying that the PHA will ensure that the family's voucher assistance may resume at the time that the family's participation in the DVP ends. If the disaster-affected PHA is unable or unwilling to accept such responsibility or submit the certification, the disaster-affected PHA must inform their HUD field office immediately. HUD will then promptly take the necessary action to ensure voucher assistance will be available when the family's participation in the DVP ends. Such action may include the prompt and permanent transfer of voucher funding to the receiving PHA from funds available under the initial PHA ACC in accordance with 24 CFR part 982.355(f)(1).

q. Use of DVP Funding and Record Keeping

DVP funding may not be used for other activities or costs. DVP funding remains separate and distinct from the PHA's regular voucher program in terms of the use of the funding. DVP assistance may not be used to assist non-DVP eligible families. The PHA is required to maintain records that allow for the easy identification of families assisted under the DVP, and must report monthly leasing and expenditure for such families separately from housing choice voucher families, as will be required under the VMS. The PHA must maintain a separate HAP register for the DVP to record and control assistance payments for rent subsidies.

DVP families are reported to HUD through the Disaster Information System. The PHA administering the DVP on behalf of the family does not complete a Form HUD-50058 for the family or report the family in the PIC system during the time the family is assisted under the DVP.

r. Administrative Fees

For families displaced from HUD assisted units (rental public housing, units receiving tenant-based or project-based Section 8 assistance (including vouchers and SRO moderate rehabilitation projects but excluding homeownership units); section 202 housing; section 811 housing), the PHA receives a special one-time initial placement fee of \$1,500 each time the PHA initially houses a family under a DVP housing assistance payments contract. This fee is to cover the housing search assistance and other lease-up activities required of the PHA to initially place the family under the DVP. The PHA may, at its discretion, use part of the fee to assist the family with security deposits. If the PHA fails to place the family under lease in the DVP, the PHA does not qualify for the placement fee. The fee is a one-time fee per family.

As noted earlier, a pre-disaster voucher family that returns to the pre-disaster PHA jurisdiction in the most heavily impacted areas of Louisiana and Mississippi may receive DVP assistance. The pre-disaster PHA receives the one-time placement fee if the voucher family has not received regular voucher assistance since the family's return to the pre-disaster PHA's jurisdiction. The one-time placement fee is not paid for families that returned and are already assisted under the regular voucher prior to transitioning to the DVP.

The PHA does not qualify for an additional placement fee if the family subsequently moves and leases another unit under the DVP. The receiving PHA does not receive the one-time placement fee if a DVP participant is moving under portability into its jurisdiction. Furthermore, the PHA does not qualify for an additional placement fee if the family was a former KDHAP participant.

The PHA will also receive an administrative fee for every month the family is under lease with DVP assistance that is equal to 10 percent of the actual DVP housing assistance payment.

Separate guidance will be issued on the administrative fees for special needs/homeless families assisted under the DVP.

s. Disbursement of Funds

For PHAs currently assisting KDHAP families who are eligible for the DVP, HUD will automatically advance funding to cover the costs of housing assistance payments based on the information previously entered into the KDHAP information system. All other disbursements of funding advances will be based on data subsequently entered into the Disaster Information System database.

When the incoming family arrives at the PHA, the PHA accesses the family record through the web-based Disaster Information System. This action prompts HUD to advance funding to cover the first month housing assistance payment and the one-time placement fee. Once the PHA enters the family leasing and unit information

into the Disaster Information System, HUD will begin providing subsequent monthly housing assistance payments and administrative fees. The PHA will report actual costs for DVP families through the VMS.

HUD will reconcile reported costs and leasing from the VMS and DVP databases and will adjust current and future funding on a quarterly basis. Actual housing assistance payments will be settled through VMS reporting. The VMS data collection will be revised to capture DVP units leased and actual rental assistance costs.

t. Program Close-Out

Upon conclusion of the PHA's DVP program, the PHA will be required to conduct a final audit before closing out DVP. The PHA, based on this audit, will be required to provide a final cost certification for DVP. Unused funds made available by HUD for the DVP must be returned to HUD by the PHA.

u. Summary of PHA Processing Steps

The following provides a summary of the steps a PHA undertakes in assisting a family under the DVP.

