

Housing and Urban Development

FEMA Temporary Housing Units Conversion to Housing Choice Voucher Program

Frequently Asked Questions

As of January 12, 2009

Introduction:

Under the Supplemental Appropriations Act for Fiscal Year 2009 (Public Law 111-32, enacted June 24, 2009), Congress provided funds of \$80 million to be competitively awarded to public housing agencies (PHAs) in areas impacted by Hurricanes Katrina and Rita

PHAs were funded under the competition as either Priority 1 or Priority 2 status. The first priority was given to PHAs in severely impacted disaster. Whether an area was considered severely impacted was based upon type of Disaster Assistance the area received after the hurricane as determined by FEMA. All PHAs who received funding under the competition agreed to provide a local admissions preference in their HCV program to families displaced by Hurricanes Katrina or Rita. PHAs further agreed to provide a higher preference to families who recently left or will be leaving FEMA's Temporary Housing Units, which includes FEMA trailers and mobile homes, or FEMA's Alternative Housing Pilot Program, including Katrina Cottages.

This document answers frequently asked questions about the vouchers, local preferences and waiting list requirements.

Topic	Frequently Asked Questions	Management Responses
Eligible Families	1. Who is eligible to receive a voucher under the Supplemental Appropriation Act for Fiscal Year 2009 (Public Law 111-32, enacted June 24, 2009)?	The normally applicable family eligibility and income targeting requirements at 24 CFR 982.201 apply to these vouchers. Families must be selected from the PHA waiting list in accordance with the PHA admissions policies in the PHA administrative plan. As a requirement to receive Priority 1 or Priority 2 status for this voucher funding, PHAs agreed to establish a local preference for admission to the HCV program for families that have been displaced by Hurricanes Katrina or Rita (hereafter "Katrina/Rita Preference"). In addition, the Katrina/Rita preference must provide that eligible families who have recently left or will be leaving

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		<p>FEMA temporary housing units (THUs) or FEMA funded Alternative Housing Programs, such as "Katrina Cottages", must be given preference over all other displaced families. If the PHA has established other local preferences, the Katrina/Rita preference must take precedence over all other local preferences.</p> <p>If a reasonable period of time has passed since the PHA established the Katrina/Rita preference and there are no Katrina/Rita preference families remaining on the waiting list, the PHA issues the vouchers to families on the waiting list in accordance with its admissions policies.</p>
	2. Is establishing the Katrina/Rita preference a "significant change" to the PHA's administrative plan?	<p>The PHA Plan (24 CFR 903) determines whether a change is "significant", not the PHA administrative plan (24 CFR 982.54).</p> <p>Therefore, the answer depends on the individual PHA. Section 903.21 provides that a PHA may amend or modify any aspect of the plan. If it is a significant amendment or modification, the PHA has to have the Board adopt the change at a meeting open to the public and then get HUD approval before implementing the change. Section 903.7(r) requires that the PHA must identify the basic criteria the PHA uses to determine if an amendment to the PHA Plan is significant or not. PHAs need to apply the criteria they established in accordance with 903.7(r) to determine if the proposed change to its preference system represents a significant change to its PHA Plan.</p>

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	3. How will a PHA know whether a family “recently left or will be leaving” a THU or a Katrina Cottage?	HUD, in conjunction with FEMA, provided PHAs with an electronic file listing all of the families who currently reside in or recently left a THU/FEMA funded Alternative Housing Programs. A family is considered to have “recently left” a FEMA provided temporary housing unit or Katrina cottage if they vacated their unit on or after June 24, 2009 – the date the appropriations act was signed. If your PHA needs to have a copy of this file resent, please contact us at THUtoHCV@hud.gov .
	4. When should a PHA have received this electronic file listing all of the families who currently reside in or recently left a THU/FEMA funded Alternative Housing Programs?	The electronic file was emailed to PHAs who received funding under this competition on September 11, 2009. If your PHA did not receive this file, please contact us at THUtoHCV@hud.gov for assistance.
	5. None of the families on the electronic list appear to reside in my PHA’s jurisdiction. Must I contact the family to let them know they are eligible for the preference?	No. The electronic list was provided to the PHAs to assist the PHA in verifying if an applicant family qualifies for the super preference status provided to families that recently left or will be leaving a FEMA THU or FEMA funded Alternative Housing Program. While many PHAs have opted to contact households who are eligible for the THU preference and appear to reside within the PHA jurisdiction by mail, PHAs are not required to contact families on the list.
	6. What criteria should a PHA use to determine whether a family qualifies for the Katrina/Rita preference because they were displaced by Hurricanes Katrina or Rita?	PHAs establish their own policies and verification criteria to determine whether a family who is not receiving DHAP assistance was “displaced by Hurricanes Katrina or Rita”. As an example, some PHAs consider a letter provided by FEMA containing a FEMA ID number as evidence that a household was displaced by Hurricane Katrina or Hurricane

