



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

Special Attention of:
Regional and Field Office Directors of Public
Housing; Section 8 Financial Management
Center; Public Housing Agencies Administering
Housing Choice Voucher and/or Public Housing
Programs in Louisiana and Mississippi; Regional
Directors; State and Area Coordinators

Notice 2009-45 (HA)

Issued: November 6, 2009

Expires: November 30, 2010

Cross References:

FR Notice 5067-N-01, Vol. 71, No. 145
July 28, 2006, FR Notice 5067-N-02,
Vol. 71, No. 209, October 30, 2006,
FR Notice 5067-N-04, Vol. 73, No. 243
December 30, 2008

Subject: Submission of Calendar Year 2009 Notices of Intent and Fungibility Plans by PHAs in Hurricane Katrina and Rita Disaster Areas Authorized to Combine Section 8(o) and 9(d)(e) Funding Under Section 901 of 2006 Emergency Supplemental Appropriations, as Extended by 2008 Emergency and Supplemental Appropriations

Purpose: This Notice provides detailed instructions to public housing agencies (PHAs) in Louisiana and Mississippi who are eligible to combine Housing Choice Voucher and public housing operating and capital funds under section 901 of 2006 emergency supplemental appropriations, on how to submit calendar year (CY) 2009 Notices of Intent and Fungibility Plans. This flexibility was extended by 2008 emergency and supplemental appropriations to include CY 2006, 2007, 2008 and 2009. New for 2009 are additional submission requirements for plans that include new housing development activities.

Background: Division B of the Department of Defense Emergency Supplemental Appropriations to address Hurricanes in the Gulf of Mexico and Pandemic Influenza Act, 2006 (Section 901 of Public Law No. 109-148, enacted on December 30, 2005), authorized PHAs in federally declared disaster areas as a result of Hurricanes Katrina and Rita to combine assistance under sections 8(o) and 9(d) and (e) of the U.S. Housing Act of 1937 ("the Act") for the purpose of assisting families that were receiving assistance under those programs before the hurricanes and displaced after the hurricanes.

HUD implemented Section 901 through publication in the *Federal Register* on July 28, 2006, of FR-5067-N-01 (Volume 71, Page 42996) entitled *Implementation Guidance for Section 901 of the Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006* ("the Section 901 implementation guidance"). HUD subsequently published notice FR-5067-N-04 on December 17, 2008 (Volume 73, page 76673) extending to the PHAs most heavily affected by Hurricanes Katrina and Rita the flexibility to combine funds through CY 2008 and 2009. Additionally, HUD published FR-5067-N-02 on October 30, 2006, (Volume 71, Page 63340) to extend the deadline for submitting fungibility plans to

November 21, 2006, and permit combined funds to be used for eligible purposes under the Housing Choice Voucher program.

Section 4803 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law No. 110-28 enacted May 25, 2007) extended authority for this flexibility to CY 2006 and 2007.

Section 11003 of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law No. 110-329) extended authority for fungibility to CY 2008 and 2009.

1. Receipt and Review of 2009 Fungibility Plans. HUD will follow the procedures indicated in Section 901 implementation guidance for submission and review of CY 2009 Notices of Intent and Fungibility Plans, unless otherwise noted below.

- a) **Eligibility:** PHAs listed in the Section 901 implementation guidance are eligible to submit Notices of Intent and Fungibility Plans for CY 2009 program funds.

All 2009 Section 901 Notices of Intent and Fungibility Plans must describe proposed activities and targeted units in detail, and ensure they are consistent with and disclose their relationship to the PHA's public housing and Housing Choice Voucher programs and associated HUD reviews and approvals (e.g. project-based vouchers, waivers, Disaster Housing Assistance Program (DHAP), PHA Plan, public housing demolition or disposition applications). The CY 2009 Notice of Intent and Fungibility Plan must explain how the activities will specifically assist formerly assisted and displaced families consistent with and pursuant to the following language in Section 901 of 2006 emergency supplemental appropriations:

