

**Department of Housing and Urban Development
Report on Implementation of Executive Order 13563,
Improving Regulation and Regulatory Review**

Title and Regulatory Identification Number (RIN)	Description and Anticipated Benefits	Status and Target Dates
Office of Housing – Federal Housing Administration (FHA)		
<p>Federal Housing Administration (FHA): Refinancing an Existing Cooperative under Section 207 Pursuant to Section 223(f) of the National Housing Act; Final Rule</p> <p>RIN 2502-AI92</p>	<p>This final rule will remove a regulatory barrier to the refinancing of existing mortgage debt with FHA insurance by owners of multifamily cooperative housing projects. Although the statutory language authorizing such insurance does not distinguish between rental or cooperative multifamily projects, HUD’s current regulations limit FHA insurance to existing rental projects. Given the current state of the capital markets and the significant downturn in the multifamily market, HUD determined it is an appropriate time to reconsider this regulatory imposed limitation with respect to the mortgage insurance for the refinancing of cooperative projects. The final rule follows publication of a February 1, 2011, proposed rule (76 FR 5518).</p> <p>Anticipated Benefits: The final rule will remove a regulatory restriction on FHA refinancing of existing mortgage debt by owners of multifamily cooperative projects, thus expanding the number of individuals eligible to participate in FHA programs.</p>	<p>The rule is under development.</p>

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Office of Housing – Federal Housing Administration (FHA)		
<p>Streamlining Inspection and Warranty Requirements for Federal Housing Administration (FHA) Single Family Mortgage Insurance: Removal of the FHA Inspector Roster and of the Ten-Year Protection Plan Requirements for High Loan-to-Value Ratio Mortgages; Proposed Rule</p> <p>RIN 2502-AJ03</p>	<p>This proposed rule would streamline the inspection and home warranty requirements for FHA single family mortgage insurance. HUD’s regulations currently require the use of an inspector listed on FHA’s Inspector Roster as a condition for FHA mortgage insurance. The Inspector Roster lists inspectors selected by FHA as eligible to determine if the construction quality of a one unit property is acceptable as security for an FHA-insured loan. Current regulations also require newly constructed homes to have a 10-year protection plan in order to qualify for high loan-to-value (LTV) FHA-insured mortgages. Although such protection plans are no longer statutorily mandated, HUD continued to require the plans through regulation. The proposed streamlining changes recognize the sufficiency and quality of inspections carried out by local jurisdictions as a result of the building permit and certification of occupancy processes.</p> <p>Anticipated Benefits: The proposed rule removes the regulations for the FHA Inspector Roster, making it easier for lenders and borrowers to have inspections performed and streamlining the mortgage insurance application process. The proposed rule also removes the outdated 10-year protection plan requirement for high LTV newly constructed single family homes securing FHA-insured mortgages. This eliminates an unnecessary layer of regulatory burden.</p>	<p>The rule is under development.</p>
<p>Expansion of Eligibility of Nonprofit Organizations to Participate in FHA Single Family Mortgage Insurance Programs; Proposed Rule</p> <p>RIN 2502-AJ06</p>	<p>The FHA Nonprofit Organization Roster lists nonprofit organizations that HUD has determined are qualified to participate in certain specified FHA single family activities. This proposed rule would have clarified the eligibility of nonprofit organizations for placement on the roster and thereby help provide affordable housing opportunities through secondary financing and other activities.</p> <p>Anticipated Benefits: The proposed rule would have clarified the roster eligibility of nonprofit organizations created by state and local governments that qualify for tax exemption under section 115 of the Internal Revenue Code.</p>	<p>HUD has determined this rulemaking is no longer needed. The clarification regarding the eligibility of nonprofit organizations will instead be issued through Mortgagee Letter.</p>

