



**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-2011-56 (HA)**

Issued: October 4, 2011

Expires: Effective until amended, superseded
or rescinded

Cross References: Public Law 111-8, 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 Department of
Defense and Full-Year Continuing Appropriations Act, 2011 [Public Law 112-10].**

1. **Purpose:** This Notice provides guidance to public housing agencies (PHAs) seeking Emergency Capital Needs funding for safety and security measures utilizing FY 2011 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.
 - 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 \$19,960,000 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 [2011].” See [Public Law 112-10] (FY 2010 Act); [Public Law 111-117] (FY 2011 Act).
3. **Availability of Funds:** The Department has the discretion to set aside a portion of the \$19,960,000 specifically for emergency safety and security funding. This amount may be increased or decreased annually at the Department’s discretion. For FY 2011, the Department will set aside \$2,000,000 for emergency safety and security funding.

4. **Policy:** The Department's policy with respect to safety and security funding is to ensure adequate funding availability for unforeseeable or unpreventable emergencies as well as non-presidentially declared natural disasters. Thus, unforeseeable or unpreventable emergencies and non-presidentially declared natural disasters will be given funding priority on a rolling basis. The Department will then fund those *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.
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. Safety and security emergencies include sudden increases in threat-levels posed to the health and safety of PHA residents due to violent crimes or property-related crimes at PHA sites.
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 severity of the safety and security emergency. A PHA is ineligible to receive emergency safety and security needs funding if it has previously received Emergency Capital Needs funding to address the same issue 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 to correct damages caused by a qualifying safety and security emergency as defined in Section 9(a)-(b) below. Such 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 needs must address the identified threat that the crime and drug-related activity poses to the health and safety of the PHA residents. The intent of these grants is to provide *one-time* assistance for emergency items that could not be absorbed within the PHA's Capital Fund budget.
 - a. **Examples of Eligible Uses:** Emergency 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. Administrative expenses; and
 - iv. Transferring safety and security funding to the Operating budget line item.

9. Process for Requesting an Emergency Safety and Security Grant: PHAs seeking emergency safety and security funding must follow a two-part application process in order to mitigate submission delays caused by variable system and email capacities. Executive Directors, or their designees, must first submit a short letter, via email, indicating the PHA's intent to apply for safety and security funding. Immediately thereafter, the PHA must send the original, completed application package by mail (see contact information in Section 15). Emails will be recorded in the order they are received. If the completed application package is postmarked on the same day or earlier than the email, the email will serve as the PHA's place holder in the queue. If the postmark date is later than the date of the email, the PHA's application will be placed in the queue on the date HUD receives it by mail. Upon review, qualified applicants will be funded on a first come, first serve basis until the set-aside funding has been exhausted. Applications will not be accepted until November 18, 2011 at 12:01 am.

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 fiscal year in which funds were appropriated. Whether a PHA's safety and security needs merit Emergency Capital Needs funding, made available through this notice, will be determined by the Department based on requirements listed below.
- b. **Submission Requirements:** Emergency 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 emergency safety and security funding must have existed prior to submission of the application. PHAs that apply for emergency safety and security funding are expected to have taken adequate

safety and security measures to minimize and avoid costly emergency situations prior to requesting emergency funds.

As outlined below, PHAs seeking emergency safety and security funding must follow a two-part submission process and submit all required documentation and information. The standard forms referenced below are available at <http://www.hudclips.org>.

- i. **Form HUD-50075.1, Annual Statement (only Parts I & II)**
- ii. **Documented crime and drug-related activity that poses an increased threat to the health and safety of PHA residents:**
 1. The PHA must identify the specific crime and drug-related activity that poses an *increased threat* to the health and safety of PHA residents. PHAs must demonstrate that the safety and security emergency occurred *during the fiscal year in which the funds are appropriated*. PHAs must be able to demonstrate that the increased threat-level to the health and safety of PHA residents meets the definition of emergency described in this notice.
 2. The PHA must provide documentation of the crime and drug-related activity identified within the application and must also provide justification regarding the increased threat to the health and safety of PHA residents that such crime and drug-related activity poses.
 - a. Anecdotal or narrative documentation from PHA officials, residents, boards, or security personnel will be considered; however, such narratives must be supported by third-party data. Third-party data *cannot* come from any entity or individual directly dependent on, regulated, employed, or financed by the PHA. If a PHA is uncertain whether a particular entity or individual is in fact a third party, the PHA should include, within their narrative documentation, an explanation as to why the individual or entity qualifies as a third party.
 - b. Below is a list of suggested documentation; however, this list is not exhaustive.
 - i. Crime data from local law enforcement (preferred);
 - ii. Documentation from local “Neighborhood Watch” groups;
 - iii. Documentation from local councils (e.g., business council, city council, etc.)
- iii. **Third-party assessment of a practical plan:**

1. The PHA must submit a third-party analysis indicating that the PHA's capital needs proposal to resolve the safety and security emergency is a viable proposal, likely to immediately address the crime or drug-related condition(s) identified.
2. The third-party analysis must be provided by a professional with expertise in security strategies as well as defensible spaces. The credentials of the third-party professional to make the aforementioned assessment must also be submitted.
 - a. Examples of such third-party professionals include architects, security personnel, or consultants with the aforementioned expertise.

iv. **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 excess costs.

v. **Form HUD-50071, Certification of Payments to Influence Federal Transactions.**

vi. **Standard Form (SF)-LLL, Disclosure of Lobbying Activities.** Note: This form is available at Forms.gov.

vii. **Form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations.**

11. Evaluation Criteria: The Department determines whether applications for emergency safety and security funding meet the funding criteria outlined above based on the information provided within the PHA's application. Applicants that meet the criteria described above and submit the required documentation will be funded on a *first come, first serve* basis until the set aside funding has been exhausted.

12. What to include in the application: An application for emergency safety and security funding must include documentation addressing each of the submission requirements listed above in Section 10. Please follow the two-part submission process as outlined in Section 9.

13. Managing Emergency Grants: Safety and security emergency grants should be managed in the same manner as grants provided 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 Jeffrey Riddel, Director, Office of Capital Improvements, at 202-402-7378. Please email a brief letter indicating the PHA's intent to apply for safety and security funding to Jeffrey Riddel at Jeffrey.Riddel@hud.gov. 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