



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

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

**Notice** PIH-2010-24 (HA)

**Issued:** June 28, 2010

**Expires:** June 30, 2011

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**Cross References:** Public Law 111-8, Public Law 111-117, 24. C.F.R. 905.10, Section 9(3) of the Housing Act of 1937.

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

- 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.

For current information regarding natural disasters see PIH Notice 2010-14, *HUD Funding for Non-Presidentially Declared Disasters, issued April 28, 2010* and now available on HUD's website.

- 2. Background:** Each year, Congress sets aside funds within the Capital Fund appropriation to fund emergencies and natural disasters. Last year, through the Omnibus Appropriations Act, 2009 [Public Law 111-8] (FY 2009 Act) and this year, through the Consolidated Appropriations Act, 2010 [Public Law 111-117] (FY 2010 Act), Congress appropriated \$20,000,000 in funding to provide assistance to "public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year 2009 (and 2010)." Identical language appears in both the FY 2009 and FY 2010 Acts. Thus, Emergency Capital Needs funding is available for both emergencies and non-presidentially declared natural disasters.
- 3. Policy:** The Department's policy with respect to safety and security funding is to ensure adequate funding availability for unforeseeable or unpreventable emergencies as well as non-presidentially declared natural disasters. *Thus, unforeseeable or unpreventable emergencies and non-presidentially declared natural disasters will be given funding priority on a rolling basis.* The Department will then fund those safety and security emergencies that pose an increased threat to the health and safety of PHA residents on a first come, first serve basis until the set aside funding is exhausted.

- 4. Statutory Interpretation:** Emergency funding may be available to PHAs that require funding for the following: 1) capital needs related to safety and security measures necessary to address crime and drug related activity; 2) capital needs related to unforeseen or unpreventable emergencies. The difference between the two types of emergencies as defined under the FY 2009 and FY 2010 Acts is as follows. Safety and security emergencies include sudden increases in threat levels posed to the health and safety of PHA residents due to violent crimes or property related crimes at PHA sites, whereas unforeseen or unpreventable emergencies include unanticipated or unpreventable occurrences resulting in damage to the physical structure of the PHA's housing stock. An example of an Emergency Capital Needs grant for safety and security measures would be the installation of surveillance cameras necessary to address a sudden increase in drug related violent crime at a PHA site. A common example of an unforeseen or unpreventable emergency would be the sudden failure of a building's structural or utility system caused by a hidden defect.
- 5. Applicability:** This Notice applies to PHAs applying for and receiving emergency safety and security funding.
- 6. Availability of Funds:** The Department has the discretion to set aside a portion of the \$20,000,000 specifically for emergency safety and security funding. This amount may be increased or decreased annually at the Department's discretion. The initial set aside for emergency safety and security needs funding will be posted to the Department's website annually and may be updated as additional funding becomes available. For FFY 2009, the Department set aside \$5,000,000 for emergency safety and security funding, since there were no requests for unforeseen or unpreventable emergency and non-presidentially declared natural disaster funding. For FFY 2010, the Department will set aside \$2,000,000 for emergency safety and security funding. Depending on the number of applications received for unforeseen or unpreventable emergencies and non-presidentially declared natural disasters, this amount may be increased towards the end of FFY 2010. If no applicants satisfy the requirements outlined within this Notice, the Department has the authority to transfer the remaining Emergency Capital Needs funds into the Public Housing Capital Fund. See FY 2009 Act.
- 7. Grant Award Limit:** Safety and security funding will be limited to \$250,000 per proposal. The \$250,000 award limit is a maximum; 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 proposal, as well as the severity of the safety and security emergency. A PHA is ineligible to receive emergency safety and security needs funding if it has previously received Emergency Capital Needs funding to address the same issue for which the funds are currently being requested.
- 8. Eligible Uses of Safety and Security Funding:** Emergency safety and security grants can only be used to cover eligible expenses to correct damages caused by a qualifying safety and security emergency as defined in Section 9(a)-(b) below. Such grants must be used for Capital Fund eligible items that address an emergency capital need. See 24 C.F.R. § 905.10 (b), 24. C.F.R. § 905.10(k) (eligible uses of the Capital Fund). The capital needs must address the identified threat that the crime and drug related activity poses to the health and

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

- i. **Examples:** Emergency safety and security grant funds may be used to install, repair, or replace *capital needs* items including, but not limited to the following:
  - a. Security systems/cameras;
  - b. Fencing;
  - c. Lighting systems;
  - d. Emergency alarm systems;
  - e. Window bars;
  - f. Deadbolt locks; and
  - g. Doors.