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Office of Housing – Federal Housing Administration (FHA)		
<p>Federal Housing Administration (FHA) Single Family Mortgage Insurance: Removal of Requests for Alternative Mortgage Amounts; Proposed Rule</p> <p>RIN 2502-AJ02</p>	<p>This proposed rule would remove the regulations providing for requests for an alternative maximum mortgage amount in the FHA single family mortgage insurance programs and, in doing so, would establish certainty in FHA’s annual announcement of applicable maximum mortgage amounts for the calendar year. The existing regulations provide for requests to be submitted at any time with no end date provided for the submission of requests. This open-ended practice, initiated in 1980, does not bring stability to a mortgage market. Over 30 years later, the quality of FHA’s data in establishing mortgage amounts for any given geographic area is such that the requests for alternative mortgage amounts have dropped dramatically in the past few years so that no requests were submitted to FHA in calendar year 2010. The removal of this process in and of itself will signal the certainty to FHA’s annual announcement of maximum mortgage amounts.</p> <p>Anticipated Benefits: The proposed rule would bring certainty to and streamline the announced maximum mortgage amounts for each calendar year, by removing a regulation that is no longer relevant.</p>	<p>OMB has concluded its review of the proposed rule. The 15-day Congressional pre-publication review period closed on December 27, 2011. Publication of the rule is pending.</p>
<p>Federal Housing Administration (FHA): Suspension of FHA’s Regulation Placing Time Restrictions on Resale of FHA-Insured Property; Interim Rule</p> <p>RIN 2502-AI99</p>	<p>This interim rule suspends HUD’s regulations placing time restriction on the resale of FHA-insured property. Resale of a property recently acquired at an artificially inflated value for a considerable profit, often as a result of a lender’s collusion with the appraiser, is referred to as property “flipping.” In an effort to preclude this collusion with respect to mortgages insured by FHA, HUD regulations at 24 CFR 203.37a provide that FHA, with certain exceptions, will not insure a mortgage if the contract of sale is executed within 90 days of acquisition of the property by the seller. Section 203.37a was promulgated at a time when the housing market was inflated and consequently property flipping was more prevalent and profitable. The interim rule will give HUD the discretion to reactivate the time resale restrictions if HUD determines that activation is necessary to protect the FHA insurance fund and consumers. HUD determined that the current market has changed to such a degree that the time</p>	<p>The rule is currently under Executive Order 12866 review by OMB.</p>

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	<p>resale restrictions are currently impractical and impede rehabilitation of foreclosed and abandoned homes. With the downturn in the housing market, acquisition and resale of properties is an important part of stabilizing the market.</p> <p>Anticipated Benefits: The interim rule removes permanent time restrictions on resale of FHA-insured properties, thus lifting burdensome regulatory impediments to receiving FHA mortgage insurance.</p>	

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Office of Housing – Federal Housing Administration (FHA)		
<p>Federal Housing Administration (FHA): Suspension of Single Family Mortgage Insurance for Military Impacted Areas; Proposed Rule</p> <p>RIN 2502-AJ01</p>	<p>This proposed rule would suspend FHA’s military impacted areas program, and remove the regulations for the program at 24 CFR 203.43e. Section 238(c) of the National Housing Act authorizes HUD to insure mortgages executed in connection with the construction, repair, rehabilitation, or purchase of property located near any installation of the Armed Forces of the United States in federally impacted areas. The program has been little utilized by eligible borrowers. Additionally, these mortgage loans are insured under comparable terms and conditions as HUD’s primary single family mortgage insurance program under section 203(b) of the National Housing Act. Accordingly, those borrowers that would be served under section 238(c) of the Act are served equally well under the section 203(b) mortgage insurance program. The President’s Budget for Fiscal Year 2011 acknowledges the underutilization of the Section 238(c) program and advised that HUD would take action to halt the availability of the program in light of significant underutilization. The final rule follows publication of a</p> <p>Anticipated Benefits: The proposed rule would remove regulations for an underutilized program, streamlining the application process for FHA-insured mortgages.</p>	<p>The rule is under development.</p>
<p>Federal Housing Administration (FHA): Approval of Lending Institutions and Mortgagees— Alternative Reporting Requirements for Small Supervised Lenders</p> <p>No RIN assigned yet.</p>	<p>This proposed rule would create alternative financial statement reporting requirements for FHA-approved lenders and mortgagees supervised by a Federal banking agency and possessing consolidated assets of less than \$500 million. HUD’s regulations at 24 CFR § 202.5 currently require all lenders and mortgagees to submit audited financial statements as a condition for FHA lender approval and renewal. Through this proposed rule, in lieu of an audited financial statement, smaller supervised lenders and mortgagees would be required to submit a copy of their unaudited regulatory report prepared for another Federal agency that aligns with their fiscal year end. Because the Federal banking agencies do not require an audited financial statement for financial institutions with consolidated assets less than \$500 million, this rule</p>	<p>The rule is under development.</p>