SEC. 901. Notwithstanding provisions of the United States Housing Act of 1937 (Public Law 93-383), in order to assist public housing agencies located within the most heavily impacted areas of Louisiana and Mississippi that are subject to a declaration by the President of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in connection with Hurricane Katrina or Rita, the Secretary for calendar year 2006 may authorize a public housing agency to combine assistance provided under sections 9(d) and (e) of the United States Housing Act of 1937 and assistance provided under section 8(o) of such Act, for the purpose of facilitating the prompt, flexible and efficient use of funds provided under these sections of the Act to assist families who were receiving housing assistance under the Act immediately prior to Hurricane Katrina or Rita and were displaced from their housing by the hurricanes.

In order to facilitate HUD's review, Fungibility Plans must also provide information on the number, names, and former addresses of families that were receiving assistance under the 1937 Housing Act when the hurricanes occurred and were displaced from their homes by the hurricanes that will be targeted to receive assistance under Section 901 activities. The Fungibility Plan should indicate how the

PHA will ensure that formerly assisted and displaced families as defined by Section 901 will be the beneficiaries of activities proposed in the plan, at the time those activities are completed or implemented. The list of fungible families should only include those that have not yet benefited from Section 901 activities. If the PHA references a list of Section 901 families it submitted in conjunction with its 2008 Fungibility Plan, and indicates the list is applicable to the 2009 plan, the number of families identified should equal or exceed the total number of units proposed for development under the 2008 and 2009 fungibility plans, including designations for elderly units.

- b) **Submission of a CY 2009 Notice of Intent and Fungibility Plan:** In accordance with Section V.A. of the Section 901 implementation guidance, PHAs must submit a Notice of Intent to invoke Section 901 flexibility and a CY 2009 Fungibility Plan. To facilitate plan submissions, PHAs may use the template included as Appendix A to this Notice.
- c) **CY 2009 Section 901 Fungibility Plan Contents:** See table on following page for a summary list of submissions for CY 2009 Section 901 Fungibility Plans.

CY 2009 Section 901 Fungibility Plan Contents

1. BOARD RESOLUTION – authorizes submission of plan and plan revisions and certifies activities will benefit formerly assisted and displaced families as required by Section 901 of Public Law 109-148.

2. SOURCE OF FUNDS - Name Of Program(s) Providing CY 2009 Sec. 901 Funds:
Program (1): _____ Program (2): _____

3. AMOUNT OF SOURCE FUNDS - Amount of CY 2009 Funds the Source Program is Providing for Section 901 Fungibility:

Program (1): \$ _____ Program (2): \$ _____
TOTAL ALL SOURCES: \$ _____

* - Provide the highest amount of funding expected to be available from CY 2009 after taking into consideration source program funding needs (e.g. HCV) .

4. USE OF FUNDS - Name Of Program(s) Source Funds will be Used in for CY 2009 Sec. 901:

Program (1): _____ Amount: \$ _____
Program (2): _____ Amount: \$ _____
TOTAL: \$ _____

5. DETAILED DESCRIPTION of ACTIVITIES for USE OF FUNDS (CY 2009)

a. Capital Fund Program Activities

- **Overview Statement or Executive Summary**
- **Capital Improvements and Repairs.** Completed CFP/2009 Section 901 Annual Statement/ Performance and Evaluation Report, Parts I-III and Five-Year Action Plan (Form HUD-50075.1 and HUD-50075.2). Label as “2009 Section 901”.
- **Housing Development.** Description of proposed public housing development activities, including number and type of public housing units to be developed and placed under ACC, type(s) of other financing, unit descriptions, site location, construction/development budget, sources and uses statement. HUD may require a follow-up submission of a full development proposal and project schedule as a condition of approval for the fungibility plan. See 24 CFR 941.606.

b. Housing Choice Voucher Program Activities

- 1) Detailed Narrative Statement and 2) Costs per activity from CY 2009 Sect. 901 source funds
- **Housing Development.** Description of proposed housing development activities for new units to be project-based, including number and type of units to be developed, type(s) of other financing, unit descriptions, construction/development budget, site location, sources and uses statement. HUD may require a follow-up submission of a full development proposal and project schedule to the local HUD field office as a condition of approval of the fungibility plan.

