



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Public Housing Agency Directors;
Public Housing Field Office Directors

Notice PIH 2023-10

Issued: April 21, 2023

Expires: This Notice supersedes Notice PIH 2022-05. This Notice remains in effect until amended, superseded, or rescinded.

Cross References: Public Law No: 117-103, 116-260, Public Law 116-94, Public Law 113-76, Public Law 113-6, Public Law 112-55, Public Law 111-117, 24 CFR 905.200(b), 24 CFR 905.204, and Section 9(d) of the United States Housing Act of 1937

Subject: Emergency Safety and Security Grants Annual Funding Notification and Application Process

1. PURPOSE

This Notice provides guidance to public housing agencies (PHAs) on how to apply for Capital Fund Emergency Safety and Security Grants (ESSG) to fund safety and security emergencies. A “safety and security emergency” is defined as an emergency that may arise from: 1) an immediate need for funding by the PHA to implement safety and security measures necessary to address crime and drug-related activity; or 2) a safety emergency which requires the purchase, repair, replacement, or installation of carbon monoxide alarms/detectors, and or smoke/heat alarms/detectors.

2. BACKGROUND

Each year, funds within the Public Housing Fund appropriation are set aside to fund emergencies and natural disasters, specifically to address needs resulting from unforeseen or unpreventable emergencies and natural disasters, excluding Presidentially Declared disasters, occurring in the current fiscal year. Within the set-aside, Congress may appropriate specific funding to provide assistance to PHAs for emergency capital needs for safety and security, including measures necessary to address crime and drug-related activity.

Effective with PIH Notice 2019-22, the Department included the threat of carbon monoxide poisoning as a potential emergency safety need for public housing residents; and the Department may elect to include costs for the purchase, repair, replacement, or installation of carbon monoxide detectors as eligible activities for ESSG funding. The Department is also including purchase, repair, replacement, or installation of heat/smoke alarms/detectors as eligible activities for ESSG funding. PHAs are also reminded that emergency safety and security needs are eligible Capital Fund costs within annual formula Capital Fund grants.

The Department has the discretion to set aside a portion of the Emergency and Disaster Reserve specifically for emergency safety and security funding. The Department has the discretion to award funds beyond the initial set-aside amount if additional current year, or prior year, funding becomes available after initial grant awards are made. To the extent allowed by appropriations, HUD will use the same list of qualified applicants to make the additional awards.

3. GRANT AWARD LIMIT

PHAs may submit separate applications for funding to address crime and drug-related activity and for funding for the purchase, repair, replacement, or installation of carbon monoxide alarms/detectors, and/or smoke/heat alarms/detectors.

ESSG funding **will be limited to an overall total of \$250,000 per PHA per Federal Fiscal Year** (whether for security measures to address crime and drug-related activity and/or for the purchase, repair, replacement, or installation of carbon monoxide alarms/detectors, and or smoke/heat alarms/detectors). 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 application, as well as the description of the identified emergency safety and security need.

A PHA may submit an application for funding for one or more of its projects as long as its request does not exceed an overall total of \$250,000 per application cycle. A PHA is **ineligible** to receive emergency safety and security funding if it has previously received emergency safety and security funding for the same project(s) and for the same broad purpose (that is, crime and drug-related activity or the purchase, repair, replacement, or installation of carbon monoxide alarms/detectors, and/or smoke/heat alarms/detectors) for which the funds are currently being requested.

4. SUBMISSION REQUIREMENTS AND DEADLINE

PHAs will be notified of ESSG funding availability each fiscal year via electronic mail and a notice will be posted on the [OCI website](#) with the due date for applications.

PHAs will be given at least 6 weeks of notice prior to the due date from the time the electronic mail notifications are sent. PHAs seeking emergency safety and security funding must submit a completed application package (see Section 5 below for all of the documents and forms) by electronic mail delivery to the HUD [Office of Capital Improvements \(OCI\) mailbox](#).

The due date for applications will be posted on the [OCI website](#). All applications including any amendments to applications received by close of business on the due date will be reviewed for funding eligibility.

