

U.S. Department of Housing and Urban Development

Special Attention of
Regional Directors
Multifamily Hub Directors
Multifamily Program Center
Directors
Owners, Management Agents for
Project-Based Assistance Properties
All Contract Administrators

Notice H 03-07

Issued: April 22, 2003
Expires: April 30, 2004

Subject: Deployment of Military Personnel to Active Duty

This Notice provides general guidance to owners and management agents who administer project-based assisted contracts (Section 8, Rent Supplement, Rental Assistance Payments (RAP), Project Assistance Contracts (PAC), and Project Rental Assistance Contract (PRAC)) and/or mortgage-based projects (Section 236 and 221(d)(3) Below Market Interest Rate (BMIR)) for continuing assistance to persons called to active military duty (including reservists and guardsmen).

HUD encourages owners and management agents to be as lenient as responsibly possible to support affected households. This includes a variety of situations when persons are called to active duty in the Armed Forces.

Specific actions that owners/agents should undertake to support military households include, but are not limited to:

1. Allow a guardian to move into the assisted unit on a temporary basis to provide care for any dependents the military person leaves in the unit. Income of the guardian temporarily living in the unit for this purpose is not counted in determining family income and the amount of rent the household pays based on family income.
2. Allow a tenant living in an assisted unit to provide care for any dependents of persons called to active duty in the Armed Forces on a temporary basis, as long as the head and/or cohead of household continues to serve in active duty. Income of the child (e.g., SSI benefits, military benefits) would not be counted as income of the person providing the care.

3. Give consideration for any case involving delayed payment of tenant rent. Determine whether it is appropriate to accept a late payment.
4. Allow the assistance payment and the lease to remain in effect for a reasonable period of time (depending on the length of deployment) beyond that required by the Soldiers' and Sailors' Civil Relief Act of 1940, 50 U.S.C. §§ 501 - 591, even though the adult members of the military family are temporarily absent from the assisted unit.

Special pay to a household member serving in the Armed Services who is exposed to hostile fire is specifically excluded from annual income. See the regulations at 24 CFR 5.609 (c)(7).

This Notice may be updated as circumstances warrant.

John C. Weicher
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Federal Housing Commissioner