- Eligible family is referred to PHA by the RCC counselor or arrives independently at the PHA
- PHA accesses family record in Disaster Information System, determines family eligibility for the DVP
- PHA briefs family on program, issues a voucher, and assists family in locating a unit
- PHA determines the unit is eligible and rent is reasonable
- PHA inspects unit
- If an eligible unit passes the HQS inspection and the rent is reasonable, PHA enters into DVP housing assistance payments contract with owner
- Owner and family execute owner lease
- PHA enters unit and rent information in Disaster Information System, triggers ongoing rent subsidy assistance and administrative fee advance from HUD
- PHA reports actual expenditures in VMS on a quarterly basis
- HUD reconciles reported costs and leasing from VMS and the DVP database and adjusts current and future funding
- If family moves with continued DVP assistance, PHA reports change in Disaster Information System
- If family leaves the DVP, PHA reports end of participation in program in Disaster Information System
- Upon conclusion of the program, PHA provides final cost certification for DVP

5. **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 control number.

6. **Additional Information.** Any questions related to this notice should be addressed to the Housing Voucher Management and Operations Division at (202) 708-0477.

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

Appendix 1. DVP AND KDHAP: KEY DIFFERENCES

Examples of DVP Provisions Not Applicable to KDHAP

- 24 CFR part 982 applies to DVP except where expressly waived by HUD
- DVP assists Hurricane Rita evacuees
- PHA option to use administrative fees for utility deposits and security deposits
- Initial lease term usually 12 months
- Housing assistance payment calculation based on payment standards and includes utility allowances
- No tenant contribution based on income for initial 18 months of assistance
- Utility reimbursements permitted under certain circumstances
- Annual HQS inspections
- PHA tenant eligibility screening and application of noncitizen requirements for families who did not receive such screening for their pre-disaster assistance
- \$1500 PHA initial placement fee
- Families living in (1) non-Section 8 units in Section 236 housing, (2) non-Section 8 units in non-insured Section 236(b) housing, (3) non-Section 8 units in Section 221(d)(3) BMIR housing; and (4) units in FHA-insured and non-insured projects with RAP assistance or Rent Supplement assistance are not eligible for DVP assistance

Examples of KDHAP Provisions Not Applicable to the DVP

- KDHAP funding for utility deposits and security deposits
- 6 to 12 month initial KDHAP lease term
- Rent subsidy calculation based on FMRs
- No tenant contribution based on income for duration of program
- Deferred initial HQS inspection
- PHA quarterly family follow-up
- \$1000 PHA initial placement fee
- FEMA funding for the KDHAP
- Mandatory family registration with FEMA, and FEMA determination of whether pre-disaster unit is habitable
- Families living in (1) non-Section 8 units in Section 236 housing, (2) non-Section 8 units in non-insured Section 236(b) housing, (3) non-Section 8 units in Section 221(d)(3) BMIR housing; and (4) units in FHA-insured and non-insured projects with RAP assistance or Rent Supplement assistance were eligible for KDHAP assistance

APPENDIX 2. DVP REQUIREMENTS FOR PHA ADMISSION ELIGIBILITY SCREENING (NON-CITIZENS, CRIME AND ALCOHOL ABUSE) FOR SECTION 202, SECTION 811, SPECIAL NEEDS, AND PRE-DISASTER HOMELESS INDIVIDUALS AND FAMILIES

A. DVP ADMISSION ELIGIBILITY SCREENING FOR PRE-DISASTER SECTION 202 AND SECTION 811 PROJECT TENANTS IN A NON-SECTION 8 UNIT

For families that resided immediately before Hurricanes Katrina or Rita in a non-Section 8 unit in a Section 202 or Section 811 project, the PHA must apply the standards it established for its regular voucher program to prohibit admission to the DVP if the PHA determines that any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing. (See 24 CFR part 982.553.)