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		Rita. Eligible families who received assistance under KDHAP or DVP would also be considered Katrina Displaced.
	7. May a family receive the Katrina/Rita Preference even though they are not currently living in an area within the PHA's jurisdiction?	Yes. The Katrina/Rita preference must provide that a family that lives in or recently left a THU or a FEMA funded Alternative Housing Program, or otherwise qualifies for the Katrina/Rita Preference, receives priority over any family on the waiting list who does not qualify for the Katrina/Rita preference, regardless of any residency preference that the PHA may have established for their jurisdiction.
	8. Must the PHA take administrative action to recognize the above preferences?	Yes. PHAs that received funding as part of the Supplemental Appropriation competition must promptly establish a Katrina/Rita preference for families displaced by Hurricanes Katrina or Rita as outlined in the July 21, 2009 invitational letter in their Administrative Plan.
	9. Do these vouchers affect the PHA's Annual Contributions Contract (ACC)?	Yes. The PHA's authorized number of vouchers under their ACC reflects the newly awarded vouchers, effective September 1, 2009. These vouchers are funded through December, 2010 and be renewed in 2011.
Waiting list	10. If a PHA's waiting list is currently closed, does it have to be re-opened?	Yes. If the PHA's waiting list is closed, the PHA must, at a minimum, open its waiting list for applicants who qualify for the THU and Katrina/Rita preference for at least one (1) year from the date of the funding award letter.
	11. If the number of eligible families that qualify for the Katrina/Rita preference exceeds the number of	Yes. However, a PHA may choose to limit the number of applicants that may be admitted with the Katrina/Rita preference. Please note that any such limitation may not be less than the number of

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	<p>vouchers awarded, is the PHA required to use its regular HCVs to serve those families?</p>	<p>vouchers awarded under this competition. This also does not imply that the PHA may close its wait list if it within one-year of the date of the funding award letter.</p> <p>If the PHA has chosen to restrict the preference, households are still eligible to apply to the waitlist; however they would lose access to the preference and would be added to the PHA waitlist according the other local preferences and in a manner consistent with the PHA's administrative plan. This may mean that their name would be added to the bottom of the PHAs wait list.</p>
	<p>12. Once the PHA has leased all of the vouchers, has the PHA fulfilled its obligations as described in the July 21, 2009 invitational letter for Priority 1 or Priority 2 funding?</p>	<p>Not necessarily. If the PHA has provided a reasonable period of time for affected families to apply and, at the end of that period, the PHA still has unused vouchers, the PHA does not have to hold the vouchers aside specifically for families that meet the Katrina/Rita Preference but may issue the vouchers to families on its waiting list in accordance with the PHA admission policies. If there is no one remaining on the waiting list that qualifies for the Katrina/Rita Preference, the PHA should issue the available voucher(s) to the next applicant(s) on the waiting list. Consequently, simply leasing the allocation of the vouchers does not necessarily fulfill the requirements by which the PHA qualified for the priority funding, even if the PHA has limited the number of families who may be admitted with the Katrina/Rita preference.</p>
	<p>13. What is the definition of "a reasonable period of time", as mentioned in Question 12?</p>	<p>For purposes of this funding competition, HUD generally defines a reasonable period of time as 90 days from the date the PHA opened its waiting list. .</p>

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		<p>As part of the process of opening their waiting list, PHAs must advertise as stipulated within the PHAs Administrative Plan. After 90 days, PHAs should begin serving current families on their wait list. However, if after 90 days a THU or Katrina/Rita displaced eligible households submits an application, and the PHA has not served its required number of displaced households, the PHA must move the household to the top of the waiting list in a manner that is consistent with the preference requirement.</p>
	<p>14. What are the PHA's obligations if the number of families who qualify for the Katrina/Rita Preference exceeds the number of vouchers awarded? What happens, for example, if 450 families meet the Katrina/Rita Preference, but the PHA has only been awarded 300 vouchers? How will this impact the 900 other families that do not qualify for the Katrina/Rita preference on the waiting list?</p>	<p>The answer depends on how the PHA sets up the limitation on the preference.</p> <p>If the PHA has chosen to restrict the Katrina/Rita Displaced preferences and the Administrative Plan provides that the Katrina/Rita Preference is limited to the first 300 families admitted to the program that qualify for the preference, once the PHA has admitted 300 families that meet the preference requirement the Katrina/Rita selection preference would end.</p> <p>The remaining 150 families would be placed on the PHA waiting list based on any other local preferences the PHA may have in place. This may mean that they are placed on the bottom of the waiting list.</p>