U.S. Department of Homeland Security
500 C Street, SW
Washington, DC 20472

FEMA

MEMORANDUM FOR: Regional Administrators
Acting Regional Administrators
Regions I - X

ATTENTION: Disaster Assistance Division Directors

FROM: Elizabeth A. Zimmerman
Assistant Administrator
Disaster Assistance Directorate

SUBJECT: Disaster Assistance Policy DAP9523.7
Public Assistance Funding for Public Housing Facilities

The purpose of this memorandum is to announce the issuance of the attached final Disaster Assistance Policy DAP9523.7, *Public Assistance Funding to Public Housing Facilities*. This policy describes public housing facilities that are eligible for Public Assistance funding.

If you have any questions about this policy, please contact Elissa Carleton, Public Assistance Division, via email at Elissa.Carleton@dhs.gov, facsimile (202) 646-3304, or phone (202) 646-2808.

Attachment

FEMA
DISASTER ASSISTANCE POLICY

I. TITLE: Public Assistance Funding for Public Housing Facilities

II. DATE:

III. PURPOSE:

This policy provides guidance on the eligibility of publicly subsidized housing facilities for Public Assistance funding.

IV. SCOPE AND AUDIENCE:

This policy is effective retroactively for major disasters and emergencies declared on or after October 1, 2008. It is applicable to public housing facilities, including those authorized and previously funded under section 9(k) of the Housing Act of 1937, as amended. It is intended for personnel involved in the administration of the Public Assistance Program, including applicants.

V. AUTHORITY:

Sections 403 and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended [42 U.S.C. § 5170b(3)]; section 9(k) of the United States Housing Act of 1937 (Housing Act), authority, as amended [42 U.S.C. § 1437g(k)]; the Native American Housing Assistance and Self Determination Act of 1996, as amended (25 U.S.C § 4101); Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 (Pub. L. 110–411); and the Public Housing Disaster Relief Act of 2008 (Pub. L. 110-289).

VI. BACKGROUND:

Section 9(k) of the Housing Act of 1937, as amended, authorized the Department of Housing and Urban Development (HUD) to provide disaster assistance from the Public Housing Capital Fund to repair disaster-damaged Public Housing Authority (PHA) facilities. Therefore, FEMA provided disaster assistance for the permanent repair of all PHA facilities except those authorized by section 9(k) of the Housing Act of 2008, as amended. On July 30, 2008, Congress passed the Public Housing Disaster Relief Act of 2008, which repealed section 9(k) of the Housing Act of 1937. FEMA now has authority to fund the permanent repair of all PHA facilities.

FEMA
DISASTER ASSISTANCE POLICY

VII. POLICY:

A. Emergency Work: FEMA may provide essential assistance under Section 403 of the Stafford Act to PHAs and American Indian and Alaskan Native designated public housing entities. This assistance may include debris removal, demolition of unsafe structures, and any actions necessary to reduce an immediate threat to life, property, and public health and safety.

B. Permanent Work: FEMA may provide assistance to repair, replace or reconstruct disaster-damaged PHA facilities **unless** Congress appropriates funds to HUD for emergency capital needs to repair, restore, or replace certain PHA facilities damaged by Presidentially declared major disasters. American Indian and Alaskan Native designated public housing entities may apply directly to FEMA for disaster assistance.

VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Public Assistance Division).

IX. SUPERSESSION: This policy supersedes Recovery Policy RP9523.7, *Public Housing Authorities (PHAs)*, dated April 14, 2003, and previous guidance on this subject.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

Elizabeth A. Zimmerman
Assistant Administrator
Disaster Assistance Directorate