



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of: Public
Housing Agency Directors; Public
Housing Field Office Directors

Notice PIH-2014-09(HA)

Issued: May 12, 2014

Expires: This notice remains in effect until amended, superseded or rescinded

Cross References: Public Law **113-76**, Public Law 113-6, Public Law 112-55, Public Law 111-117, 24 C.F.R. 905.200B, 24 C.F.R. 905.204, and Section 9(3) of the United States Housing Act of 1937.

Subject: Emergency Safety and Security Grants Annual Funding Notification and Application Process.

- 1. Purpose:** This Notice provides guidance to public housing agencies (PHAs) seeking Emergency Capital Needs funding for safety and security measures. This Notice provides instructions regarding the application and funding process for emergency safety and security funding only. This Notice *does not* apply to funding for unforeseen or unpreventable emergencies or for non-presidentially declared natural disasters. Unforeseeable or unpreventable emergencies and non-presidentially declared natural disasters will be given funding priority on a rolling basis.
 - a. For current information regarding funding for unforeseeable or unpreventable emergencies, please see the Office of Capital Improvement (OCI) website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/capfund/emfunding
 - b. For current information regarding non-presidentially declared natural disasters see PIH Notice 2012-48, *HUD Funding for Non-Presidentially Declared Disasters*, issued November 28, 2012, available at <http://hud.gov/huddoc/12-48pihn.pdf>.
- 2. Background:** Each year, Congress sets aside funds within the Capital Fund appropriation to fund emergencies and natural disasters. Typically, Congress has appropriated \$20 million in funding to provide assistance to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in the current fiscal year.
- 3. Availability of Funds:** The Department has the discretion to set aside a portion of the Emergency and Disaster Reserve specifically for emergency safety and security funding. This amount may be increased or decreased annually at the Department's discretion. The Department has the discretion to award funds beyond the initial set aside amount if additional

current year or prior year funding becomes available after initial grant awards are made. To the extent allowed by appropriations, HUD will use the same list of qualified applicants to make the additional awards.

4. **Policy:** The Department's policy with respect to safety and security funding is to ensure adequate funding availability for safety and security emergencies meeting the requirements set forth in this Notice. The Department will fund expenses to address *safety and security emergencies that pose an increased threat to the health and safety of PHA residents on a first come, first serve basis* until the set-aside funding is exhausted. PHAs must describe and explain how they have experienced an increased threat to the health and safety of their public housing residents in order to be considered for this funding. This explanation should be included within the narrative descriptions as requested in Section 10.b.ii.
5. **Statutory Interpretation:** As outlined in this Notice, emergency funding may be available to PHAs that require funding for capital needs related to safety and security measures necessary to address crime and drug-related activity.
6. **Applicability:** This Notice *only* applies to PHAs interested in seeking funding for capital needs related to safety and security measures necessary to address crime and drug-related activity.
7. **Grant Award Limit:** Given the limited availability of funding, HUD will only accept *one emergency safety and security application per PHA, per Federal fiscal year*. Safety and security funding will be limited to \$250,000 per proposal. The \$250,000 award limit is a maximum; a PHA's funding award will be based on a number of factors including the proposal's cost estimate, the number of units identified within the proposal, as well as the description of the identified safety and security need. A PHA may submit an application in which it requests funding for one or more of its developments as long as its total request does not exceed \$250,000. A PHA is ineligible to receive safety and security funding if it has previously received safety and security funding for the same development or developments for which the funds are currently being requested.
8. **Eligible Uses of Emergency Safety and Security Funding:** Emergency safety and security grants can only be used to cover eligible expenses as defined in Section 8(a)-(b) below to address threats to resident safety caused by a safety and security emergency. Grants must be used for Capital Fund eligible items that address an emergency capital need. See 24 C.F.R. § 905.200(b), (eligible uses of the Capital Fund). The capital need request must address the identified threat that the crime and drug-related activity poses to the health and safety of a PHA's public housing residents. The intent of these grants is to provide *one-time* assistance for safety and security items that could not be absorbed within the PHA's Capital Fund budget.
 - a. **Examples of Eligible Uses:** Safety and security grant funds may be used to install, repair, or replace *capital needs* items including, but not limited to the following:

