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

Special Attention:

Public Housing Agencies (PHA)
Public Housing Hub Office Directors
Public Housing Program Center Directors
Regional Directors
Field Office Directors
Resident Management Corporations

NOTICE PIH-2015-18 (HA)

Issued: October 23, 2015

Expires: Effective until amended, superseded, or rescinded

Cross References: 24 CFR Part 903; and Notice PIH 2008-41.

Subject: Availability of New and Revised Public Housing Agency (PHA) Five-Year and Annual Plan Templates and Other Forms

1. **PURPOSE**

This Notice:

- Announces the availability of new PHA Annual and 5-Year PHA Plan templates:
    - HUD-50075-5Y
    - HUD-50075-HCV
    - HUD-50075-HP
    - HUD-50075-SM
    - HUD-50075-ST
- Announces the availability of new and revised certifications forms:
    - HUD-50077-CRT-SM
    - HUD-50077-ST-HCV-HP
    - HUD 50077-SL
    - HUD 50077-CR
- Provides clarification on the categories of PHAs and the corresponding PHA Annual Plan and 5-Year PHA Plan submission requirements.
- Incorporates Rental Assistance Demonstration (RAD) and Violence Against Women Act (VAWA) requirements into PHA Annual and 5-Year PHA Plan templates, as described in more detail in Section 5 of this notice.

2. BACKGROUND AND APPLICABILITY

Section 511 of the Quality Housing and Work Responsibility Act of 1998 (QHWRA), Pub. L. 105–276, created the requirement for submission of 5-Year and Annual PHA Plans by all PHAs administering the Public Housing and/or Housing Choice Voucher (HCV) programs. Sections 2701 and 2702 of the Housing and Economic Recovery Act of 2008 (HERA), Pub. L. 110-289 relieved burden on small PHAs by providing Qualified PHAs with an exemption from the requirement to submit an Annual PHA Plan. See Section 3 for a definition of Qualified PHAs.

Since HUD's issuance of Notice PIH 2008-41, public comments have been submitted with respect to prior versions of PHA plan templates and forms subject to OMB review under the Paperwork Reduction Act of 1995. Specifically, a number of commenters requested that HUD revise the plan templates to accurately reflect existing regulations that permit the Department to establish streamlined plans for small and high performing PHAs – and PHAs that only administer tenant-based assistance (i.e. the HCV Only or Section 8 Only PHAs) and that do not own or operate public housing.

3. CATEGORIES OF PHAs FOR THE PURPOSE OF THE ANNUAL PHA PLAN

PHAs that are not exempted from the requirement to submit an Annual PHA Plan under HERA are required to submit a complete or streamlined Annual PHA Plan pursuant to the requirements of 24 CFR §903.7, 903.11, and 903.12. The regulations at 24 CFR § 903.11 permits PHAs that are high performing or small, or that only administer tenant-based assistance to submit streamlined plans. The definitions of the PHA types required to submit Annual PHA Plans are described below:

- **Standard PHA -** Must submit complete, Annual PHA Plans using the 50075-ST standard template.
    - Owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550.
    - Designated as a Standard Performer (see § 902.11(b)) in the most recent Public Housing Assessment System (PHAS) or Section Eight Management Assessment Program (SEMAP) assessments if administering both programs. Otherwise, PHAS if only administering public housing.

- **Troubled PHA -** Must submit complete, Annual PHA Plans using the 50075-ST standard template.

    - Any PHA that is designated Troubled (see § 902.75) on the most recent PHAS or SEMAP assessments if administering both programs. Otherwise, PHAS if only administering public housing or SEMAP if only administering Housing Choice Vouchers.

- **High-Performer PHA** - Must submit streamlined Annual PHA Plans using the 50075-HP template.

    - Owns or manages any number of public housing units and any number of vouchers where the total combined units exceed 550.
    - Designated as a high performer (see § 902.11(a)) on both of the most recent PHAS and SEMAP assessments if administering both programs. Otherwise, PHAS if only administering public housing or SEMAP if only administering Housing Choice Vouchers.

