



Special Attention of:

Public Housing Office Directors
Public Housing Agencies
HUD Field Offices
Section 8 Housing Agencies
HOPE VI Coordinators
Special Applications Center
Recovery Prevention Corp.

Notice PIH 2008- 41 (HA)

Issued: November 13, 2008

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Cross Reference:

24 CFR 902; 24 CFR 903; 24 CFR 905;
24 CFR 941; 24 CR 968; and 24 CFR 990

Subject: Public Housing Agency (PHA) Five-Year and Annual Plan Process for all PHAs

1. PURPOSE

This Notice does the following:

- Announces the availability of a revised PHA Five-Year and Annual Plan template (form HUD-50075 approved April 2008), a PHA Certifications of Compliance with the PHA Plans and Related Regulations (form HUD-50077), a revised Annual Statement/Performance and Evaluation Report (form HUD-50075.1) and a revised Capital Fund Program Five-Year Action Plan (form HUD-50075.2).
- Clarifies the transition to new project numbers that took place in April of 2008 in accordance with PIH Notice 2007-28; and
- Implements Title VII of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289, H.R. 3221) (HERA) which was passed by the United States Congress on July 26, 2008 and signed by President Bush on July 30, 2008.

Sections 2701 and 2702 of Title VII, the Small Public Housing Authorities Paperwork Reduction Act, provides qualified public housing agencies an exemption from the requirement in section 5A of the United States Housing Act of 1937 (the Act) to submit an annual Public Housing Agency (PHA) Plan. A qualified public housing agency is defined by the Act as follows:

A public housing agency meeting the following requirements: (1) the sum of public housing dwelling units administered by the agency and the number of vouchers under section 8(o) of the Act is 550 or fewer and (2) the agency is not designated as a troubled PHA under section 6(j)(2) and does not have a failing score under the Section 8 Management Assessment Program (SEMAP) during the prior 12 months.

Effective immediately, **qualified** public housing agencies are exempt from the requirement to prepare and submit an Annual PHA Plan. HUD will post lists of qualified

PHAs and additional HERA-related updates to the PHA Plan website at <http://www.hud.gov/offices/pih/pha/>.

Qualified public housing agencies are not exempt from the requirements related to the Five-Year Plan. This means at the five-year mark, qualified PHAs must complete and submit items 1.0 – 5.2 of the Five-Year and Annual Plan template form HUD-50075 stating their mission and identifying their goals and objectives in accordance with Section 5A(a)(1)(A) and (B) of the 1937 Housing Act.

In addition, each qualified public housing agency shall on an annual basis in accordance with section 5A(b)(3)(B) of the Act, as amended by section 2702 of HERA, make the following civil rights certification:

The PHA will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

The PHA Civil Rights Certifications may be submitted with signature by mail or electronically with scanned signatures, however electronic submission to the appropriate HUD Field Office is preferred.

Qualified public housing agencies must also comply with the requirements of section 5A(b)(3)(b) of section 2702 of HERA regarding resident participation and public hearings.

HUD will issue a separate notice identifying what qualified public housing agencies will need to submit in order to receive their Capital Fund Program grants.

The contents of the remainder of this Notice only apply to PHAs that are required to submit Annual **And** Five-Year Plans. The revised template will continue to serve as (a) a planning tool for PHAs; (b) a community guide to the PHA's policies, programs, and activities; and (c) facilitate the conversion to asset management, in accordance with 24 CFR Part 990, by eliminating unnecessary submission requirements.

HUD's scope of review of the PHA Plan (and any significant amendments or modifications to the Plan) will also continue to be limited to four elements: capital improvements, demolition and/ or disposition, deconcentration, and Civil Rights certification, as required by statute, and any other element that is challenged.