- i. Security systems/cameras including digital video recorders; Budget Line Item (BLI) 1460 Dwelling Structures (building interior cameras) BLI 1450 Site Improvements (exterior cameras)
- ii. Fencing; BLI 1450 – Site improvements
- iii. Lighting systems; BLI 1450 – Site improvements
- iv. Emergency alarm systems; BLI 1460 Dwelling Structures
- v. Window bars; BLI 1460 Dwelling Structures
- vi. Deadbolt locks; and BLI 1460 Dwelling Structures
- vii. Doors. BLI 1460 Dwelling Structures

Note: Safety and Security eligible items must meet UPCS and local code requirements for egress where necessary.

b. **Examples of Non-Eligible Uses:** This list is not exhaustive. If a PHA is uncertain whether a particular use is eligible or non-eligible, the PHA should contact HUD for clarification. For contact information, please see Section 15 below.

- i. Patrol cars;
- ii. Salaries for PHA staff including security staff;
- iii. Security Contracts or payment to local law enforcement for additional security;
- iv. BLI 1410-Administrative expenses; and
- v. Transferring safety and security funding to the Operating budget line item, BLI 1406.

9. **PHA and Submission Deadline:** PHAs will be notified of emergency safety and security grant funds availability each fiscal year via electronic mail and a notice will be posted on the OCI website with the due date for applications:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/capfund

PHAs will be given at least 6 weeks' notice from the time the electronic mail notifications are sent prior to the due date for applications. PHAs seeking safety and security funding must submit a completed application package (see Section 10 b. below for all of the documents and forms) by overnight delivery (Federal Express, UPS Overnight, USPS Express Mail, etc.) unless other prior arrangements are made with HUD (see contact information in Section 15). You must also include all signed forms and required documents on a CD ROM or the

application package will be incomplete. The due date for applications will be posted on the OCI website:

All applications received by close of business on the due date will be reviewed for funding eligibility. If there are more eligible applications than set-aside funding, a lottery will be held to determine which applications are funded. If there is any set-aside money remaining after all on-time eligible applications are awarded, any applications received after the due date will be considered on a first-come, first-serve basis. Eligible applications will be funded until the set aside is exhausted.

10. Definitions and Requirements: A PHA faced with a safety and security emergency may be eligible for funding provided that the PHA meets the requirements set forth below.

- a. **Safety and Security Emergency:** An emergency may arise from an immediate need for funding by the PHA to implement safety and security measures necessary to address crime and drug-related activity. All emergencies must have occurred within the federal fiscal year (October 1 – September 30) in which the funds were appropriated. Whether a PHA’s safety and security needs merit safety and security funding, made available through this notice, will be determined by the Department based on requirements listed below.

b. Fair Housing and Civil Rights Threshold Requirement:

A PHA is ineligible to receive funding under this notice if it has received any of the following charges, cause determinations, lawsuits, or letters of findings, and the violation is not resolved to HUD’s satisfaction at the time a decision is made to award funds.

1. The PHA has been charged with an systemic violation of the Fair Housing Act or received a cause determination from a substantially-equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability or familial status;
2. The PHA is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);
3. The PHA is a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, Title II of the Americans with Disabilities Act, or a claim under the False Claims Act related to fair housing, nondiscrimination, or civil rights generally including an alleged failure to affirmatively further fair housing.
4. The PHA has received a letter of findings identifying systemic noncompliance under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973,

Section 109 of the Housing and Community Development Act of 1974; or Title II of the Americans with Disabilities Act;

5. The PHA has received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law proscribing discrimination in housing based on sexual orientation or gender identity;
6. The PHA has received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a state or local law proscribing discrimination in housing based on lawful source of income.

c. **Section 3.** PHAs are reminded that the requirements of Section 3 are applicable to funds received under this grant to the same extent that they would otherwise apply to Section 3 covered assistance.

d. **Submission Requirements:** Safety and security grant funds are available to address safety and security needs that threaten the health and safety of the public housing residents. The crime or drug-related activity giving rise to the need for safety and security funding must have existed prior to submission of the application. PHAs that apply for safety and security funding are expected to have taken adequate safety and security measures to minimize and avoid costly emergency situations prior to requesting safety and security funds. PHAs must provide a thorough explanation of how the identified crime or drug-related activity has increased the threat to the health and safety of their public housing residents.