5. HOW TO APPLY

- A. Submit Form HUD-50075.1, Annual Statement (only Parts I and II):** Include data specific to the proposed Emergency Safety and Security grant. Do not submit information on the current PHA Annual Statement. The proposed work does not need to be included in the PHA's 5-year plan. Moving to Work (MTW) agencies may submit a grant budget in lieu of the HUD-50075.1.
- B. Provide a thorough yet concise description and/or explanation of how the PHA has experienced an increased threat to the health and safety of the public housing residents within the narratives requested below.**
1. PHAs **MUST** provide a thorough explanation of how the identified crime or drug-related activity at the PHA or in the close vicinity of the PHA has increased the threat to the health and safety of the public housing residents at the projects for which emergency safety and security improvements are proposed in the PHA application, or how the PHA has determined a safety emergency which requires the purchase, repair, replacement, or installation of carbon monoxide detectors or fire related detectors (described below).
 2. **All safety and security emergencies must have occurred or have been determined within the Federal Fiscal Year (October 1 —September 30) in which the funds were appropriated.**
 3. 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 safety and security funds. Whether a PHA's safety and security needs merit emergency safety and security funding, made available through this Notice, will be determined by the Department based on requirements described in this notice.
- C. Describe the activities that will be undertaken to correct the emergency and the estimated cost. Include a statement that the PHA has not previously received emergency safety and security funding for the project or projects for which the PHA is currently requesting emergency safety and security funding.**
- D. If the cost estimate exceeds the \$250,000 maximum grant size, the PHA must include documents indicating other funds, including Capital Funds, that are available to cover the proposal's additional costs. Funds must be from a source that is currently available to the PHA as of the date of application submission.**

E. For Crime and Drug Emergency Funding, PHAs should submit a narrative describing the increased threat to health and safety of residents. This description must focus on crime on the PHA property, not just crime in the city. The PHA must provide specific examples of crime occurring at the PHA or in close vicinity. The narrative must be from one of the following sources:

1. PHA officials, Resident Advisory Boards, or PHA security personnel;
2. Local Community Policing Organizations;
3. Local officials (e.g., business council executives, or city council executives); and
4. Local Crime Data for the current fiscal year that indicates an increased threat to the health and safety of residents. This must be from a recognized source including but not limited to:
 - a. Local law enforcement reports;
 - b. Uniform Crime Reports;
 - c. PHA police data;
 - d. PHA incident reports;
 - e. Newspaper articles (about crime on PHA property);
 - f. Internet crime data such as Neighborhood List Serves that lists types and numbers of offenses; andPHAs must indicate the source of the crime data in the narrative and must include a summary of the crime data by general crime category, (e.g., murders, assaults, property damage, and property break-ins).

F. For safety and security emergencies related to the threat to health posed by carbon monoxide and/or fire, PHAs should submit:

1. For Carbon Monoxide alarms/detectors: description of the presence and location of fuel-burning devices and/or attached garages; including a description of the proximity of the devices to the number of impacted dwelling units;
2. For Smoke/heat alarms/detectors: description of the threat to health and safety of residents posed by fire; and
3. The status of carbon monoxide alarms/detectors, and or smoke/heat alarms/detector in the potentially impacted units, including whether carbon monoxide alarms/detectors, and or smoke/heat alarms/detectors currently exist and, if so, the need for repair or replacement.

6. ELIGIBLE USES OF EMERGENCY SAFETY AND SECURITY FUNDING

Emergency Safety and Security grants can only be used to cover eligible expenses as defined below to address threats to resident safety caused by a safety and security emergency. Grants must be used for Capital Fund eligible items that address an emergency capital need (see [24](#)

[C.F.R. § 905.200\(b\)](#), Eligible Activities of the Capital Fund). The capital need request must address the identified threat posed to the health and safety of a PHA's public housing residents by crime and drug-related activity, fire, or by the potential for carbon monoxide poisoning.

The intent of these grants is to provide one-time project-specific assistance for emergency safety and security items that could not be absorbed within the PHA's Capital Fund budget. Emergency Safety and Security eligible items must meet Uniform Physical Condition Standards (UPCS) and local code requirements for egress where necessary. Any physical modifications must comply with all applicable Federal accessibility requirements, including under Section 504 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, and the Fair Housing Act.

A. Emergency Safety and Security grant funds may be used to purchase, install, repair, or replace capital needs items including, but not limited to:

1. Items that address the threat to safety posed by crime and drug-related activity:

- a. Security systems/cameras including digital video recorders, license plate readers, and secure Wi-Fi transmission of video signal. (Note: Per 2 C.F.R. § 200.216 and Public Law 115-232, section 889, Safety and Security grantees are prohibited from using grant funds to purchase, lease, or renew or extend contracts for security equipment produced by the Huawei Technologies Company or the ZTE Corporation (or any subsidiary or affiliate of such entities);
- b. Fencing;
- c. Lighting systems;
- d. Emergency alarm systems;
- e. Window bars;
- f. Deadbolt locks;
- g. Doors;
- h. Salaries for maintenance staff that is being utilized for Emergency Safety and Security grant eligible activities (e.g., to install, replace or repair carbon monoxide detectors, security camera systems, fencing, lighting systems, emergency alarm systems, doors, locks window bars pursuant to Force Account requirements [\(see 24 C.F.R. §.905.314\(j\)\)](#))

2. Items that address the threat to health and safety posed by the presence of carbon monoxide and/or fire that are installed in accordance with the [International Fire Code 2018 standards](#). Devices can include:

- a. Carbon Monoxide Alarm: A single or multiple station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal (for common areas and accessible units should also have a visual alarm). It incorporates a sensor, control components and an alarm notification appliance in a single unit.
- b. Carbon Monoxide Detector: A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit. Detectors can be hard wired or with sealed batteries.

