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National VOAD Guidance for Disaster Response and Recovery for Renters and Rental Properties

Goal and purpose

This document is designed to give insight to Long Term Recovery Groups (LTRG) and/or voluntary agencies when considering the repair/rebuilding of rental properties affected by a disaster to support housing availability for survivors.

Disclaimers:
The key focus of this guidance is on renters who do not own the property they occupy and are impacted by disasters, often in the most vulnerable communities. References to owners/landlords are primarily in connection to supporting the recovery of renters as more vulnerable and not intended to focus on all aspects of the owners/landlord's recovery.

While this document offers guidance and suggestions for consideration, it does not imply or guarantee that all National VOAD organizations or LTRGs offer the same amount of support for these parts of a recovery. It may not be applicable to every situation and the state and local (county, municipal, etc.) jurisdiction will impact how it might be useful or, in some cases, not applicable.

National VOAD definition of a disaster

A disaster is a natural or human-caused incident that disrupts normal life, causing physical and/or emotional trauma and/or damage to property and/or community infrastructure. Disasters may include hurricane, tornado, wind storm, flood, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snow or ice storm, wildfire, explosion, acts of public violence or terrorism, or other human caused or technological events involving toxic and/or radiological materials, etc.

General considerations

Depending on the size and scope of the disaster and the availability of affordable housing stock, rental properties might be used to house people affected by the disaster -- short- and/or long-term.

Communities may have a large number of renters and not addressing the repair of the properties where they rent could change the face, demographics, culture and economy of a community. Where a local community is interested in retaining its character and residents, this should be supported as much as possible. Information on how many rental properties are affected, including in comparison to other properties in the disaster affected area, can be found in a FEMA Routine Use Report, or online from the U.S. Census Bureau QuickFacts site.

Several factors must be considered to determine if repairing rental units aligns with an

agency's mission. NOTE: A rental building with more than four units is considered a commercial property with different repair requirements than residential property and will not be addressed in this document.

If there are many renters in an affected community, here are some elements to consider when discussing help for repairing small rental properties and/or individual units:

- Access to resources is not equal for renters and owners/landlords compared to homeowners.
- Withholding help may prevent many community members from returning as consumers, employees, students, taxpayers and even recovery leaders.
- Often renters comprise the most vulnerable community members so their loss of affordable housing will likely compound their vulnerability.
- Some businesses will not reopen until a certain number of people have returned, and this affects the economy, including the availability of jobs and services, for all community members.
- A high number of damaged rental properties affects the livelihoods of owners/landlords and their ability to rebuild their own homes or stay in the community.
- Keeping extended families in one community can have a positive impact on their health, welfare, and resilience.

Criteria

Before considering offering repair/rebuilding assistance on rental units to make them habitable for renters, a set of eligibility criteria must be established for the owners/landlords. Criteria may differ from one response to another, depending on the financial and material resources available to the Long Term Recovery Group (LTRG) in each affected community and/or voluntary organizations/agencies doing the work.

Here are some important considerations when setting criteria guidelines:

- The community may view this assistance as being available for all who meet the criteria. Because of funding limitations, however, it may be necessary to consider rental property repairs on a case-by-case basis.

- Some owners/landlords may have multiple rental properties as their only income source. It will be important to determine how many rental properties will be repaired/rebuilt per owner/landlord. A duplex or other rental property may be essential to the owner's livelihood.

- It is also necessary to establish income guidelines. An owner/landlord may have a property that is occupied by a family member and makes little to no income from that rental property. It is important to remember income is not what is received from the rental property, but what remains after expenses.

- The LTRG should establish criteria to determine what type of property ownership to serve. Some items to consider include, but are not limited to: individual property ownership, corporation property ownership, current tax liabilities, multiple properties owned by the same owner or group, and/or the like.

All requests for assistance must come through the Disaster Case Management (DCM) process for both the tenant and/or owner/landlord. A copy of the current lease should be gathered by the DCM. The tenant may qualify for assistance from the LTRG or a voluntary organization/agency to assist with personal property and/or other services that do not include the repair/rebuilding of the rental property.