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	<p>would align HUD practice with that of other agencies and lift an excessive regulatory burden in order to reduce the cost of participating in FHA programs. This rule would not affect the requirement that larger supervised lenders and mortgagees and all unsupervised lenders and mortgagees submit an audited financial statement and thus would not impact HUD’s strong risk management practices.</p> <p>Anticipated Benefits: The proposed rule would relieve small lenders wishing to participate in FHA programs of certain reporting requirements. The proposed rule also eliminates duplicative reporting requirements for lenders who already report to other Federal agencies, thus reducing paperwork and minimizing the burden of the process of becoming an FHA-approved lender.</p>	
<p>Section 8 New Construction and Substantial Rehabilitation Programs: Changes to Limitation on Distributions of Project Funds and Adjustment of Initial Equity; Proposed Rule</p> <p>RIN 2502-A198</p>	<p>The proposed rule streamlines the regulations governing the participation of nonprofit organizations in the Section 8 new construction and substantial rehabilitation programs. These programs made rental assistance available in connection with the development of newly constructed and the improvement and renovation of existing privately owned rental housing financed with any type of construction or permanent financing, including the applicable FHA Multifamily Mortgage Insurance Programs. In 1979 and 1980, HUD issued final rules that revised regulations pertaining to the Section 8 Housing Assistance Payments Program for New Construction (24 CFR part 880), Substantial Rehabilitation (24 CFR part 881), and State Housing Agencies (24 CFR part 883) in order to impose limits on distribution of project funds to profit-motivated owners and prohibiting entitlement to distribution entirely for nonprofit owners. This rule removes the prohibition, thereby providing an incentive for nonprofit owners to contribute to the availability of affordable housing.</p> <p>Anticipated Benefits: By reducing regulatory barriers, this change removes a disincentive for nonprofit owners to promote affordable housing.</p>	<p>The rule is under development.</p>

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Office of Housing – Federal Housing Administration (FHA)		
<p>Streamlining Requirements Governing the Use of Funding for Supportive Housing for the Elderly and Persons with Disabilities Programs; Proposed Rule</p> <p>2502-AI67</p>	<p>This proposed rule would amend HUD’s regulations governing the Section 202 Supportive Housing for the Elderly Program (Section 202) and the Section 811 Supportive Housing for Persons with Disabilities Program (Section 811) for the purpose of streamlining the requirements for mixed-financed Section 202 and Section 811 developments. The amendments made by this proposed rule would attract private capital and the expertise of the private developer community to create attractive and affordable supportive housing developments for the elderly and for persons with disabilities.</p> <p>Anticipated Benefits: The proposed rule would remove restrictions on the portions of developments not funded through capital advances. The proposed rule also would remove regulatory barriers on participation s by creating new exemptions to the conflict of interest provisions. Moreover, the proposed rule will provide flexibility regarding amenities that may be provided in projects and will streamline requirements for release of capital advance funds upon completion of the project.</p> <p>The voluntary nature of funding units with covered amenities or developments that contain healthcare facilities makes it difficult to predict the impact of these changes on future Section 202 and 811 units because these two programs together produce only a few hundred developments a year (193 in 2008 and 170 in 2009). Consequently, the overall economic impact from these proposed limited changes in development and unit configuration is expected to be small.</p>	<p>The rule is currently under Executive Order 12866 review by OMB.</p>
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Office of Public and Indian Housing (PIH)		
<p>Public Housing Assessment System (PHAS); Final Rule</p> <p>2577-AC68</p>	<p>On February 23, 2011, HUD published an interim rule to amend HUD’s Public Housing Assessment System (PHAS) regulations for the purposes of (1) consolidating the regulations governing assessment of public housing in one part of the Code of Federal Regulations (CFR); (2) revising certain PHAS</p>	<p>HUD is considering the public comments received in response to the February 23, 2011, interim rule.</p>

