



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 2020-25

Issued: September 17, 2020

Expires: This notice supersedes Notice PIH 2019-22. This notice remains in effect until amended, superseded, or rescinded.

Cross References: 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) seeking Emergency Capital Needs funding for safety and security measures. 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. Unforeseeable or unpreventable emergencies and non-presidentially declared natural disasters will be given funding priority on a rolling basis.

For current information regarding funding for unforeseeable or unpreventable emergencies, visit the [Office of Capital Improvements' \(OCI\) Capital Fund Emergency/Natural Disaster Funding website](#). It can also be found here:

https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund/emfunding

[For current information regarding non-presidentially declared natural disasters see PIH Notice 2012-48, HUD Funding for Non-Presidentially Declared Disasters](#) (issued November 28, 2012). The notice can also be found here:
<http://portal.hud.gov/huddoc/12-48pihn.pdf>.

- 2. Background:** Each year, Congress sets aside funds within the Capital Fund appropriation 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 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 at its option to include costs for the purchase, repair, replacement, and installation of carbon monoxide detectors as eligible activities for emergency safety and security grant funding.

PHAs are also reminded that emergency safety and security needs are eligible Capital Fund costs within annual formula Capital Fund grants.

3. **Availability of Funds:** 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.
4. **Policy:** The Department's policy, with respect to safety and security funding, is to award grants that are adequate for safety and security emergencies meeting the requirements set forth in this notice. The Department may elect to separate safety and security funding available for measures to address crime and drug-related activity from funding available for the purchase, repair, replacement, or installation of carbon monoxide detectors.

The Department will fund expenses to address safety and security emergencies that pose an increased threat to the health and safety of PHA residents in accordance with this notice until the set-aside funding is exhausted. PHAs must describe and explain how they have experienced an increased awareness of the immediate threat to the health and safety of their public housing residents in order to be considered for this funding. This explanation should be included within the narrative descriptions as requested in **Section 11**.

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 or for safety emergencies requiring the purchase, repair, replacement, or installation of carbon monoxide detectors.
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 or for safety emergencies requiring the purchase, repair, replacement, or installation of carbon monoxide detectors.
7. **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, and installation of carbon monoxide detectors.*

In any case, safety and security funding **will be limited to an overall total of \$250,000 per PHA per 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 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 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 safety and security funding if it has previously received 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, and installation of carbon monoxide detectors) for which the funds are currently being requested.

8. Eligible Uses of Emergency Safety and Security Funding: Emergency safety and security grants can only be used to cover eligible expenses as defined in **Section 8(a)** 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 Uses 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 or by the potential for carbon monoxide poisoning.

The intent of these grants is to provide one-time project-specific assistance for safety and security items that could not be absorbed within the PHA's Capital Fund budget.

a. **Examples of Eligible Uses:** Safety and security grant funds may be used to purchase, install, repair, or replace capital needs items including, but not limited to:

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

- i. Security systems/cameras including digital video recorders and secure Wi-Fi transmission of video signal
- ii. Fencing
- iii. Lighting systems
- iv. Emergency alarm systems
- v. Window bars
- vi. Deadbolt locks
- vii. Doors

Items that address the threat to health and safety posed by the presence of carbon monoxide:

- viii. Carbon monoxide detectors (including stand-alone or combination carbon monoxide/smoke detectors or alarms; can be hard-wired with battery backup or battery-powered only)

Note: Safety and Security eligible items must meet Uniform Physical Condition Standards (UPCS) and local code requirements for egress where necessary.

- 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, see **Section 17** below.
 - i. Patrol cars;
 - ii. Salaries for PHA staff including **security and maintenance** staff unless such maintenance staff is being utilized for Safety and Security grant eligible activities pursuant to Force Account requirements;
 - iii. Security Patrol Contracts or payment to local law enforcement for additional security; or purchase of equipment for local police;
 - iv. Budget Line Item (BLI) Administrative expenses; and
 - v. Transferring safety and security funding to the Operating budget line item.

9. PHA Submission Requirements and Deadline: PHAs will be notified of emergency safety and security grant funds availability each fiscal year via electronic mail and a notice will be posted on the [OCI website](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund) with the due date for applications. It can also be found here: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund.

PHAs will be given at least 6 weeks notice prior to the due date from the time the electronic mail notifications are sent. PHAs seeking safety and security funding must submit a completed application package (see **Section 11** below for all of the documents and forms) by electronic mail delivery to the HUD OCI mailbox: PIHOCI@hud.gov.

PHAs must include all signed forms and required documents in a Portable Document Format (PDF) file or the application package will be incomplete and ineligible for funding. The due date for applications will be posted on the [OCI website](https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund). It can also be found here: https://www.hud.gov/program_offices/public_indian_housing/programs/ph/capfund. All applications including any amendments to applications received by close of business on the due date will be reviewed for funding eligibility.

- 10. Funding:** All 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 below (Section 11.a). All applicant 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 application will be funded; and any applications received after the due date will be considered on a first-come, first served basis. 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 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.