c. Public Housing Operating Fund

- Detailed Narrative Statement and 2) Costs per activity from CY 2009 Sect. 901 source funds

**Provide separate descriptions of new activities and if applicable, activities in prior year Fungibility Plan(s) that will be expanded and the amount of CY2009 Section 901 funds for each activity.*

CY 2009 Section 901 Fungibility Plan Contents

6. INFORMATION ON FORMERLY ASSISTED AND DISPLACED FAMILIES

- Provide sufficient information for HUD to determine that the activities proposed in the Fungibility Plan, including new development, will benefit only those families authorized for Section 901 assistance – families formerly assisted under the 1937 Housing Act immediately prior to Hurricanes Katrina and Rita that were displaced from their housing by the hurricanes. Families that evacuated for a short period of time and returned to their original, habitable units do not meet the Section 901 definition. The information provided to HUD should, at a minimum, identify the number, names, and addresses of public housing and HCV families the PHA was assisting at the time of the hurricanes and identify the families they are currently assisting under HCV and public housing. For families the PHA is currently assisting, the PHA should indicate if the family went back to their original unit or another unit in their jurisdiction. If a PHA is providing payments to PHAs in other jurisdictions for Section 901 families, or has records such families are being assisted under portability procedures, the PHA should identify the Section 901 family being assisted under portability and also the receiving PHA. .
- Note: If information identifying Section 901 families was submitted and accepted by HUD for the PHA's 2008 fungibility plan, and has not changed, the PHA may reference the information in its 2009 fungibility plan.
- Describe how the PHA will ensure only formerly assisted and displaced families benefit from services or housing under Section 901 activities. Description must include giving formerly assisted and displaced families the first right of occupancy for all Section 901 funded units.

- d) **Coordination of Data on Families Assisted under the 1937 Housing Act:** HUD Headquarters will work with the New Orleans and Jackson field offices and PHAs in their jurisdictions to share and compare information about formerly assisted and displaced families. HUD Headquarters can use data from the Disaster Information System (DIS), Public Housing Information Center (PIC), and other available systems, including information from the Federal Emergency Management Agency (FEMA) on temporary housing units (THU) to confirm whether families that were formerly assisted under the 1937 U.S. Housing Act and displaced from their housing by Hurricanes Katrina and Rita are currently receiving DVP, DHAP, or DHAP-Ike assistance, and where they are located. Headquarters may also assist with providing information (encrypted) on families that: 1) formerly received assistance from 1937 Housing Act programs administered by offices within HUD that are outside of Public and Indian Housing, e.g. the Office of Multifamily Housing, 2) were displaced from their housing by the hurricanes, and 3) would be eligible for Section 901 activities.
- e) **Fund Amounts for Fungibility:** PHAs must provide a figure that represents the highest amount of CY 2009 funding they project will be available to be combined or used for other program purposes under Section 901 authority, after taking into consideration such factors as the conversion of families to regular vouchers when the Disaster Voucher Program (DVP) ends; withholding of vouchers under the Re-Occupancy policy for families returning to their pre-disaster housing, and/or increased HAP costs due to market rent increases or portability. Refer to PIH Notices

2007-17 (*Disaster Voucher Program*) and 2007-3 (*Reoccupancy Policies for Pre-Disaster HUD Assisted and Special Needs Families*). PHAs must submit with their CY 2009 Fungibility Plans a signed certification (see Appendix B) that no funding provided under Section 1203 of Emergency Supplemental Appropriations passed by Congress on June 24, 2009 is included in the amount of HCV HAP or administrative fee funds presented for other program uses in the PHA's CY 2009 Fungibility Plan.