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	<p>regulations based on HUD’s experience with PHAS since it was established in 1998; (3) updating certain PHAS procedures to reflect changes in public housing operations resulting from conversion by Public Housing Agencies (PHAs) to asset management; and (4) removing HUD’s predecessor assessment regulations, the Public Housing Management Assessment Program (PHMAP) at 24 CFR part 901. The changes implemented by the interim rule will enhance the efficiency and utility of PHAS, and are based on changes submitted for public comment in an August 21, 2008, proposed rule. The changes made by the interim rule, became effective March 25, 2011, and took into consideration the public comments received on the August 21, 2008, proposed rule.</p> <p>The interim rule solicited additional public comment. The public comment period on the interim rule closed on April 25, 2011. HUD will consider the public comments in development of the final rule.</p> <p>Anticipated Benefits: The final rule will consolidate the assessment regulations in 24 CFR part 902. The rule also removes the outdated PHMAP regulations at 24 CFR part 901.</p>	
<p>Public Housing Capital Fund Program; Final Rule</p> <p>RIN-2577-AC50</p>	<p>This final rule combines and streamlines the former legacy public housing modernization programs, including the Comprehensive Grant Program , the Comprehensive Improvement Assistance Program, and the Public Housing Development Program (which encompasses mixed-finance development), into the Capital Fund Program. The final rule also provides the ability for PHAs to request a total development cost exception for integrated utility management, capital planning, and other capital and management activities that maximize energy conservation and efficiency, including green construction and retrofits. The final rule follows publication of a February 7, 2011, proposed rule (76 FR 6654).</p> <p>Anticipated Benefits: The final rule will streamline and consolidate the modernization requirements for the public housing programs in HUD’s Capital</p>	<p>HUD is considering the public comments received in response to the February 7, 2011, proposed rule.</p>

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	<p>Fund Program regulations at 24 CFR part 905. The final rule removes the outdated parts 941, 968, 969, which currently codify the legacy modernization program requirements.</p> <p>HUD has determined that this final rule would not have any impact on the level of funding for the Capital Fund Program - which level is determined by annual congressional appropriations, but would potentially create some financial transfers among program participants. The total amount of transfer is estimated to be less than \$100 million annually, with most of these transfers being inter-agency transfers. However, the benefits of the rule such as regulatory consolidation, program clarification, removal of obsolete references, and enhanced efficiencies make the rule necessary regardless of the transfers of funding involved.</p>	
<p>Streamlined Application Process in Public/Private Partnerships for Mixed-Finance Development of Public Housing Units Proposed Rule</p> <p>RIN 2577-AC55</p>	<p>This proposed rule would revise the current application process for participation in HUD’s mixed-finance public housing development programs, including HOPE VI (public housing mixed finance programs), by simplifying and streamlining the application, review, and approval processes.</p> <p>Anticipated Benefits: The proposed rule will reduce document submission burdens on PHAs.</p>	<p>HUD is reconsidering the need for this rulemaking. HUD may instead address the supplication process in the context of another rule or through the Paperwork Reduction Act process.</p>
<p>Revisions to the Consortia of Public Housing Agencies; Proposed Rule</p> <p>RIN 2577-AC89</p>	<p>This proposed rule revises the PHA consortium regulations to provide additional flexibility and increase administrative efficiencies associated with forming a consortium. The changes will also help ensure maximum family choice in locating suitable housing. The proposed rule would allow PHAs to form a new category of cross-jurisdictional consortia for administration of the Section 8 Housing Choice Voucher (HCV) program. The proposed rule would also revise the categories of Section 8 programs eligible to be administered under a consortium. Specifically, the Section 8 programs administered by HUD’s Office of Multifamily Housing programs would no longer be eligible for consortia administration. HUD also proposes to establish new requirements</p>	<p>The rule is under development.</p>