Below is a list of the documents that makes up the complete application (there is no separate application form required):

- i. **Form HUD-50075.1, Annual Statement (only Parts I & II):** Please include data specific to the proposed Safety and Security grant. Please do not submit information on the current PHA Annual Statement. The proposed work does not need to be included in the PHA's 5 year plan. MTW agencies may submit a grant budget in lieu of the HUD-50075.1.
- ii. **Required application documentation, please provide a thorough yet concise description and/or explanation of how the PHA has experienced an increased threat to the health and safety of their public housing residents within the narratives requested below:**
 1. Most recent crime data of the PHA's locality (i.e., town, city, parish, county, etc.) from a recognized source such as local law enforcement or Uniform Crime Reports that lists types and numbers of offences; AND
at least one of the following:
 2. Narrative documentation from PHA officials, Resident Advisory Boards or PHA security personnel; OR

3. Narrative documentation from local Community Policing Organizations; OR
 4. Narrative documentation from local officials (e.g. business council executives, or city council executives).
- iii. **Documented ability to partially finance the proposed project:**
1. Describe the activities that will be undertaken to correct the emergency and the estimated cost. Include a statement that the PHA has not previously received safety and security funding for the project or projects for which the PHA is currently requesting safety and security funding.
 2. If the cost estimate exceeds the \$250,000 maximum grant size, the PHA must include documents indicating other funds, including Capital Funds, are available to cover the proposal's additional costs. Funds must be from a grant that is currently available to the PHA as of the date of application submission.
- iv. **Form HUD-50071, Certification of Payments to Influence Federal Transactions.**
- v. **Standard Form (SF)-LLL, Disclosure of Lobbying Activities.** Note: This form is available at Forms.gov. PHAs must submit the certification in Appendix A to 24 CFR Part 87 even if they have not participated in any lobbying activities, per 24 CFR Part 87. PHAs must submit Appendix B to Part 86 (SF-LLL) if the PHA has agreed to make any payment using nonappropriated funds which would be prohibited if paid for with appropriated funds.
- vi. **Form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations. In lieu of submitting a new form,** PHAs may provide a copy of the HUD-50077 from the most recent PHA Plan submission (do not submit entire PHA Plan). MTW agencies may submit a copy of the MTW certifications of compliance submitted with the most recent MTW Agency Plan.
- vii. A statement certifying that the PHA is in compliance with the civil rights threshold requirements set forth at section 10. b. of this Notice.

11. Evaluation Criteria: The Department evaluates requests for safety and security funding based on the information provided within the PHA's application as outlined within this Notice (please see section 9 above).

12. What to include in the application: An application for safety and security funding must include documentation addressing each of the submission requirements listed above in Section 10 plus a copy of all signed forms and documents on a CD ROM. Please follow the submission process as outlined in Section 9.

13. Managing Safety and Security Grants: Safety and security grants should be managed in the same manner as grants provided by the Department for unforeseeable or unpreventable emergencies. Therefore, PHAs have one year to obligate and two years to expend Safety and Security grant funds.

If the PHA receives funding in excess of the costs incurred to address the safety and security emergency, the PHA must notify the Department and return the excess funds.

14. Paperwork Reduction Act: The information collection requirements contained in this document are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 2510-3520). In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The OMB control number for the Capital Fund is: 2577-0157.

15. Contact Information: For general questions, please call Tom Shelton at 202-402-4799 or send an email to safetyandsecurityquestions@hud.gov. Please send one original hardcopy application with applicable documents and one CD-ROM as listed in paragraph 10 b above to Jeffrey Riddel, Director, Office of Capital Improvements, 451 7th Street SW, Room 4146, Washington, DC 20410.

/s/

Sandra B. Henriquez, Assistant Secretary for
Public and Indian Housing