f) **Summary of Key Dates:**

DATE	WHO?	WHAT?
November 30, 2009 DUE DATE	PHA	CY2009 Notice of Intent and Fungibility Plan <ul style="list-style-type: none"> • Sources and Uses of Funds, Activities • Estimated <u>or</u> Final Funding Requested
December 4, 2009	HUD	Notify PHAs of any Plan Deficiencies.
December 11, 2009	PHA	Last Day to Submit Plan Revisions, Corrections, Clarifications.
December 31, 2009	HUD	Last Day to Authorize CY2009 Section 901 Fungibility

g) **Due Date: November 30, 2009.** PHAs must submit their CY2009 Notices of Intent and Fungibility Plans to HUD no later than this date and mail them to the Office of Policy, Program, and Legislative Initiatives, Public and Indian Housing, Attn: Bessy Kong/Sherry McCown, 451 7th St., S.W., Room 4116, Washington D.C., 20410. To expedite processing, PHAs should also send their plans and exhibits through electronic mail to: **Sherry.Fobear-McCown@hud.gov.**

h) **Deficiency Notifications: December 4, 2009.** HUD will notify PHAs of any deficiencies in or clarifications required of their plans by this date.

i) **Plan Revisions and Clarifications: December 11, 2009.** PHAs must submit any revisions or clarifications of their plans in response to HUD notifications, inquiries, or comments by this date. Major revisions must be accompanied by a resolution from the PHA board of directors. Examples of major revisions include changes in sources and uses of funding, activities, and Section 901 beneficiaries.

j) **HUD Plan Review:** HUD will review 2009 Fungibility Plan submissions and make final determinations to authorize CY 2009 Section 901 flexibility no later than **December 31, 2009.**

2. Revisions to Reporting Requirements for All Section 901 Activities and Calendar Years.

Refer to Section V.B., parts 1-3, of the Section 901 implementation guidance, *Reporting Requirements for Activities and Use of Funds Provided for Fungibility Under Section 901*. PHAs will continue to submit Annual and Final Reports and Financial Data Schedules in

accordance with the notice, but must report Calendar Years 2006, 2007, 2008, and 2009 separately:

- a) **Annual Report.** PHAs with an approved Notice of Intent and Fungibility Plan must provide narrative accounts of their progress in carrying out each approved Section 901 fungibility plan activity to their local HUD Office of Public Housing (OPH), with copies to the HUD Headquarters Office of Field Operations (OFO), and Financial Management Center (FMC). If public housing operating funds have been used for Section 901 fungibility, reports must be submitted to the Real Estate Assessment Center (REAC). In addition to providing a narrative account of the PHA's progress in carrying out each approved Section 901 fungibility plan activity during the course of the year, the annual reports must address:

- (1) The amount of funds, by source program, used in other programs under Section 901 fungibility,
- (2) The proposed uses of those combined funds,
- (3) The amount of funds obligated during the year from each source program,
- (4) The cumulative total amount of funds obligated for all years,
- (5) The total amount of funds expended during the year from each source;
- (6) The cumulative total amount of funds expended for all years; and
- (7) The cumulative amount of interest earned on funds approved for Section 901.

Due Dates for Annual Report: The Section 901 implementation guidance states that annual reports must cover the 12-month period ending September 30 and are due at the field office within 45 calendar days. HUD is changing the due date for annual reports on Section 901 activities to better coincide with actual approval dates and a calendar year schedule. Accordingly, the first reporting period for CY 2009 fungibility plans will cover the period January 1, 2010, through December 31, 2010, and the report will be due 30 days later on January 30, 2011. The same schedule will be followed for earlier Section 901 approvals. For example, the next annual report due date for CY 2008 Section 901 funds is January 30, 2010, and will cover the reporting period of January 1, 2009 through December 31, 2009.

