



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

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:

Public Housing Agencies;
Public Housing Hub Office Directors;
Public Housing Program Center Directors;
Public Housing Division Directors;
Regional Directors;
Field Office Directors

NOTICE: PIH-2017-11 (HA)

Issued: July 18, 2017

Expires: Effective until amended,
superseded, or rescinded

Cross References:
PIH-2016-14 (HA)
PIH-2016-16 (HA)

Subject: Guidance on Reporting Public Housing Agency Executive Compensation Information for Calendar Year 2016

1. Purpose. This notice provides information and guidance on how public housing agencies (PHAs) are to use the HUD-52725 form to report executive compensation for calendar year 2016 (CY2016).

2. Applicability. The requirements in this notice apply to all PHAs that administer a public housing or housing choice voucher program regardless of the amount of compensation paid to an employee. This includes PHAs that have converted their entire public housing inventory via the Rental Assistance Demonstration (RAD) Program but still receive funding sourced from Section 8 or Section 9 of the U.S. Housing Act of 1937 during CY2016. There are no exemptions from these requirements. The reporting requirements also apply to MTW agencies.

Submission of the HUD-52725 does not relieve any PHA of its duty to comply with the salary restrictions identified in the FFY 2016 Appropriations Act and PIH Notice 2016-14. The FFY 2016 Appropriations Act states that no tenant-based Section 8 or Section 9 funds “may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2016.” (Section 226 of Pub. L. No. 114-113, 129 Stat. 2895, December 18, 2015, FFY 2016 Appropriations Act.) PIH Notice 2016-14, *Guidance on the Public Housing Agency (PHA) salary restriction in HUD’s annual appropriations*, discusses PHA obligations relating to these salary limitations.

3. Reporting PHA executive compensation using the HUD-52725 form. PHAs will complete the HUD-52725 form and submit executive compensation data for CY2016 online

through HUD's Secure Systems. After completing the HUD-52725 form, PHAs are to confirm the information is accurate and click "submit."

HUD will send all PHAs an email with the link for accessing the HUD-52725 form including submission instructions. **The HUD-52725 form will only be available using this link.** PHAs will be able to either click on that link or paste the link into their browser.

To simplify and reduce the administrative burden on the PHA, the required reported compensation data is derived primarily from the PHA executive's annual Internal Revenue Service (IRS) form W-2. The HUD-52725 form is comprised of three sections.

Section I of the form will include basic information identifying your PHA.

In **Section II** each PHA must identify the following three executives (see Boxes 1 through 3):

- 1) the top management official;
- 2) the top financial official; and
- 3) the highest compensated employee who is neither the top management official nor the top financial official.

To complete the HUD-52725 form, each PHA will use the total compensation figure reported on the PHA employee's IRS form W-2 for the PHA's reporting year. The PHA will further break down the W-2 reported figure into six components for each executive:

- 1) base salary from tenant-based section 8 and section 9 funds;
- 2) bonus compensation from tenant-based section 8 and section 9 funds¹;
- 3) incentive and other compensation from tenant-based section 8 and section 9 funds;
- 4) base salary from non-section 8 (tenant-based) and non-section 9 funds;
- 5) bonus compensation from non-section 8 (tenant-based) and non-section 9 funds; and
- 6) incentive and other compensation from non-section 8 (tenant-based) and non-section 9 funds.

Note: If an executive's total cash compensation was not reported on a W-2, the PHA must still include that individual's name and title in Section II.

Section III will be completed only if any of the individuals reported in Section II received cash compensation that was not reported on IRS form W-2 (for example, when cash compensation is reported on IRS form 1099, the covered individual does not receive a W-2, etc.).

Please refer to the attached HUD-52725 form and instructions. This attachment will help you identify the information needed, but please do not attempt to complete and submit this form. **It is provided for reference and planning purposes only. At a later date, your PHA will be sent an email with a link for submitting the data electronically.**

4. Submissions. For CY2016 compensation data, the period PHAs will be required to complete the HUD-52725 form online and submit compensation is planned to begin July 24, 2017 and end August 11, 2017.

¹ See PIH Notice 2016-14 for information on bonus compensation.

5. Authority. The collection is authorized pursuant to HUD’s specific oversight of the public housing Operating Fund and Capital Fund and the Section 8 tenant-based rental assistance program that are found in the U.S. Housing Act of 1937 as amended, 42 U.S.C. 1437 et seq., particularly 42 U.S.C. 1437c(a)(1) and (f) and 42 U.S.C. 1437f(b)(1). Authority is also found in the Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) (Department of HUD Act). Under the Department of HUD Act, HUD is provided general oversight and monetary authority over its funded programs. In particular, Section 7(r)(1) of the Department of HUD Act (42 USC 3535(r)(1)) authorizes the Secretary to expend funds “for evaluating and monitoring” housing programs, including public housing and all other programs authorized under the U.S. Housing Act of 1937 and other HUD statutes, and for “collecting and maintaining data for such purposes.”

Additionally, the government-wide regulations governing grants and cooperative agreements to state, local, and federally recognized Indian tribal governments provide for access to records. Federal awards made prior to December 26, 2014, will continue to be governed by HUD’s regulations on access to records in effect and codified in 24 CFR part 85 (2013 edition). When the terms of a Federal award made prior to December 26, 2014, state that the award will be subject to regulations as may be amended and for Federal awards made on December 26, 2014 and after, the access to records provisions in 2 CFR part 200, subpart D govern.

6. Penalty for PHA non-compliance. In the event a PHA fails to comply with the PHA executive compensation reporting requirements, HUD may impose temporary monetary sanctions on the PHA pursuant to Section 6(j)(4) of the U.S. Housing Act of 1937, as well as other remedies pursuant to HUD regulations. These provisions apply to MTW as well as non-MTW agencies.

7. 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. 2501-3520. The OMB control number for this collection is 2577-0272. 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.

8. Further information. Inquiries about this notice should be directed to Ken Peterson (702-236-9112), Eric Willis (202-475-8822), and Deborah Fox (404-229-8952) or via email to PHACompensation@hud.gov.

/s/
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for Public and Indian Housing