2. EXPLANATION AND DESCRIPTION OF CHANGES TO PREVIOUS GUIDANCE AND PLAN TEMPLATES

General Requirements. Section 511 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA) created the requirement for submission of public housing agency plans - - a 5-year plan and an annual plan. The revised PHA Plan process removes the requirement for the PHA to submit to HUD the elements of the PHA Plan not subject to

HUD review. **Although submission of these elements to HUD is not required, it does not relieve the PHA from its responsibility to make all PHA Plan elements readily available to the public.** To reduce burden on PHAs, the revised PHA Plan process allows a PHA to certify updates or changes to some elements of its Plan without submission to HUD. Requirements for Resident Advisory Board (RAB) review and appropriate public hearings and PHA Board approvals remain the same (see 24 CFR 903.13 and 903.17.) PHAs are required to specifically identify where copies of the Plan and Plan elements may be obtained by residents and the public. PHAs are strongly encouraged to post the template submission and all PHA Plan elements on their website if applicable.

Changes to the PHA Plan Requirements for All PHAs. Regardless of PHA designation, the revised form HUD-50075 shall be used by all PHAs. The revised Five-Year and Annual Plan template replaces:

- a) Standard PHA Plans template (form HUD-50075);
- b) PHA Plans Streamlined Annual Version template (form HUD-50075-SA);
- c) Small PHA Plan Update (form HUD-50075-Small PHA); and
- d) PHA Plans Streamlined 5-Year/Annual Version template (form HUD-50075-SF).

Form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations, replaces form HUD-50076, Streamlined PHA Plan PHA Certifications of Compliance. PHAs must submit form HUD-50077 annually by mail or electronically with scanned signatures.

Revised Capital Fund Program Forms (HUD-50075.1 and HUD 50075.2). The submission for the Capital Fund Program generally remains the same; however, forms have been modified, and PHAs are now required to submit signed copies of the Capital Fund Program Annual Statement. PHAs must scan the signed Annual Statement and attach it to the PHA Plan. Parts I and II of the form HUD-50075.1 are to be completed for all open Capital Fund Grants, including Replacement Housing Factor (RHF) grants, as well as Capital Fund Financing Program (CFFP) transactions. Part III has been modified to provide information on CFFP and is to be completed for proposed and approved CFFP proposals. PHAs that do not have an approved or pending CFFP proposal will no longer be required to submit Part III. PHAs must continue to submit Capital Fund Program Annual Statement/Performance and Evaluation Reports (form HUD-50075.1) annually, regardless of whether or not there is a change.

PHAs will use form HUD-50075.1, Capital Fund Program Annual Statement/Performance and Evaluation Report, for the following purposes:

- a) to submit the initial budget for a new grant or Capital Fund Financing Program (CFFP) proposal;
- b) to report progress on any open grant previously funded or CFFP proposal; and
- c) to record a budget revision on previously approved open grants or CFFP proposals.

The form HUD-50075.2, Five-Year Action Plan. PHAs must complete, and submit the Capital Fund Program Five-Year Action Plan, using form HUD-50075.2. The Five-Year Action Plan can be prepared based on a fixed five years or on a rolling five years. Plans that are based on a rolling basis must be updated each year. Large capital items must be included in the Five-Year Action Plan.

New Project Numbers in PIC. PHAs will be required to use the new project numbers in PIC beginning with the implementation date established in this Notice. However, PHAs will not be required to revise and resubmit previously approved Capital Fund Program Annual Statements or Five-Year Action Plans.

Certification of Compliance (form HUD-50077). In accordance with Section 5A of the U.S. Housing Act of 1937 (“The Act”) and Departmental regulations, PHAs must certify that they are in compliance with the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and other Federal nondiscrimination and equal opportunity laws, as well as certifying that they are affirmatively furthering fair housing choice. This certification is included in the PHA Certification of Compliance with PHA Plans and Related Regulations, form HUD-50077. The Department’s PHA Plan rule at 24 CFR section 903.7(o) describes requirements for PHAs to demonstrate compliance with the Civil Rights certification requirement. FHEO requirements have been retained throughout the document.