- b) **Quarterly Reports.** Section 901 primarily involves use of HCV funds for CFP and HCV administrative fee uses that include various activities, including housing development. HUD has determined that annual reporting is insufficient to capture the rate of Section 901 obligations and expenditures and PHA progress in implementing Section 901 plans. Accordingly, PHAs will now be required to provide a narrative report on their progress in carrying out Section 901 approved activities and the amount of funds obligated and expended for each quarter. The format for quarterly reports is the same as for the annual report requirement that was set forth in the original Section 901 implementation notice published in the *Federal Register* on July 28, 2006. Be sure to identify the quarter (1st, 2nd, 3rd, 4th), the calendar year of funding (2006, 2007, 2008, 2009), and the obligation and expenditure period (Year 1, Year 2, Year 3, Year 4, Year 5). Quarterly reports are due 30 days following the end

of each quarter. Affected program areas within the Office of Public and Indian Housing (PIH) may issue further guidance prescribing and providing report formats to achieve uniformity in reporting. This information will be used for monitoring purposes to: 1) ensure PHAs are obligating and expending funds at a reasonable rate to coincide with the activities approved in each Fungibility Plan, 2) assess PHA progress in carrying out Section 901 project activities, and 3) determine the level of interest earnings accruing on remaining unexpended funds. PHAs are reminded that any interest earned on funds designated for Section 901 activities must be retained, but is not available for spending on Section 901 project or program activities.

- c) ***Final Report.*** A final report is due at the end of the fungibility period, which is the earlier of either the expenditure deadline **for CY 2006, 2007, 2008, or 2009 fungibility by program use** or when the PHA has expended all funds. PHAs that combined funds under Section 901 shall submit to their local HUD field office a summary report of funds sources and uses by program, the Section 901 activities approved by HUD for the for the 2006, 2007, 2008, and 2009 Fungibility Plans, actual activities and results for the 2006, 2007, 2008, and 2009 approved Fungibility Plans, and the amount of any balances of program funds and interest earnings remaining.
- d) ***Financial Data Schedule Reporting.*** Continue Financial Data Schedule (FDS) reporting in accordance with Section V.B.4. of the Section 901 implementation guidance. That guidance spells out that once the PHA is approved for Section 901 Flexibility, the PHA must still report the original program revenues in the programs (Capital Fund Program, Low Rent Public Housing Program, or Housing Choice Voucher Program) the grant or subsidy funds were initially intended for on the FDS. Any original program revenues needed to assist families displaced by Hurricane Katrina or Rita under Section 901 fungibility would then be transferred from one or all of the above programs to a new column on the FDS called “Other Federal Program – Section 901” at the time they are needed for actual Section 901 expenditures. For the HCV program, the PHA will use Operating Transfers (for current funding) on FDS Line 10010 to report the transfer in to the “Other Federal Program-Section 901” and FDS Line 10020 to report the funds leaving the HCV program. For the public housing Operating and Capital Fund programs, the PHA will use Transfers Between Programs and Projects (for current funding) on FDS Line 10093 to report the transfer in to the “Other Federal Program-Section 901” and FDS Line 10094 to report the funds leaving the public housing Capital or Operating Fund programs. If the funds transferred were received in a prior year, the transaction should be reported as an Equity Transfer on Line 1104 of the current FDS between the affected programs and include an adequate explanation of the details surrounding the transfer. Further, an explanation of this fungibility is required to be made by the PHA in the "Comments Link" in both the un-audited and audited financial submissions. This will help ensure that all users and readers of the financial data are aware that the PHA participated in this funding Flexibility.

To add the “Other Federal Program-Section 901” column on the FDS, click on the Programs Tab, click Add Program, then select “Other Federal Activity-Section 901 Emergency Supplemental Appropriations” under the Federal Agency drop down list, click Go under Federal Agency (right side of page), then click the “Add Program” button on the center of the page. Once the funds have been transferred to the “Other Federal Program-Section 901”, all activity related to the funding flexibility must be accounted and reported in this new column on the FDS.