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	<p>regarding the timeframes for the establishment and dissolution of a consortium. Further, HUD has taken the opportunity afforded by this proposed rule to make several technical, non-substantive changes to improve the clarity and organization of the consortium regulations.</p> <p>Anticipated Benefits: The proposed rule will enable PHAs to establish cross-jurisdictional consortia that would be treated as a single PHA, with a single jurisdiction and a single set of reporting and audit requirements, for purposes of administering the HCV program in a more streamlined and less burdensome fashion.</p>	
<p>Removal of the Indian HOME Investment Partnerships Program Regulations; Final Rule</p> <p>RIN 2577-AC87</p>	<p>This final rule removes HUD’s outdated regulations for the legacy Indian HOME Investment Partnerships (Indian HOME) program. Under the Indian HOME program, HUD awarded funds competitively to eligible applicants to provide more affordable housing. The Indian HOME program was replaced by the Indian Housing Block Grant program established under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA); however, HUD retained the Indian HOME program regulations as they continued to govern existing grant awards made prior to the enactment of NAHASDA. All Indian HOME program grants are now closed and, therefore, the regulations are no longer necessary.</p> <p>Anticipated Benefits: The final rule removes outdated regulations for the legacy Indian HOME program</p>	<p>The rule is under development.</p>
<p>Public Housing and Section 8 Programs: Housing Choice Voucher - Improving Portability for Voucher Families Proposed Rule</p> <p>RIN 2577-AC86</p>	<p>This proposed rule would amend HUD’s regulations governing portability in the Housing Choice Voucher program (HCV program). Portability is a feature of the HCV program that allows an eligible family with a housing choice voucher to use that voucher to lease a unit anywhere in the United States where there is a public housing agency (PHA) operating a housing choice voucher program. The purpose of HUD’s proposed changes to the portability regulations is to streamline the process for such inter-jurisdictional moves. Reducing the administrative burdens involved with processing portability</p>	<p>The rule is currently under Executive Order 12866 review by OMB.</p>

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	<p>requests will enable initial and receiving PHAs to better serve families and expand housing opportunities.</p> <p>Anticipated Benefits: The proposed rule would remove the administrative burdens involved with processing portability requests. The proposed changes to the HCV regulations would not have a significant incidence on the program budget. The proposed rule, however, would yield certain non-tangible benefits to program participant and, if successful, increase financial transfers between PHAs.</p>	
<p>Revision to the Section 8 Management Assessment Program (SEMAP) Lease-Up Indicator; Final Rule</p> <p>RIN 2577-AC76</p>	<p>This final rule amends HUD’s SEMAP regulations to conform the process by which HUD measures and verifies performance under the SEMAP lease-up indicator to the process by which HUD measures and verifies voucher leasing and cost data. The amendment will reflect that assessment of a lease-up rate (that is, SEMAP lease-up indicator) by a public housing agency (PHA) is based on a calendar year cycle, rather than a fiscal year cycle. HUD measures and verifies voucher leasing and cost data on a calendar year basis. The two different systems of measurement result in administrative burden for PHAs and inefficiencies in the voucher program. This rule also clarifies that units assisted under the voucher homeownership option or under a project-based housing assistance (HAP) contract are included in the assessment of PHA units leased. I This final rule follows publication of a September 23, 2011, proposed rule (76 FR 59069).</p> <p>Anticipated Benefits: The final rule removes complexity and administrative burden caused by use of both the fiscal year and calendar year systems. The rule also provides a critical synchronization of administration of the voucher program, which will reduce program inefficiencies.</p>	<p>HUD is considering the public comments received in response to the September 23, 2011, proposed rule.</p>

