

Frequently Asked Questions (FAQs) for Notice PIH-2010-24 (HA)

Emergency Safety and Security Funding Notice as it Relates to the Omnibus Appropriations Act, 2009 [Public Law 111-8] and the Consolidated Appropriations Act, 2010 [Public Law 111-117].

PROCEDURE

1. I see that we are to email the application materials. What is the earliest date that we can start sending documents in that will be accepted?

Notice PIH-2010-24 (“the Notice”) states: “Applications will not be accepted until 30 days after [June 28, 2010].” Applications will be accepted beginning July 28, 2010 at 12:01am. Applications will NOT be accepted prior to that time. Please, note that due to the large size of attachments, the email should indicate merely that a proposal has been or will be mailed that day. Do not attach any supporting files to the email. To be eligible the hard copy of the application must be dated for the same day as the email. HUD will not be responsible for submissions lost in the mail and the burden of proof will rest on the housing authority asserting such a claim; such burden would be met by producing a tracking number to verify the date the packet was dispatched. The application process is, substantively, unchanged and only the procedure for reserving a place in line has been altered to omit the requirement of attaching the application to the email. Any email notifying HUD of a PHA’s intent to apply must be accompanied by a paper application submitted to HUD. Applications will be funded on a first come, first served basis until the funding set-aside has been exhausted. This means that the order in which applications will be considered will be determined by the electronic time stamp on the email. Any remaining unfunded applications will be held until the end of HUD’s Fiscal Year 2010, or September 30, 2010. If additional funding becomes available, applications will be funded in the order received. Please note that any electronic date- or time-stamping will be adjusted to EDT/EST as appropriate.

2. When is HUD’s Fiscal Year?

HUD’s Fiscal Year runs from Oct 1 to September 30 each year in which HUD funds are appropriated.

3. If receiving funding, will my housing authority be required to sign an ACC Amendment?

Yes, with the additional requirements that the funds will be obligated in 1 year and expended in 2 years. The PHA will also need to demonstrate the property has a valid declaration of trust (“DOT”) on the property on which the funds will be used.

4. What are the obligation and expenditure dates for this grant?

The funds must be obligated within 1 year and expended in 2 years.

5. We understand that there is a \$250,000 cap on each proposal. Does that mean one proposal submission per housing authority?

The intent of the notice was one proposal per housing authority.

6. My PHA has hired a consultant to prepare our application. Can the consultant submit the proposal on our behalf?

Applications for emergency safety and security funding awarded pursuant to Notice 2010-24 should bear the signature of the executive director of the housing authority or some other housing authority official duly delegated the authority of the executive director. HUD is aware that housing authority might occasionally retain third-party consultants or contractors to prepare applications for funding on its behalf; this is an acceptable practice, but the application ultimately submitted must originate from the housing authority and carry the signature of an official authorized to act on behalf of the housing authority.

FORMS

7. Where can I find the forms that I will need to complete my application?

Please go to HUD's website at:

http://portal.hud.gov/portal/page/portal/HUD/program_offices/administration/hudclips/forms.

You can access all HUD forms on this website by entering the name or number of the form you need under the section labeled "Search HUD's Forms," found on the right hand side of the web page under "Quick Links."

8. My housing authority normally files the HUD-50077CR. Should I fill out a new HUD-50077 for this application?

No. You should submit a copy of the Form 50077CR if your housing authority is a qualified housing authority or Form 50077 if it is a nonqualified housing authority. Furthermore, as long as the information is still current, complete, and otherwise accurate in any and all respects, a copy of the same form previously submitted to the field office would suffice.

9. There is not enough space on the HUD-50075.1 to include my narrative. Where should it go?

Please, note on the 50075.1, "See attachment," and include a separate document as your narrative.

10. What should be included on the HUD-50075.1?

The 50075.1 should reflect how you intend to use the funds you are requesting under the appropriate line item in Part I. Part II should clearly indicate on which development the funds

would be used as well as a development breakdown of the distribution of the funds in the event more than one development is addressed in your individual proposal.

11. Do work items requested in the proposal need to be included in a previous HUD-approved 5 yr Capital Budget Plan?

No. The work items are not required to be included in the existing HUD approved 5-year capital budget plan because regulations are relaxed in bona fide emergency situations. See, for example, 24 C.F.R. § 968.104(a)(1), which provides, in pertinent part, “A PHA is not required to have an approved . . . plan under § 968.315 before it can request emergency assistance.” See also 24 C.F.R. § 968.112(a)(1)(ii), defining eligible costs to include emergency work even if not in a Five-Year Action Plan or Annual Statement.

ELIGIBLE USES

12. Is hiring an outside security or police force an eligible expense?

No. As with any capital funds, eligible expenses consist of capital improvements. Salaries paid to security or law enforcement personnel are not eligible capital fund expenditures.

13. My agency is going to submit a request for capital and security funding to address building needs for our police department. We will explain in our narrative that a police force able to function at full capacity directly affects the safety and security of our residents. Is this applicable to this funding opportunity?

No. The improvements can only be made to properties that are under a HUD- approved DOT and appropriate covenant to operate as public housing for the benefit of public housing residents.

14. My housing authority has had a problem with drug-related violence for a long time. We think security cameras and brighter lights in the courtyards would reduce this violence. Would this count as an eligible use of funds?

Security cameras and new lights would be examples of eligible capital expenditures. However, please be aware that the funds to be awarded pursuant to Notice 2010-24 are for emergency capital needs related to safety and security measures necessary to address crime and drug related activity. Please, see paragraphs three and four of the notice. A long-standing problem does not constitute an emergency because it is not unforeseen and unlikely to be unpreventable. Furthermore, any emergency has to have occurred in the fiscal year for which appropriated funds are requested.

15. Can my agency use an existing architectural contract for this?

Yes, to the extent that work to be performed under the contract mitigates an actual emergency within the scope of the Notice. The plan must still be reviewed by a disinterested, independent third party and found to be viable.

THIRD-PARTY EVALUATION

16. The proposal calls for a third-party, expert assessment of the proposal. Can our own Police Department, a CALEA-accredited Police Department, qualify as our expert assessor for purposes of this proposal?

No. The intent of the notice was to have a disinterested and independent review of the viability of a proposal. As such, in-house security details or housing authority police departments cannot provide the third-party review. A statement regarding the independence of the person providing the review should accompany that person's professional credentials. This statement should indicate that there is no conflict of interest in the provision of a review of the proposal.

Where can I go if I have more questions?

Please call Jeffrey Riddell, Director, at (202) 402 - 7378, Rick Smith, Deputy Director, at (202) 402 - 7652, David Fleischman at (202) 475 - 8676, or Scott Shewcraft at (202) 402 - 6421.