**9. 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. **Emergency Capital Needs:** Emergency capital needs include "safety and security measures necessary to address crime and drug related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared disasters occurring in fiscal year 2009 (or fiscal year 2010)." See FY 2009 and FY 2010 Acts. PHAs that confront a safety and security emergency are eligible for Emergency Capital Needs funding provided that funding is available and the specific requirements outlined within this Notice are met.
- b. **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. All emergencies must have occurred within the fiscal year in which funds were appropriated. Whether a PHA's safety and security needs merit Emergency Capital Needs funding will be determined by the Department based on requirements listed below.
- c. **Submission Requirements:** Emergency 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 giving rise to the need for emergency safety and security funding must have existed prior to submission of the application. 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 funds.

- i. PHAs seeking emergency safety and security funding must submit all documentation listed below as well as the information listed within the subparts. PHAs must submit applications by scanning and emailing all necessary documents and must also send the original application through the mail (see contact information in Section 15). The following forms are available at <http://www.hudclips.org>
  - a. **Form HUD-50075.1, Annual Statement (only Parts I & II):** Please address each of the elements listed below within the annual statement.
    - i. *Documented crime and drug related activity that poses an increased threat to the health and safety of PHA residents:*
      1. The PHA must identify the specific crime and drug related activity that poses, during *the fiscal year in which funds are appropriated*, an increased threat to the health and safety of PHA residents.
      2. The PHA must provide documentation of the crime and drug related activity identified within the application and must also provide justification regarding the increased threat to the health and safety of PHA residents that such crime and drug related activity poses.
        - a. Anecdotal or narrative documentation from PHA officials, residents, boards, or security personnel will be considered; however, such narratives must be supported by third party data. Below is a list of suggested documentation; however, this list is not exhaustive.
          - i. Crime data from local law enforcement (preferred);
          - ii. Documentation from local “Neighborhood Watch” groups;
          - iii. Documentation from local councils (e.g., business council, city council, etc.)
      - ii. *Third party assessment of a practical plan:*
        1. The PHA must submit a third party analysis indicating that the PHA’s capital needs proposal to resolve the safety and security emergency is a viable proposal, likely to immediately address the crime or drug related condition(s) identified.
        2. The third party analysis must be provided by a professional with expertise in security strategies as well as defensible spaces. The credentials of the third party professional to make the aforementioned assessment must also be submitted.
          - a. Examples of such professionals include architects, security personnel, or consultants with the aforementioned expertise.

- 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.
  - 2. If the cost estimate exceeds the \$250,000 cap, the PHA must include documents indicating other funds, including Capital Funds, are available to cover the proposal's excess costs.
- b. **Form HUD-50071, Certification of Payments to Influence Federal Transactions.**
- c. **Standard Form (SF)-LLL, Disclosure of Lobbying Activities.** Note: This form is available at Forms.gov.
- d. **Form HUD-50077, PHA Certifications of Compliance with PHA Plans and Related Regulations.**

**10. Evaluation Criteria:** The Department evaluates requests for emergency safety and security funding based on the information provided within the PHA's application as outlined within this Notice.

- a. **First Come, First Serve:** Applicants that meet the criteria described in Section 9 and submit the required documentation will be funded on a first come, first serve basis until the set aside funding has been exhausted. Any remaining applications will be held until the end of the fiscal year. If additional funding becomes available, applications will be funded in the order received. Applications will not be accepted until 30 days after the publication of this Notice.

**11. Process for Requesting an Emergency Safety and Security Grant:** PHAs seeking emergency safety and security funding should submit a completed application, including all of the aforementioned documents and information described above. Completed applications will be time stamped as they are received through email. Upon review, applications will be placed in a queue and funded on a first come, first serve basis, until the set aside funding has been exhausted. Remaining applicants will be held until the end of the fiscal year, and if funding becomes available, applications will be funded in the order received.

**12. What to include in the application:** An application for emergency safety and security funding must include documentation addressing each of the submission requirements listed above in Section 9(c). *Please scan and email all documents and send through the mail all original, signed copies of the application documents* (see contact information in Section 14 below).

**13. Managing Emergency Grants:** Safety and security emergency grants should be managed in the same manner as grants provided for unforeseeable or unpreventable emergencies. 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.

**14. 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). The OMB control numbers are pending. 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.

**15. Contact Information:** For general questions, please call Jeffrey Riddel, Director at 202-402-7378 or Rick Smith, Deputy Director, at 202-402-7652. Please scan and email all application documents to Rick Smith, Deputy Director, at [PIHOCI@hud.gov](mailto:PIHOCI@hud.gov). Please send all original, signed copies of the application documents to Rick Smith, Deputy Director, Office of Capital Improvements, 451 7th Street SW, Room 4146, Washington, DC 20410.

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Sandra B. Henriquez, Assistant Secretary for  
Public and Indian Housing