- c. Smoke/Heat Alarm: A single or multiple station alarm intended to detect smoke and/or heat and alert occupants by a distinct audible signal (for common areas and accessible units should also have a visual alarm). It incorporates a sensor, control components and an alarm notification appliance in a single unit.
- d. Smoke/Heat Detector: A device with an integral sensor to detect smoke and/or heat and transmit an alarm signal to a connected alarm control unit. Detectors can be hard wired or with sealed batteries.

Note: Smoke alarms must be sealed or hard-wired devices that meet the requirements of section 601 of Title VI, “Smoke Alarms in Federally Assisted Housing” in the Consolidated Appropriations Act, (Public Law 117-328 enacted December 29, 2022) which added section 3(a)(9) to of the United States Housing Act of 1937 (42 U.S.C. 1437a(a))
<https://www.congress.gov/117/bills/hr2617/BILLS-117hr2617enr.pdf>

B. Non-Eligible Uses

- 1. Any equipment that is purchased, leased, or contracted for security that is produced by the Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities)
- 2. Patrol cars
- 3. Salaries for PHA security staff
- 4. Automated surveillance and facial recognition technology
- 5. Security Patrol Contracts or payment to local law enforcement for additional security or purchase of equipment for local police
- 6. Budget Line Item (BLI 1410) Administrative expenses
- 7. Transferring emergency safety and security funding to Operations (BLI 1406) budget line item.
- 8. Ongoing monitoring fees for security equipment/systems (i.e., gunshot detection system monitoring, security alarm system monitoring) and ongoing service or maintenance contracts for emergency safety and security related equipment or systems

7. FUNDING

Applications received by the due date will be reviewed to assess whether they meet the eligibility criteria of this notice. In particular, the Department will assess the safety and security needs of

each PHA through a review of the application submissions as described in Section 5. All applicants will be notified of the Department's funding decisions. Should set-aside funding available exceed the amount of funding requested by the due date for eligible applications, all on-time eligible applications may be funded. Eligible applications will be funded until the set-aside is exhausted.

Should funding requested as a result of eligible applications exceed available funds, the Department will select eligible applications for funding through a lottery process designed to achieve a broad national distribution of funds, based on the Departmental Regions (Regions 1 through 10). At a minimum, set-aside funding would fund at least one application in each Region, assuming eligible applications from each Region and sufficient available funds.

8. REQUIREMENTS FOR FUNDING

- A. A PHA faced with a safety and security emergency may be eligible for funding provided that the PHA is in compliance with Fair Housing and Civil Rights Laws, which encompass the Fair Housing Act and related authorities.** Recipients and their subrecipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act; Title VI of the Civil Rights Act of 1964; Sections 504 and 508 of the Rehabilitation Act of 1973; Title II and Title III of the Americans with Disabilities Act of 1990. Section 109 of the Housing and Community Development Act of 1974, Age Discrimination Act, Architectural Barriers Act, Title IX of the Civil Rights Act of 1964, Executive Orders 11063, 12892, 12898, and 13166 may also apply.
- B. A PHA is ineligible to receive funding under this Notice if it has received any of the following charges, cause determinations, lawsuits, or letters of findings, and the outstanding civil rights matter is not resolved to HUD's satisfaction before the application deadline:**
1. The PHA has been charged with a systemic violation of the Fair Housing Act or received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a substantially equivalent state or local fair housing law proscribing discrimination because of race, color, religion, sex, national origin, disability, or familial status;
 2. The PHA is a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging a pattern or practice of discrimination or denial of rights to a group of persons raising an issue of general public importance pursuant to 42 U.S.C. 3614(a);
 3. The PHA is a defendant in any other lawsuit filed or joined by the Department of Justice, or in which the Department of Justice has intervened, or filed an amicus brief or statement of interest, alleging a pattern or practice or systemic violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, the Americans with Disabilities Act, or a claim under the False Claims Act related to fair

housing, nondiscrimination, or civil rights generally including an alleged failure to affirmatively further fair housing;

4. The PHA has received a letter of findings identifying systemic noncompliance under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Section 109 of the Housing and Community Development Act of 1974, or the Americans with Disabilities Act;
5. The PHA has received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of provisions of a state or local law proscribing discrimination in housing based on sexual orientation or gender identity; or
6. The PHA has received a cause determination from a substantially equivalent state or local fair housing agency concerning a systemic violation of a state or local law proscribing discrimination in housing based on lawful source of income.