In accordance with 24 CFR part 5, Subpart J, the PHA may access criminal records for screening applicants for admission to the DVP.

B. DVP ADMISSION ELIGIBILITY SCREENING FOR HOMELESS AND SPECIAL NEEDS HOUSING PROGRAM INDIVIDUALS AND FAMILIES

The PHA must deny admission to the DVP to individuals and families that (1) resided in an emergency shelter, transitional housing or housing assisted through a Special Needs Housing program (Supportive Housing Program (SHP-PH), Shelter Plus Care (S+C), or Housing Opportunities for Persons with AIDS (HOPWA)); or (2) were homeless (i.e.; sleeping on the streets or in other places not meant for human habitation) immediately prior to Hurricanes Katrina or Rita based on the additional eligibility screening criteria in this Appendix 2.

1. Mandatory Restrictions on Admission of Certain Non-Citizens

The individual or family must be a citizen or a non-citizen who has eligible immigration status as determined in accordance with 24 CFR part 5.

The PHA must verify the eligible immigration status for DVP assistance in accordance with 24 CFR part 5 with the following exception. Section 5.512(d) provides the time frame under which a secondary verification must be requested of Immigration and Customs Enforcement (ICE) by the responsible entity when the primary verification (the automated verification system) is not conclusive of immigration status. The responsible entity must request ICE to undertake a secondary verification within 10 days of receipt of the results of the results of the primary verification, and must provide ICE with all records on the applicant evidencing citizen or eligible immigration status that the applicant has provided to the responsible entity. For the DVP, the time under which a secondary verification must

be requested is expanded from 10 days of the date of the results of the primary verification to 90 days from such date.

2. Mandatory Criminal History Background Checks for Sex Offenses

The PHA must perform criminal history background checks to determine whether any household member is subject to a lifetime sex offender registration requirement in the State where the housing is located and in other States where the household members are known to have resided. (See 24 CFR part 982.553.)

3. Permissive Criminal History Background Checks

In accordance with 24 CFR part 5, Subpart J, the PHA may access criminal records for screening applicants for admission to the DVP. (Also see 24 CFR part 982.553.)

4. Prohibiting Admission of Sex Offenders

The PHA must apply the standards it established for its regular voucher program to prohibit admission to the DVP if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. (See 24 CFR part 982.553.)

5. Prohibiting Admission Based on Drug-Related Criminal Activity

The PHA must apply the standards it established for its regular voucher program to prohibit admission to the DVP if:

- (a) The PHA determines that any member of the family is currently engaged in the illegal use of a drug; or
- (b) The PHA determines that it has reasonable cause to believe that a household member's illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
- (c) Any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing. (See 24 CFR part 982.553.)

6. Mandatory Prohibition from Admitting Families Evicted from Federally Assisted Housing for Drug-Related Criminal Activity

The PHA must prohibit admission to the DVP for three years from the date of eviction if a household member has been evicted from federally assisted housing for drug-related criminal activity. However, the PHA may admit the family if the PHA determines:

- (a) That the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by the PHA; or
- (b) That the circumstances leading to the eviction no longer exist (for example, the criminal household member has died or is in prison). (See 24 CFR part 982.553.)

7. Prohibiting Admission of Alcohol Abusers

The PHA must apply the standards it established for its regular voucher program to prohibit admission to the DVP if the PHA determines that it has reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents. (See 24 CFR part 982.553.)

8. Prohibiting Admission of Other Criminals

If the PHA has established such policies, the PHA may apply the policies established for its regular voucher program to prohibit admission to the DVP if the PHA determines that any household member is currently engaged in, or has engaged in during a reasonable time before the admission:

- (a) Drug related criminal activity;
- (b) Violent criminal activity;
- (c) Other criminal activity which may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents or persons residing in the immediate vicinity; or
- (d) Other criminal activity that may threaten the health or safety of the owner, property management staff, or persons performing contract administration function or responsibility on behalf of the PHA (including a PHA employee or contractor, subcontractor, subcontractor, or agent). (See 24 CFR part 982.553.)