3. **Timely Use of Funds.** The Section 901 implementation guidance indicates that HCV or public housing operating funds a PHA combines and uses for Capital Fund program purposes must be expended within 5 years from the date of HUD’s approval of the Section 901 Fungibility Plan, or as authorized by the Assistant Secretary for PIH. PHAs must expend voucher or public housing capital funds used for public housing operational costs within 1 year. HCV HAP funds used for HCV administrative fee purposes, including development of new housing units that will be PHA-owned and/or placed under a Project-Based Voucher (PBV) contract must also be expended within 5 years from the date of HUD’s approval of the Section 901 Fungibility Plan, or as authorized by the Assistant Secretary for PIH.

Calendar Year (CY) Fungibility Plan	HCV or public housing operating costs for public housing capital fund activities 5-year expenditure date	Public housing capital or HCV funds used for public housing operating activities 1-year Expenditure date
2006	January 1, 2012	January 1, 2008
2007	January 1, 2013	January 1, 2009
2008	January 1, 2014	January 1, 2010
2009	January 1, 2015	January 1, 2011

To facilitate Section 901 administration, the 5-year expenditure date for CY 2006 fungibility plans approved in late December 2006, will be established as January 1, 2012. For CY 2007 fungibility plans approved in late December 2007, the 5-year expenditure date is January 1, 2013. For CY 2008 fungibility plans approved at staggered times during 2008, the 5-year expenditure date is 5 years from the date of HUD’s approval of the fungibility plan. For CY 2009 fungibility plans approved in late December 2009, the 5-year expenditure date is January 1, 2015. The 1-year expenditure date for CY 2007 fungibility plans date is January 1, 2009 and for CY 2008 fungibility plans the 1-year expenditure date is January 1, 2010.

As indicated above, starting in 2009, HUD expects that any funds that are combined for HCV program activities will be expended no later than 5 years from the date of HUD’s approval of the PHA’s Fungibility Plan.

If the combined **CY 2006, 2007, 2008, and 2009** funds are not expended according to these time frames, the PHA loses the flexibility provided under this Notice and the funds revert back to original program uses, including applicable funding terms. For example, if a PHA combines voucher funds with Capital Funds for public housing reconstruction purposes, and

if the CY 2007, 2008, and 2009 voucher funds are not expended for those purposes by January 1, 2012 or January 1, 2013 respectively, they revert back to vouchers.

4. **Program and Other Federal Requirements.** Federal funds that are appropriated for one PIH program and used for other PIH program activities under authorization of Section 901 must comply with all program and Federal regulations and requirements, including those that are more fully described in notices, handbooks, or other binding guidance, that are applicable to the end use of funds for Section 8(o) Housing Choice Voucher and/or Section 9(d) and (e) public housing operating or capital fund activities. These include but are not limited to program regulations for Project-Based Vouchers (24 CFR Part 983), Section 8 Tenant Based Assistance: Housing Choice Vouchers (24 CFR Part 982), Public Housing Modernization (24 CFR Part 968), Public Housing/Mixed-Finance Development (24 CFR Part 941), Public Housing Operating Fund (24 CFR Part 990), Section 8 and public housing family self-sufficiency programs and fair housing and civil rights-related requirements set forth at 24 CFR §5.105(a).

This also includes, but is not limited to regulations and requirements applicable to property acquisition, new construction and rehabilitation activities, including but not limited to HUD's environmental regulations, Davis-Bacon requirements, and design standards. Even if HUD has previously provided general approval for the PHA's Fungibility Plan, PHA authority to commit and/or use funds designated for Section 901 activities is not effective until such time as: (1) an environmental review is performed by the responsible entity under the requirements of 24 CFR Part 58, and a Request for Release of Funds and Certification, form HUD-7015.15 as applicable, has been submitted by the PHA and approved by HUD; or (2) an environmental review is performed by HUD under the requirements of 24 CFR Part 50 and HUD has notified the PHA in writing that the property has been approved.

5. **Paperwork Reduction Act Statement.** The information collection requirement contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control number 2577-0245, which expires 2/28/2010. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.
6. **Additional Information.** Any questions related to this notice should be addressed to the Office of Policy, Program, and Legislative Initiatives at (202) 708-0713.