Item (3) of the Certification of Compliance relates to the Capital Fund Program forms. HUD recognizes that because the amount of Capital Fund appropriations and allotments to PHAs change each year, it is not possible for the Board to make such a certification, because changes would most likely be necessary to its Capital Fund Program. It is HUD’s intention to revise the form in the near future, but in the interim, the PHA may strike out this part of the certification for Capital Fund Program purposes. As part of the PHA Plan submission, a PHA must annually submit the form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations, with signature by mail or electronically with scanned signature. **A PHA Plan that is submitted without the form HUD-50077 will be considered incomplete and the PHA’s funding will be at risk.**

3. **APPLICABILITY**

The revised template is to be used by all PHAs who do not meet the requirements for qualified PHAs regardless of performance status. PHAS designations will continue to dictate the specific information to be included in the Annual Plan and 5-Year Plan in accordance with 24 CFR 903.11 and 12 as it relates to high performing and section 8 only PHAs. Specific guidance regarding applicability and frequency of submission are contained in the form HUD-50075 instructions.

4. **INSTRUCTIONS FOR ACCESSING AND SUBMITTING THE REVISED PLAN TEMPLATE**

Accessing. The PHA Plan template, certification forms, and technical instructions for their use are available from HUD's PHA Plans website found at:

<http://www.hud.gov/offices/pih/pha/templates/index.cfm>. The template is available in several versions of commonly used word processing software (Microsoft Word, WordPerfect, and Rich Text Format) and as read-only files (PDF). The certifications are available as fillable forms.

Submitting. Once completed, PHAs will transmit their PHA Plans (form HUD-50075) to HUD via the Internet. Directions for Internet submission are available on the HUD PHA Plans website at <http://www.hud.gov/offices/pih/pha/submit/>. The PHA Certifications of Compliance with the PHA Plans and Related Regulations (form HUD-50077) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged to the appropriate HUD Field Office. **HUD will not consider the PHA Plan ready for review until the form HUD-50077 has been received at the appropriate local HUD Field Office.**

In addition to the form HUD 50077, PHAs must also submit to their local Field Offices the below documents. These documents may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged:

- a) Form HUD-50070 – Certification for a Drug-Free Workplace (Capital Fund only) (<http://www.hud.gov/offices/pih/pha/certifications/50070.pdf>);
- b) Form HUD-50071, Certification of Payments to Influence Federal Transactions (Capital Fund only) (<http://www.hud.gov/offices/adm/hudclips/forms/files/50071.pdf>);
- c) SF-LLL, Disclosure of Lobbying Activities (Capital Fund only) (<http://www.whitehouse.gov/omb/grants/sflllin.pdf>);
- d) SF-LLL-A, Disclosure of Lobbying Activities Continuation Sheet (Capital Fund only)([http://contacts.gsa.gov/webforms.nsf/0/EA2A8377BB76981985256A3E005CCC4E/\\$file/sflla.pdf](http://contacts.gsa.gov/webforms.nsf/0/EA2A8377BB76981985256A3E005CCC4E/$file/sflla.pdf));
- e) Resident Advisory Board (RAB) comments (all PHAs). Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations;
- f) Challenged Elements (all PHAs);
- g) Form HUD-50075.1 (Capital Fund only); and
- h) Form HUD-50075.2 (Capital Fund only).

The HUD Field Offices will not accept faxed copies of these documents.

Although not included in the submission to HUD, PHAs are still required to obtain and retain in their records a certification by a state or local official of the PHA Plans consistency with the consolidated plan.

Completing the Template. The template consists of pages 1 and 2 of form HUD-50075, and a three-page set of accompanying instructions for completing the form.

Consequences for Failure to Submit an Approvable PHA Plan. The PHA Plan serves as the agency's request for formula Capital Funds grants. PHAs that fail to submit their PHA Plan (and thus the application for funds) will not receive funding until their Plan has been submitted and approved by HUD. If a PHA fails to submit a PHA Plan in a timely manner, HUD may impose sanctions including but not limited to the withholding or future reductions in Capital Fund program, Operating Fund, or Section 8 administrative fees.

