



**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-2012-38 (HA)

Issued: September 7, 2012

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amended, superseded or rescinded

Cross References: Public Law 112-55, Public Law
111-117, 24 C.F.R. 905.10, Section 9(3) of the United
States Housing Act of 1937.

Subject: Emergency Safety and Security Funding as it Relates to the Full-Year Continuing Appropriations Act, 2012 [Public Law 112-36].

1. **Purpose:** This Notice provides guidance to public housing agencies (PHAs) seeking Emergency Capital Needs funding for safety and security measures utilizing FY 2012 funds. 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 Chapter 4 (Emergencies and Natural Disasters) of the *Draft Capital Fund Guidebook*, available at <http://www.hud.gov/offices/pih/programs/ph/capfund/cp4end.pdf>.
 - b. For current information regarding non-presidentially declared natural disasters see PIH Notice 2010-14, *HUD Funding for Non-Presidentially Declared Disasters, issued April 28, 2010*, available at <http://www.hud.gov/offices/pih/publications/notices/10/pih2010-14.pdf>.
2. **Background:** Each year, Congress sets aside funds within the Capital Fund appropriation to fund emergencies and natural disasters. This year, Congress 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 fiscal year [2012].” See [Public Law 112-55] (Department of Housing and Urban Development Appropriations Act, 2012).
3. **Availability of Funds:** The Department has the discretion to set aside a portion of the \$20 million specifically for emergency safety and security funding. This amount may be

increased or decreased annually at the Department's discretion. For FY 2012, the Department will initially set aside \$3 million for emergency safety and security funding. The Department has the discretion to award funds beyond the initial \$3 million if additional funding becomes available in the future.

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 *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 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 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 correct damages 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. § 905.10(b), 24 C.F.R. § 905.10(k) (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 PHAs 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;
 - ii. Fencing;
 - iii. Lighting systems;
 - iv. Emergency alarm systems;
 - v. Window bars;
 - vi. Deadbolt locks; and
 - vii. Doors.
- 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;
 - iii. BLI 1410-Administrative expenses; and
 - iv. Transferring safety and security funding to the Operating budget line item, BLI 1406.
- 9. Process for Requesting a Safety and Security Grant:** PHAs seeking safety and security funding must submit a completed application package (see Section 10 b. below) 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). Applications must be received by close of business on October, 22, 2012. All applications received by 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 funds were appropriated. Whether a PHAs 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. **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 are required to be included in the full application:

- i. **Form HUD-50075.1, Annual Statement (only Parts I & II):** Please include data specifically for 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. 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;
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, 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.
 - 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.

- 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 this form even if they have not participated in any lobbying activities, per 24 CFR Part 87.
- vi. **Form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations.** PHAs may provide a copy of the most recent PHA Plan submission. MTW agencies may submit MTW certifications of compliance.

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. 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. Please see the *Draft Capital Fund Guidebook*, Chapter 4: Emergencies and Natural Disasters, Section F: Managing natural disaster grants available at <http://www.hud.gov/offices/pih/programs/ph/capfund/cp4end.pdf>.

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 Safety and Security Questions@hud.gov. Please email a brief letter indicating the PHA's intent to apply for safety and security funding to <Safety and Security Questions@hud.gov> with the subject line "Intent to Apply- Safety and Security Program." Please send all original, signed copies of the application documents 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