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Office of Community Planning and Development (CPD)		
<p>Implementation of the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act)</p> <p>RINs:</p> <p>Definition of “Homeless” Final Rule RIN 2506–AC26</p> <p>Continuum of Care program; Proposed Rule RIN 2506–AC29</p> <p>Emergency Solutions Grants program; Proposed Rule RIN 2506–AC31</p> <p>Homeless Management Information System (HMIS); Proposed Rule RIN 2506–AC32</p> <p>Rural Housing Stability program; Proposed Rule RIN 2506–AC33</p>	<p>These proposed rules implementing the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) consolidate and amends three separate homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program that is designed to improve administrative efficiency and enhance response coordination and effectiveness in addressing the needs of homeless persons. The HEARTH Act also codifies in law and enhances the Continuum of Care planning process, long a part of HUD's application process to assist homeless persons by providing greater coordination in responding to their needs.</p> <p>Anticipated Benefits: The HEARTH Act rules strengthens and consolidate to a certain extent the homeless grant assistance programs that HUD has administered for over a decade. For example, the HEARTH act codifies into law the Continuum of Care program, which was administratively created in 1995, and consolidates into the Continuum of Care program, the Supportive Housing Program, the Shelter Plus Care Program, and the Moderate Rehabilitation Single Room Occupancy Program. The HEARTH Act replaces the Emergency Shelter Grants program with the Emergency Solutions Grants program, which places a greater focus on homeless prevention. The HEARTH Act also directs that HUD issue regulations for the Homeless Management Information System (HMIS), a database that HUD established to compile information on homelessness. The HEARTH Act rules implemented by HUD do not alter the fundamental goals of the homeless assistance grant programs, in existence prior to amendment by the HEARTH Act. Accordingly, these rules do not result in an economic effect equal to or greater than \$100 million.</p>	<p>The Definition of Homeless final rule was published on December 5, 2011 (76 FR 75994)</p> <p>The Emergency Shelter Grants program proposed rule was published on December 5, 2011 (76 FR 75954). The public comment period closes on February 3, 2012.</p> <p>The HMIS proposed rule was published on December 9, 2011 (76 FR 76917). The public comment period closes on February 7, 2012.</p> <p>The Continuum of Care program and Rural Housing Stability program rules are under development.</p>
<p>HOME Investment Partnerships—Improving Performance and Accountability; and Updating Property</p>	<p>HUD’s HOME Investment Partnerships Program (HOME program or HOME) provides formula grants to States and units of local government to fund a wide range of activities directed to producing or maintaining affordable housing, both homes and rental housing. This final rule</p>	<p>The public comment period on the proposed rule closes on February 14, 2012.</p>

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Standards; Final rule RIN 2501-AC94	<p>amends the HOME regulations to address many of the operational challenges facing participating jurisdictions, particularly challenges related to recent housing market conditions and the alignment of Federal housing programs. The final rule also clarifies certain existing regulatory requirements and establishes new requirements designed to enhance accountability by states and units of local government in the use of HOME funds, strengthening performance standards and requiring more timely housing production. The final rule also updates property standards applicable to housing assisted by HOME funds. This final rule follows publication of a December 16, 2011, proposed rule (76 FR 78344).</p> <p>Anticipated Benefits: This rule proposes to make a number of changes to the HOME program in order to improve the performance of the program and to implement foreclosure prevention measures required by the Dodd–Frank Wall Street Reform and Consumer Protection Act. Accountability and performance would be enhanced by such regulatory changes as placing limits and standards on the use of Community Housing Development Organizations (CHDOs), strengthening performance standards by participating jurisdictions and requiring more timely housing production.</p>	