

Department of Housing and Urban Development Report on Implementation of Executive Order 13563, Improving Regulation and Regulatory Review and HUD Initiatives to Reducing Reporting and Paperwork Burdens

Agency	Sub-agency	Title	RIN/ OMB Control Number	Summary of Initiative	Status of Initiative	Target Completion Date	Does the Initiative include regulatory flexibilities	What methods will you engage in to Identify Improvements.	Anticipated or realized savings in costs &/or burdens and anticipated or realized changes in benefits
HUD	Office of Housing	Streamlining Management and Occupancy Reviews for Section 8 Housing Assistance Programs and Amending Vacancy Payments for Section 8 and Section 162 Housing Assistance Programs (FR-5654-F-02	2502-AJ22	<p>This final rule would follow a proposed rule published on January 14, 2015 (80 FR 1860). This final rule would amend existing project-based Section 8 regulations related to Management and Occupancy Reviews (MORs) for the following programs: the Section 8 Housing Assistance Payments (HAP) Programs for New Construction, Substantial Rehabilitation, and State Housing Agencies, New Construction financed under Section 515 of the Housing Act of 1949, the Loan Management Set-Aside Program, the HAP Program for the Disposition of HUD-Owned Projects, and the Section 202/8 Program. Under existing regulations, the frequency of MORs across the seven project-based Section 8 programs is inconsistent. Contract administrators are required to review a project’s operations “at least annually” to determine whether the owner is in compliance with the HAP contract. Completion of MORs can require Contract Administrators to visit the site and can cause interruption in project operations. The Contract Administrator spends approximately 8 hours of staff time and additional resources to review every project. HUD has found that over the last three years projects have been rated “Below Average” or “Unsatisfactory” only eight percent of the time. A full or limited review of all projects, including those that consistently receive high marks, puts a strain on HUD and project resources. Under this rule, MORs would be conducted in accordance with a schedule published in the Federal Register and subject to public comment, and the frequency of a MOR would be based on results of the prior MOR. This final rule would also amend the existing project-based Section 8 regulations mentioned above and the existing Section 162 regulations related to Vacancy. Under current regulations, an owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for a period of no more than 60 days after initial rent up or after an eligible family vacates the unit. HUD has observed that the 60-day period for vacancy payments may be too long in high volume areas, resulting in contract units staying vacant for longer periods and extending the time it takes for eligible families to secure housing.</p>	Ongoing	This final rule is projected for publication in September 2015	N/A	Public Comment	The amendments made to the MORs would reduce burden on project owners. Many of the properties have consistently received high marks on their MORs, reducing the frequency of a MOR would result in fewer unnecessary interruptions in project operations. The amendments made to the vacancy payments regulations would make units available to eligible families earlier. Additionally, HUD wants to incentivize owners, when appropriate, to see that vacant units are rented more expeditiously.

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HUD	Office of Housing	Previous Participation Reviews of Prospective Multifamily Housing Program Participants Proposed Rule	2502-AJ28	This proposed rule would revise HUD’s regulations for assessing the previous performance in federal programs of certain participants seeking to take part in HUD multifamily housing programs. Specifically, the proposed rule would clarify and simplify the process by which participants that have decision-making authority over their projects demonstrate that they have met their legal, financial, and contractual obligations when participating previously in federal programs	New	This final rule is projected for publication in July 2015	N/A	Public Comment	The amendments to these regulations will streamline the previous participation review process and strike an appropriate balance between allowing HUD to effectively assess the suitability of applicants to participate in HUD’s multifamily housing and healthcare programs, while interjecting sufficient flexibility into the process in order to remove a one-size-fits-all review process. Such a balance best allows HUD to make determinations of suitability in order to accurately assess risk and relieves burden on applicants who wish to participate in HUD’s multifamily housing and healthcare programs.