- **Small PHA** - Must submit streamlined Annual PHA Plans using the 50075-SM template.

    - Owns or manages between 1 and 249 public housing units and any number of vouchers where the total combined units exceed 550.
    - Not designated as a troubled PHA in the most recent PHAS or SEMAP assessment, or at risk of being designated as troubled[1].
    - Small PHAs may also be High Performer PHAs if they meet the definition of High Performer above. Small PHAs that choose to submit Annual PHA Plans as High Performers must submit streamlined Annual PHA Plans using the 50075-HP template.

- **Housing Choice Voucher (HCV) Only PHA** - Must submit streamlined Annual PHA Plans using the 50075-HCV template.

    - Administers more than 550 HCVs, and does not own or manage public housing.
    - Not designated as troubled in its most recent SEMAP assessment.
    - HCV-Only PHAs may also be High Performer PHAs if they meet the definition of High Performer under SEMAP above. HCV-Only PHAs that choose to submit Annual PHA Plans as High Performers must submit streamlined Annual PHA Plans using the 50075-HP template.

- **Qualified PHA** - Not required to complete and submit Annual PHA Plans (see 903.3(c)).

    - Owns or manages 550 or fewer public housing dwelling units and/or housing choice vouchers combined.
    - Not designated as a Troubled PHA in the most recent PHAS assessment or does not have a failing score under SEMAP during the prior 12 months.

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[1] PHAs that are at risk of being designated as troubled include those designated as substandard performers under the Public Housing Assessment System (PHAS). See 24 CFR §902.11(c).

4. ANNUAL PHA AND 5-YEAR PHA PLAN TEMPLATES AND CERTIFICATION SUBMISSION REQUIREMENTS FOR ALL PHA TYPES

The following table identifies the Annual PHA Plan and 5-Year PHA Plan ("PHA Plans") templates and certifications by PHA Category that PHAs are required to complete and submit to HUD in order to comply with the Annual PHA and 5-Year PHA Plan requirements.

PHA Plan Submission Requirements by PHA Type	
HUD Form	**Frequency of Submission**
All PHAs	
HUD 50075-5Y	Once every 5 PHA Fiscal Years
Standard PHAs and Troubled PHAs	
HUD 50075-ST	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
Small PHAs	
HUD 50075-SM	Annually
HUD 50077-CRT-SM	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
High Performer PHAs	
HUD 50075-HP	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
HCV-Only PHAs	
HUD 50075-HCV	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
Qualified PHAs	
HUD 50077-CR	Annually
HUD 50077-SL	Once every 5 PHA Fiscal Years

5. CERTIFICATIONS AND OTHER SUBMISSION REQUIREMENTS

This section clarifies, reiterates, or describes processing changes made to the submission requirements identified in the table above and described in more detail below.

a. **Civil Rights Certification**. In accordance with Section 5A of the U.S. Housing Act of 1937 (42 USC § 1437c-1) and departmental regulations at 24 CFR §903.7(o)(1) and (2), PHAs must certify annually that they are in compliance with the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, as well as certifying that they will be affirmatively furthering fair housing choice. This civil rights certification is included as a separate civil rights certification form just for Qualified PHAs -- and these requirements are contained within the PHA Civil Rights Certification and Certifications of Compliance with the PHA Plan and Related Regulations forms for the other types of PHA types as identified below:

- **Form HUD-50077-ST-HCV-HP** - PHA Certifications of Compliance with the PHA Plans and Related Regulations (*Standard, Troubled, HCV-Only, and High Performer PHAs*)
- **Form HUD-50077-SM** - PHA Certifications of Compliance with the PHA Plans and Related Regulations (*Small PHAs*),
- **Form HUD-50077-CR** - Civil Rights Certification (*Qualified PHAs*). Qualified PHAs submit this form annually.
- HUD will not consider the PHA Plan submission complete and ready for review until these forms have been received at the appropriate local HUD Field Office.

b. **Certification of Consistency with Consolidated Plan including the Analysis of Impediments to Fair Housing Choice (AI)**. In a change to Section 4 of PIH Notice 2008-41 and in compliance with 24 CFR §903.15, all non-Qualified PHAs are required to obtain and submit to HUD with their Annual PHA Plans a certification by a State or local official of the Annual PHA Plan's consistency with the Consolidated Plan including the Analysis of Impediments to Fair Housing Choice (AI) (**Form HUD-50077-SL - Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan**).