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

SECTION 901 CALENDAR YEAR 2009 FUNGIBILITY PLAN SUBMISSION REQUIREMENTS

DUE DATE: November 6, 2009

(A) A NOTICE OF INTENT TO INVOKE SECTION 901 FLEXIBILITY

(B) A DETAILED SECTION 901 FUNGIBILITY PLAN

(DOCUMENT)

1. **Board Resolution.** A resolution from the PHA Board of Commissioners certifying that the flexibility will be used to facilitate “prompt, flexible, and efficient use of these funds to assist families who were receiving housing assistance under the Act (1937 U.S. Housing Act) immediately prior to Hurricanes Katrina or Rita and were displaced from their housing by the hurricanes.”

NOTE: For items 2, 3, and 4 below, **complete the table** on the following page.

(TABLE)

2. **Source of Funds for Calendar Year 2009 Section 901 Fungibility.** Identify the name of the program from which funds will be provided for purposes of fungibility.

3. **Amount of Sources of Funds.** Identify the exact dollar amount of funds, by program source, to be provided for fungibility purposes, including the grant number(s) and grant year(s) (grant numbers not applicable to vouchers).

4. **Use of Funds Provided for Calendar Year 2009 Section 901 Fungibility.** Identify the name of the program(s) with which funds are being combined or for which they will be used.

(NARRATIVE)

5. **Detailed Description of the Proposed Uses of the Combined Funds.** *e.g.*, the number of units to be renovated, repaired, acquired, or built, and the types of administrative functions to be undertaken.

NOTE: Detailed, narrative descriptions **must** be provided to explain and justify proposed activities for funds to be used under Section 901 authority. They may be provided as a separate attachment or included in the fourth column of the table on the following pages.

(FORM)

6. **Capital Fund Program Annual Statement/Performance and Evaluation Report, Parts I–III (or form HUD-50075.1).** For program source funds (e.g. HCV) used for other program purposes (e.g. CFP capital improvements).

SECTION 901 CALENDAR YEAR 2009 FUNGIBILITY PLAN SUBMISSION REQUIREMENTS
DUE DATE: November 6, 2009

(C) WHERE AND HOW TO SUBMIT:

One copy to the Public Housing Director of the HUD office in New Orleans, Louisiana, or Jackson, Mississippi, as applicable

Mail Original to:

HUD Headquarters
Office of Public and Indian Housing
Office of Policy, Program, and Legislative Initiatives
451 Seventh Street, SW., Room 4116
Washington, DC 20410-5000
Attention: Bessy Kong/Sherry McCown.

Email to:

Sherry.fobearmccown@hud.gov

Section 901 Calendar Year 2009 Fungibility Plan		APPENDIX A	Name of PHA: HA Code:
Source Of Funds for Fungibility	Use Of Funds Program that Will Use Funds	Section 901 CY 2009 Fungibility Categories (HUD USE ONLY)	Narrative Description Of Activities and Related Costs
Housing Choice Vouchers (HAP) <u>Amount:</u> \$	Public Housing Capital Fund	<input type="checkbox"/> Repairs/Reconstruction <input type="checkbox"/> Renovations/Modernization <input type="checkbox"/> Development <input type="checkbox"/> Acquisition <input type="checkbox"/> Mixed-Finance <input type="checkbox"/> Other (Describe)	<p>Description of Activities (Executive Summary):</p> <p>Capital Improvements. Describe capital improvements as they relate to hurricane-related damages that remain and to the needs of formerly assisted and displaced families.</p> <p>Housing Development. Description of proposed public housing development activities, including number and type of public housing units to be developed and placed under ACC, type(s) of other financing, unit descriptions, site location, construction/development budget, sources and uses statement. HUD may require a follow-up submission of a full development proposal as a condition of approval of the fungibility plan.</p> <p>Total Costs: \$</p> <p>Cost Breakdown</p> <p>(Attach forms HUD-50075.1 and HUD-50075.2</p> <p>Identify 50075.1 and 50075.2 as "CY2009 Sec. 901" separate from 2009 CFP Annual Statement/Performance and Evaluation Report (50075.1)</p> <p>Part I - Summary (by Development Number and Account)</p> <p>Part II - Supporting Pages (by Development and Work Categories)</p> <p>Part III - Implementation Schedule (by Development)</p> <p>Five-Year Action Plan (50075.2)</p>