- 11. 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 or from a safety emergency which requires the purchase, repair, replacement, or installation of carbon monoxide detectors. All emergencies must have occurred or have been determined within the federal fiscal year (October 1 – September 30) in which the funds were appropriated. Whether a PHA's safety and security needs merit safety and security funding, made available through this notice, will be determined by the Department based on requirements listed below.

b. Compliance with Fair Housing and Civil Rights Laws, Which Encompass the Fair Housing Act and Related Authorities. With some exceptions for federally recognized Indian tribes and their instrumentalities, recipients and their prospective 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; Section 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.

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 violation is not resolved to HUD's satisfaction at the time a decision is made to award funds.

- i. 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;
- ii. 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);
- iii. The PHA is a defendant in any other lawsuit filed or joined by the Department of Justice alleging a pattern or practice of 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, Title II of 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;
- iv. 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 Title II of the Americans with Disabilities Act;
- v. 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
- vi. 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.

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

Recipients of 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 135. The regulations at 24 CFR part 135 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. **Submission Requirements:** 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 or the safety emergency requiring carbon monoxide detectors, either of which has given rise to the need for safety and security funding, must have existed prior to submission of the application.

PHAs that apply for safety and security funding are expected to have taken adequate safety and security measures to minimize and avoid costly emergency situations prior to requesting safety and security funds.

PHAs MUST provide a thorough explanation of how the identified crime or drug-related activity has increased the threat to the health and safety of their public housing residents, or how the PHA has determined a safety emergency which requires the purchase, repair, replacement, or installation of carbon monoxide detectors.

Below is a list of the documents comprising the complete application (there is no separate application form required):

- i. **Form HUD-50075.1, Annual Statement (only Parts I and II):** Include data specific to the proposed 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.
- ii. **Required Application Documentation:** Provide a thorough yet concise description and/or explanation of how the PHA has experienced an increased threat to the health and safety of their public housing residents within the narratives requested below:

For safety and security measures to address crime and drug-related activity:

1. Most recent crime data of the PHA's locality (e.g., town, city, parish, county, municipality or other governmental entity) from a recognized source such as local law enforcement or Uniform Crime Reports that lists types and numbers of offences (PHA should indicate the source of the crime data in the application); **AND at least one of the following:**
2. Narrative documentation from PHA officials, Resident Advisory Boards or PHA security personnel; OR
3. Narrative documentation from local Community Policing Organizations; OR
4. Narrative documentation from local officials (e.g., business council executives, or city council executives).

For safety and security emergencies related to the threat to health posed by carbon monoxide:

1. Description of the presence of fuel-burning devices that emit carbon monoxide; including a description of the proximity of the devices to the number of impacted dwelling units; and
2. The status of carbon monoxide detectors in the potentially impacted units, including whether carbon monoxide detectors currently exist and, if so, the need for repair or replacement.

iii. Documented ability to partially finance the proposed project:

1. 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 safety and security funding for the project or projects for which the PHA is currently requesting safety and security funding.
2. 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.

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

- v. **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

- vi. **Form HUD-50077 -ST-HCV-HP, PHA Certifications of Compliance with PHA Plans and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs).** In lieu of submitting a new form, PHAs may provide a copy of the HUD-50077-ST-HCV-HP from the most recent PHA Plan submission (do not submit entire PHA Plan). MTW agencies may submit a copy of the MTW certifications of compliance submitted with the most recent MTW Agency Plan.

- vii. **A statement certifying that the PHA is in compliance with the civil rights threshold requirements set forth at Section 11(b) of this notice.**

12. Evaluation Criteria: The Department evaluates requests for safety and security funding based on the information provided within the PHA's application as outlined within this notice (see **Sections 9** and **11** above).

13. What to include in the application: An application for safety and security funding must include documentation addressing each of the submission requirements listed above; follow the submission process as outlined in **Section 9**.

14. Managing Safety and Security Grants: Safety and Security grants should be managed in the same manner as grants provided by the Department for unforeseeable or unpreventable emergencies. Therefore, PHAs have **one year to obligate** and **two years to expend** 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.

Safety and security grants will not be permitted to exceed the one year to obligate and two years to expend the grants. **Waivers to such deadlines offered under the 2020 CARES Act Waiver Notice (PIH Notice 2020-13) or other disaster waiver notices are not available** for Safety and Security grants

15. Projects with a Rental Assistance Demonstration (RAD) Contract for Housing Assistance Payments (CHAP) for the Entire Project ARE NOT Eligible: Projects that have a CHAP for the entire project are not eligible for Safety and Security funding. For partial conversion of the project, only the units not converting would be eligible for safety and security funding. If a PHA receives a CHAP for conversion of a full project after receiving 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 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 could be subject to a partial recapture of funds.

16. 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.

17. Contact Information: For general questions, please call the Office of Capital Improvements at 202-402-4799 (TTY 800-877-8339) or send an email to: safetyandsecurityquestions@hud.gov. Please email a **.PDF copy** of the application with all applicable documents listed in **Section 11** above to the PIH OCI mailbox: PIHOCI@hud.gov.

/ s /

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