In some communities there may be existing affordable housing focused organizations or other Community Development Corporation (CDC)s that must be considered as a resource. CDCs are broadly defined but are typically locally based tax-exempt non-profit corporations that promote physical and social improvements in communities with a significant low-income population. These organizations would already have established criteria that many survivors would meet to access their services, programing and funds. It is important to communicate with the organizations to know of any adaptations they may make during larger scale disasters that could support survivors.

Types of services that may be considered

Even after deciding your agency or LTRG will provide support to the recovery of renters and rental properties, there are various types of services to consider providing, including:

- Funding for repair or replacement of a furnace or other essential utilities that are considered life sustaining.
- Assistance in hiring professional contractors to complete the work. Contracts should be between the owner and contractor. This gives any warranty to the owner even if the Unmet Needs Committee or agency pays for the contractor. NOTE: See additional information below for details.
- Repairs to a culvert or bridge if access to the property has been compromised.
- Muck out of the property. Some voluntary agencies can provide this service. When offering cleanup services, it is important to receive permission from the owner/landlord and tenant, since there may be physical and/or personal property removal.
    - It is important to remember this will not necessarily ensure the tenant is able to return home without additional repair work completed.
- Rebuilding and/or repairs to the structure. The organizations that muck out the properties may not rebuild as well, so there would need to be other plans developed if rebuilding is needed.

Possible funding sources

In order to ensure repairs to rental housing stock, designated disaster case manager work with a rental property owner/landlord to identify resources the owner may have available,

such as insurance, and/or the possibility to apply for a SBA or private loan that can cover the cost of the damage. It may be necessary to identify additional funds or grants to pay to repair/rebuild rental properties since many agencies have guidelines that restrict funding on rental property. It is also important to invite local non-profit and/or business communities to help, since they will likely want to assist their community and may be able to offer funding or other support to those affected by the disaster. Some jurisdictions may have funding available through their Housing Authority, Community Development Corporation [CDC] or other public/private agencies. Researching the opportunities may afford the property owner and the renter a quicker pathway toward the completion of recovery.

Contract Recommendations

It is important that a contract be written between the owner/landlord and the LTRG or a designated legal signatory. Occasionally, legal professionals will donate their services to the LTRG or to a nonprofit agency that may be part of the LTRG.

The Repair Contract must include:

- Scope of work or repairs that are being approved by the LTRG.
- Information on the rent amount and length of time the contract is to be enforced, and the original lease is put on pause, following repairs made or funded by the LTRG.
- Information on the procedure and requirements regarding if the property is sold, or the tenant is not able to stay in the rental property.
- Requirements from the previous lease to remain through the duration of the contract through the duration of the lease.

Additional guidance

Renters generally feel left behind during a disaster. Their landlord or property manager may not have a picture of what they are going through. The relationship between the two parties may be pleasant, but it could also be contentious. Servicing agencies should pay particular attention to the relationship and strive toward assisting the survivor first [typically the tenant], yet also hear what the owner is stating.

Assistance may be provided by the municipality's housing department for resources available to tenants. Many municipalities have a "tenant's rights" document that the National VOAD providing agency should refer to when supporting tenant-survivors. Legal aid agencies or other lawyers who have experience with tenant landlord relationships may also need to be considered and identified as part of the plan for the recovery of renters.

During low-attention disasters, tenants generally "fall through the cracks", and support by the municipality and community agencies is many times non-existent. Until a LTRG is formed [if at all], case management is not immediately available to the tenant-survivors.

During federally declared disasters, a federal Disaster Case Management Program (DCMP)

may take between 6-12 months to stand up after the event is declared.

Until a LTRG is formed, and/or a federal DCMP is launched, National VOAD agencies supporting the tenant-survivor should pay special attention to and utilize the points of consensus adopted by the National VOAD Disaster Case Management, and Long Term Recovery Committees, when providing services to this population.