

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

NOTICE: PIH 2001- 40 (HA)

Special Attention of:

**All Secretary's Representatives;
Public Housing Office Directors;
Hub and Program Center Directors;
Community Builders; Public Housing Agencies;
Resident Management Corporations (RMCs)**

Issued: November 14, 2001

Expires: November 30, 2002

SUBJECT: Operation Enduring Freedom

This Notice provides general guidance to Public Housing Agencies (PHAs) administering Public Housing and/or Section 8 Housing Choice Voucher and Moderate Rehabilitation programs, and owners participating in the Section 8 Housing Choice Voucher program, on providing support for families and dependents of military personnel (including reservists and guardsmen) called to active duty during Operation Enduring Freedom.

HUD encourages PHAs and private owners to be as lenient as responsibly possible to support families affected by Operation Enduring Freedom. This includes a variety of situations when persons are called to active duty in the Armed Forces as a result of Operation Enduring Freedom.

Specific actions that a PHA or private owner should undertake to support Operation Enduring Freedom military families include, but are not limited to:

- (1) Allowing a suitable guardian to move into the assisted unit on a temporary basis to care for any dependents the military person leaves in the unit. Income of the guardian temporarily living in the unit for this purpose during Operation Enduring Freedom is not counted in determining family income and the amount of rent the family pays based on family income.
- (2) Careful consideration of the circumstances of any case involving delayed payment of tenant rent by the family. Determine whether it is appropriate to accept a late payment.
- (3) For the voucher program, granting exceptions to PHA administrative plan policies concerning family absence from the unit to continue housing assistance payments to the owner on behalf of a military family even though all members of the military family are temporarily absent from the assisted unit because a member of the assisted family has been called to active duty as a result of Operation Enduring Freedom. The voucher program regulation at 24 CFR 982.312 permits family absence from the unit for no more than 180 consecutive days and a PHA may not exceed this regulatory limit.

- (4) For public housing, allow the assisted tenancy and dwelling lease to remain in effect for a reasonable period of time (for example, six months) even though all members of the military family are temporarily absent from the assisted unit because a member of the family has been called to active duty as a result of Operation Enduring Freedom. After a reasonable period of time, the PHA could reevaluate the situation and take appropriate action to balance the needs of the family with the need to make good use of scarce housing resources.

It is also important to note that special pay to a family member serving in the Armed Forces who is exposed to hostile fire is specifically excluded from annual income (24 CFR 5.609(c)(7)).

This Notice may be updated as circumstances warrant.

_____/s/_____
Michael Liu
Assistant Secretary for Public and Indian Housing