HUD will determine if actions to resolve the charge, cause determination, lawsuit, or letter of findings taken before the application deadline date will resolve the matter. Examples of actions that may be sufficient to resolve the matter include, but are not limited to:

- a. Current compliance with a voluntary compliance agreement signed by all the parties;
- b. Current compliance with a HUD-approved conciliation agreement signed by all the parties;
- c. Current compliance with a conciliation agreement signed by all the parties and approved by the state governmental or local administrative agency with jurisdiction over the matter;
- d. Current compliance with a consent order or consent decree;
- e. Current compliance with a final judicial ruling or administrative ruling or decision; or
- f. Dismissal of charges.

C. Economic Opportunities for Low-and Very Low-income Persons (Section 3).

Recipients of emergency safety and security assistance under the Capital Fund must comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR part 75. The regulations at 24 CFR part 75 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

D. Personally Identifiable Information (PII). HUD is required to safeguard PII, in accordance with the E-Government Act of 2002 and the Privacy Act of 1974, as amended. PII is any data that could potentially be used to identify a particular person. Examples include a full name, Social Security number, driver's license number, bank account number, passport number, and email address.

9. EPIC DOCUMENT PACKAGE FOR PHAS AWARDED SAFETY AND SECURITY GRANTS UNDER THIS NOTICE

- A. PHAs that are awarded Safety and Security Grants must submit the following forms in the EPIC Document Package:
1. **Form HUD-50071, Certification of Payments to Influence Federal Transactions**
 2. **Standard Form (SF)-LLL, Disclosure of Lobbying Activities.** Note: This form is available at [Forms.gov](https://www.forms.gov). Depending on the amount of appropriated funds received, PHAs must submit the certification in Appendix A to 24 CFR Part 87 even if they have not participated in any lobbying activities, per 24 CFR Part 87. PHAs must submit Appendix B to Part 87 (SF-LLL) if the PHA has agreed to make any payment using non-appropriated funds which would be prohibited and if paid for with appropriated funds.
 3. **Certification of Compliance with PHA Plans and Related Regulations.** PHAs are required to submit one of the following:
 - a. **For PHAs with 250 units or more:** Form HUD-50077-ST-HCV-HP, PHA Certifications of Compliance with PHA Plans and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs).
 - b. **For PHAs with less than 250 units:** HUD-50077-CRT-SM, Certification of Compliance with PHA Plans and Related Regulations (Small PHAs).

In lieu of submitting a new form, PHAs may provide a copy of the HUD-50077-ST-HCV-HP or HUD-50077-CRT-SM, from the most recent PHA Plan submission (do not submit entire PHA Plan).

4. MTW agencies may submit a copy of the MTW certifications of compliance submitted with the most recent MTW Agency Plan.
5. **A statement certifying that the PHA is in compliance with the civil rights threshold requirements set forth at Section 8.B. of this Notice.**

10. MANAGING EMERGENCY SAFETY AND SECURITY GRANTS

Emergency Safety and Security grants should be managed in the same manner as grants provided by the Department for unforeseeable or unpreventable emergencies (see [24 C.F.R § 905.204](https://www.ecfr.gov/current/title-24/chapter-I/subchapter-B/part-905/section-905.204)). Therefore, PHAs have **1 year to obligate** and **2 years to expend** Emergency Safety and Security grant funds. 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.

11. PROJECTS WITH A RENTAL ASSISTANCE DEMONSTRATION (RAD)

CONTRACT FOR HOUSING ASSISTANCE PAYMENTS (CHAP) NOT ELIGIBLE

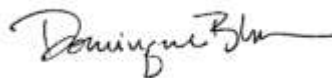
Projects that have a CHAP for the project are not eligible for Emergency Safety and Security funding. If a PHA receives a CHAP for conversion of a project after receiving emergency safety and security funding and prior to fully expending the grant, the PHA will be required to return all unexpended funds. If a PHA receives a CHAP for partial conversion of a project after receiving emergency safety and security funding and prior to fully expending the grant, the PHA will not be allowed to expend any additional funds on the units to be converted and will be subject to a partial recapture of funds.

12. 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.

13. CONTACT INFORMATION

For general questions, please call the Office of Capital Improvements at 202-402-4799 (TTY 800877-8339) or send an email to safetyandsecurityquestions@hud.gov. Please email a copy of the application in **Portable Document Format (.pdf)** with all applicable documents listed in **Section 5** above to the PIH OCI at PIHOCI@hud.gov.



Dominique Blom
General Deputy Assistant Secretary
Public and Indian Housing