Qualified agencies must submit the HUD-50077-SL with their 5-Year PHA Plans. The PHA plan regulations require that this certification be submitted to HUD - and not simply retained on file. In addition, HUD has modified the certification to comply with 24 CFR §903.15(a)(1), which requires that the certification describe how the 5-Year PHA Plan is consistent with the Consolidated Plan.

c. **Rental Assistance Demonstration (RAD).** Conversion of assistance under the Demonstration will be considered a significant amendment to the PHA's Five-Year PHA 7Plan for Qualified and non-Qualified PHAs, the Annual Plan for non-Qualified PHAs, and the Moving to Work (MTW) Plan for MTW PHAs. In addition to the information already required by 24 CFR Part 903 for PHA Plan amendments, refer to the revised

RAD Notice PIH-2012-32, REV-2 issued June 15, 2015; and any successor guidance, including Appendix 1D of the aforementioned notices for guidance on what information must be submitted as Significant Amendment attachments to 5-Year and/or Annual PHA Plans for RAD conversion actions.

d. **Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA) Requirements in PHA Plan Templates**. As noted in Section 7 of PIH Notice 2008-41, VAWA requires 5-Year and Annual PHA Plans to contain information regarding a PHA's goals, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking and HUD intended to include this item in future 5-Year and Annual PHA Plan templates. The specific information required by VAWA is now integrated into the revised templates issued with this notice.

e. **Resident Advisory Board (RAB) Comments**. PHAs must submit as an attachment to the 5-Year and Annual PHA Plan any PHA Plan any comments received from the RAB. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations (see 903.13)).

f. **Challenged Elements**. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response. HUD will consider incorporating this element into future versions of the PHA Plan templates.

g. **Forms Removed from PHA Plan Submissions**. As explained in Section 6 below, the following forms are no longer submitted as part of the PHA Plan, <u>but may be required for other HUD programs</u>:

    1. Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only)
    2. Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)
    3. Form HUD-50070, *Certification for a Drug-Free Workplace*
    4. Form HUD-50071, *Certification of Payments to Influence Federal Transactions*
    5. Form SF-LLL, *Disclosure of Lobbying Activities*
    6. Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet*

6. <u>STATEMENT OF CAPITAL IMPROVEMENTS NEEDED</u>

In order to comply with the requirements of 24 CFR §903.7(g), PHAs are required to include a statement of capital improvements needed in the Annual PHA Plan. In the past, a PHA satisfied this requirement by including copies of its Capital Fund Annual Statement or Performance and Evaluation Report (HUD 50075.1) and the Capital Fund Program 5 Year-Action Plan (HUD 50075.2) forms with the Annual PHA Plan. In 2013, HUD published the Capital Fund Final Rule which decoupled the Capital Fund submission from the Annual PHA Plan and 5-Year PHA Plan.

However, PHAs are still required to incorporate some information on the capital improvement needs in the Annual PHA Plan.

In order to comply with this requirement, the PHA must reference in its Annual PHA Plan the most recent HUD approved Capital Fund 5-Year Action Plan (HUD 50075.2). PHAs can reference the form by including the following language in the **Capital Improvements** section of the appropriate Annual or Streamlined PHA Plan Template: "See HUD Form 50075.2 approved by HUD on XX/XX/XXXX." This reference statement is intended to mean that the 50075.2 describes the capital improvements necessary to ensure long-term physical and social viability of the projects." It is anticipated that the local Field Office will have a copy of the most recent HUD approved Capital Fund 5 Year Action Plan (50075.2) on file. Refer to the website for HUD's Office of Capital Improvements at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/capfund for more information on Capital Fund processing.