Section 901 Calendar Year 2009 Fungibility Plan		APPENDIX A	Name of PHA: HA Code:
Source Of Funds for Fungibility	Use Of Funds Program that Will Use Funds	Section 901 CY 2009 Fungibility Categories (HUD USE ONLY)	Narrative Description Of Activities and Related Costs
Public Housing Operating Fund: Amount: \$	Public Housing Capital Fund	<input type="checkbox"/> Repairs/Reconstruction <input type="checkbox"/> Renovations//Modernization <input type="checkbox"/> Housing Development <input type="checkbox"/> Acquisition <input type="checkbox"/> Mixed-Finance <input type="checkbox"/> Other	<p>Description of Activities (Executive Summary):</p> <p>Capital Improvements. Describe capital improvements as they relate to hurricane-related damages that remain and to the needs of formerly assisted and displaced families.</p> <p>Housing Development. Description of proposed public housing development activities, including number and type of public housing units to be developed and placed under ACC, type(s) of other financing, unit descriptions, site location, construction/development budget, sources and uses statement. HUD may require a follow-up submission of a full development proposal as a condition of approval of the fungibility plan. Total Costs: \$</p> <p>Cost Breakdown:</p> <p>(Attach forms HUD-50075.1 and 50075.2</p> <p>Identify 50075.1 and 50075.2 as "CY2009 Sec. 901" separate from 2009 CFP</p> <p>Part I – Annual Statement (Summary by Development Number and Account) Part II - Supporting Pages (by Development and Work Categories) Part III – Implementation Schedule (by Development)</p>

Section 901 Calendar Year 2009 Fungibility Plan		APPENDIX A	Name of PHA: HA Code:
Source Of Funds for Fungibility	Use Of Funds Program that Will Use Funds	Section 901 CY 2009 Fungibility Categories (HUD USE ONLY)	Narrative Description Of Activities and Related Costs
Public Housing Operating Fund Amount: \$	Housing Choice Voucher Section 8(o)	<input type="checkbox"/> Housing Development <input type="checkbox"/> Project Based Voucher <input type="checkbox"/> Homeownership <input type="checkbox"/> Other Mark both Housing Development and Project-Based Vouchers for new units to be supported with Section 901 fungibility.	Description of Activities: Housing Development. Description of proposed housing development activities for new units to be project-based, including number and type of units to be developed, type(s) of other financing, unit descriptions, construction/development budget, site location, sources and uses statement. HUD may require a follow-up submission of a full development proposal as a condition of approval of the fungibility plan. Total Costs: \$ Cost Breakdown:
SUB-TOTAL AMOUNT PUBLIC HOUSING OPERATING FUNDS TO BE USED FOR CY 2009 FUNGIBILITY: \$			

SECTION 1203 CERTIFICATION

This is to certify the amount of funds proposed for inclusion in a CY 2009 Fungibility Plan submitted by the _____ (insert PHA name) does not include any housing choice voucher (HCV) funding appropriated under Section 1203 of 2009 Emergency Supplemental Appropriations, P.L. No. 110-329, for areas impacted by Hurricanes Katrina or Rita. Furthermore, the _____ (insert PHA name) will not use voucher funding appropriated under Section 1203 funding for fungibility purposes under Section 901 of 2006 Emergency Supplemental Appropriations, P.L. No. 109-148, as extended to calendar year 2007 by Section 4803 of 2007 Appropriations, P.L. No. 110-28, and as further extended to calendar years 2008 and 2009 by Section 11003 of 2009 Continuing Appropriations, P.L. 110-329.

PHA Certification: I hereby certify that all information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012, U.S.C. 3729, 3802)

Name and Title (print)

Signature

Name of PHA