Public Availability. Pursuant to section 5A(i)(5), a PHA shall make the approved plan of the agency available to the general public and 24 CFR 903.23(e) provides that a PHA must make the approved plan and required attachments and documents related to the plan available for review and inspection at the principal office of the PHA during normal business hours. In keeping with the transition to asset management, PHAs are required to provide copies of the approved PHA Plan to each resident council and Resident Advisory Board, as well as make a copy available at each asset management project office. Additionally, PHAs are strongly encouraged to post the template submission and all PHA Plan elements on their website if applicable. HUD will continue to make approved PHA Plans available for review at <http://www.hud.gov/offices/pih/pha/approved/>.

5. **IMPLEMENTATION**

Submission of Annual Plans using the revised PHA Plan Template will be required for PHAs with the fiscal year beginning April 1, 2009, as shown in the table below. PHAs with the FY beginning April 1, 2009, and after must use the revised PHA Plan template and accompanying revised Capital Fund Program forms.

PHA Annual Plan Submission Dates

FY Beginning	Annual Plans Due (75 days before the start of the PHAs fiscal year)	FY Ending
April 1, 2009	January 16, 2009	March 31, 2010
July 1, 2009	April 17, 2009	June 30, 2010
October 1, 2009	July 18, 2009	September 30, 2010
January 1, 2010	October 19, 2009	December 31, 2010

6. **IMPLEMENTATION OF NEW PROJECT NUMBERS**

In April 2008, the Department changed the project numbering in the Public and Indian Housing Information Center (PIC) system to align buildings to projects in the same way that Asset Management Project (AMP) groupings aligned buildings to projects. The Department carried out this shift in the project numbering system in accordance with PIH

Notice 2007-28. Notice 2007-28 states that, “Once HUD implements the conversion to new project numbers, the new project numbers will be used for program/PIC reporting.” The Notice did not specify when PHAs would be required to use new project numbers instead of old ones in relationship to PHA Five-Year and Annual Plans.

PHAs have been permitted to use new project numbers for PHA Five-Year and Annual Plans since the completion of the transition in May of 2008; however, they have not been required to use new project numbers. With the publication of this Notice, PHAs are required to use new project numbers for all PHA Five-Year and Annual Plans submitted after the effective date of this Notice. PHAs that previously submitted Five-Year and Annual Plans after the completion of the transition to new project numbers, but prior to publication of this Notice are not required to amend previous submissions.

7. **VIOLENCE AGAINST WOMEN AND DEPARTMENT OF JUSTICE
REAUTHORIZATION ACT OF 2005 (VAWA)**

PHAs are reminded of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, H.R. 3402) signed by President Bush on January 3, 2005, and effective for PHAs with fiscal years beginning July 1, 2007. Title VI, Housing Opportunities and Safety for Battered Women and Children, Section 603, amended Section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c-1), requiring Five-Year and Annual PHA Plans to contain information regarding a PHA’s goals, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.

Specific requirements are that a PHA’s Annual Plan must include a description of: (a) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; (b) any activities, services or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and (c) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

Although the VAWA requirement for the Annual Plan submission to HUD is not included in the revised template, PHAs are still required to comply with VAWA, as stated above. HUD expects to modify its current template to incorporate the Annual Plan requirements of VAWA shortly.

8. CONTACT INFORMATION

If you have questions regarding this Notice, please contact Nicole Faison, Director, Office of Public Housing Programs at (202) 708-0744.

9. PAPERWORK REDUCTION ACT

The information collections referenced in this Notice have been approved by OMB pursuant to the Paperwork Reduction Act under OMB Control Number 2577-0226.

/s/
Paula O. Blunt, General Deputy Assistant Secretary
Office of Public and Indian Housing, P

Attachments—forms HUD-50075, HUD-50075.1, HUD-50075.2, and HUD-50077