7. INSTRUCTIONS FOR ACCESSING AND SUBMITTING THE REVISED PHA PLAN TEMPLATES AND OTHER REQUIRED FORMS

Accessing. The PHA Plan templates, certification forms, and technical instructions for their use are available on HUD's PHA Plans website found at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha. The templates and certifications are available in .pdf fillable and Microsoft Word versions.

Submitting. Once completed, PHAs will transmit their PHA Plans, along with all required attachments to HUD as directed on the HUD PHA Plans website at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha.

Consequences for Failure to Submit Approvable PHA Plans. If a PHA fails to submit complete PHA Plans in a timely manner, HUD may impose sanctions including but not limited to the withholding of or future reductions in funding for the Capital Fund program, Operating Fund, or Section 8 administrative fees.

Public Availability. Pursuant to 42 USC § 1437c-1(i)(5) a PHA shall make the approved plan of the agency available to the general public. 24 CFR § 903.23(e) provides that a PHA must make the approved plans and required attachments and documents related to the plans available for review and inspection at the principal office of the PHA during normal business hours. PHAs may also provide copies of the approved plans to each resident council and Resident Advisory Board, as well as make a copy available at each asset management project office. Additionally, PHAs are strongly encouraged to post the template submission and all plan elements on their website if applicable. For questions about plan availability, please contact the local HUD field office.

Qualified Agencies List. Each quarter, the Department will post a list of PHAs that meet the criteria of a Qualified agency under HERA for the purpose of being exempt from the requirement to submit an Annual PHA Plan. Due to the processing timeline for PHAs that are required to complete and submit an Annual PHA Plan (advance notice of a public hearing,

preparation of the plan, holding the annual hearing, revisions to the plan based on public comments, submission to HUD, and HUD review), the list of Qualified PHAs that HUD posts three quarters in advance of a PHA's fiscal year beginning (FYB) will determine whether a PHA is exempt in the upcoming fiscal year from the requirement to submit an Annual PHA Plan if on the list - or is required to submit an Annual PHA Plan in the upcoming fiscal year if not on the list. Please see the table below for further clarity:

Fiscal Year Beginning (FYB)	Example	Applicable Qualified Agencies List Posting Date	Example
January 1st	01-01-2016	April 1st	04-01-2015
April 1st	04-01-2016	July 1st	07-01-2015
July 1st	07-01-2016	October 1st	10-01-2015
October 1st	10-01-2015	January 1st	01-01-2015

8. OPERATIONS AND MANAGEMENT

Internal control helps an entity run its operations efficiently and effectively, report reliable information about its operations, and comply with applicable laws and regulations. *Standards for Internal Control in the Federal Government*, known as the "Green Book," sets the standards for an effective internal control system for federal agencies, and can be adopted by state, local, and quasi-governmental entities, as well as not-for-profit organizations, as a framework for an internal control system. HUD encourages PHAs to incorporate the risk assessment process into their development of a system of controls and policies. In the Standard Annual Plan template Section B1, Revision of PHA Plan Elements, Operations and Management -- while not mandatory, HUD suggests that PHAs describe their incorporation of the green book standards and disclose their use.

9. IMPLEMENTATION – ANNUAL AND 5-YEAR PLANS

Submission of Annual PHA Plans using the revised PHA Plan Templates and other forms will be required commencing with PHAs having a fiscal year beginning 7/1/2016. Submission of 5-Year PHA Plans using the revised PHA Plan Template will be required for any 5-Year PHA Plan due beginning 7/1/2016.

10. CONTACT INFORMATION

If you have questions regarding this Notice, please contact your local Field Office PHA Plan Point of Contact.

11. PAPERWORK REDUCTION ACT

The information collections referenced in this Notice have been approved by OMB pursuant to the Paperwork Reduction Act under OMB Control Number 2577-0226.

/s/

Lourdes Castro Ramírez,
Principal Deputy Assistant Secretary
Public and Indian Housing