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HUD	Office of Housing	Removal of Part 235 Home Ownership Program Regulations (5829-F-01) Final Rule	2502-AJ29	This final rule would remove the regulations for the Section 235 Program, which authorized HUD to provide mortgage subsidy payments to lenders to assist lower-income families who were unable to meet the credit requirements generally applicable to FHA mortgage insurance programs. Authority to provide insurance to mortgagees under this program was terminated under the Housing and Community Development Act of 1987 and HUD has not provided new mortgage subsidy payments under this program since then. Because the regulations governing this program are no longer operative, they are being removed by this final rule.	New	This final rule is projected for publication in March 2015	N/A		The removal of these regulations avoids any possible confusion that this program designed to help homeowners in distress remains active.

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HUD	Offices of Housing, CPD and PIH	Streamlining Administrative Regulations for Public Housing, Housing Choice Vouchers, Multifamily Housing, and Community Planning and Development Programs (FR-5743-P-01) Proposed Rule	2506-AC38	This proposed rule would amend HUD’s regulations governing aspects of the Housing Choice Voucher (HCV), and Public Housing (PH), and Multifamily housing programs. This rule proposes to streamline regulatory requirements pertaining to verifying tenants’ incomes, setting rents, determining utility allowances, determining compliance with community service requirements, setting grievance procedures, setting move-in dates for tenants, and re-inspecting units previously found to have had housing quality standards violations. The purpose of the proposed changes is to reduce administrative burdens on entities administering these programs to assist their efforts to serve more families requiring assistance in an environment of decreasing financial resources	Continuing	This proposed rule was published on January 6, 2015 (80 FR 423)	N/A	Public Comment	By decreasing the regulatory burden on entities administering key HUD affordable housing program and increasing their administrative flexibility, HUD intends to enable these entities to deliver rental assistance more efficiently and expeditiously, and to better manage their programs within current allocated budget authority. The streamlining changes proposed to be made by this rule would facilitate the ability of entities to continue, without interruption and with minimal burden, the delivery of rental assistance to eligible families in their communities.

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HUD	Public and Indian Housing	Public Housing and Section 8 Programs: Housing Choice Voucher - Improving Portability for Voucher Families (FR-5453-F-02) Final Rule	2577-AC86	This rule would amend HUD’s regulations governing portability in the Housing Choice Voucher program (HCV program). Portability is a feature of the HCV program that allows an eligible family with a housing choice voucher to use that voucher to lease a unit anywhere in the United States where there is a public housing agency (PHA) operating a housing choice voucher program. The purpose of HUD’s changes to the portability regulations is to streamline the process for such inter-jurisdictional moves. Reducing the administrative burdens involved with processing portability requests will enable initial and receiving PHAs to better serve families and expand housing opportunities. The final rule follows publication of a March 28, 2012, proposed rule.	Continuing	The projected publication date of the final rule is August 2015	N/A	Public Comment	The rule would remove the administrative burdens involved with processing portability requests, making it easier for low-income families to move with their vouchers. The changes to the HCV regulations would not have a significant incidence on the program budget. The rule, however, would yield certain non-tangible benefits to program participant and, if successful, increase financial transfers between PHAs.

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HUD	Public and Indian Housing	Streamlining Requirements Applicable to Formation of Consortia by Public Housing Agencies (FR-5578-P-01) Proposed Rule	2577-AC89	<p>HUD plans to implement both these changes for Public Housing Agencies (PHAs) concurrently through additional rulemaking. The “Streamlining Requirements Applicable to Formation of Consortia by Public Housing Agencies” proposed rule was published on July 11, 2014. The proposed rule revises the PHA consortium regulations to provide additional flexibility and increase administrative efficiencies associated with forming a consortium. The changes will also help ensure increased family choice in locating suitable housing. The proposed rule would allow PHAs to form a new category of cross-jurisdictional consortia for administration of the Section 8 Housing Choice Voucher (HCV) program. The current regulations do not allow for such cross-jurisdictional consortia. The proposed rule would also revise the categories of Section 8 programs eligible to be administered under a consortium. Specifically, the Section 8 programs administered by HUD’s Office of Multifamily Housing programs would no longer be eligible for consortia administration. HUD also proposes to establish new requirements regarding the timeframes for the establishment and dissolution of a consortium. Further, HUD has taken the opportunity afforded by this proposed rule to make several technical, non-substantive changes to improve the clarity and organization of the consortium regulations. This proposed rule would implement the 2014 Appropriations Act amendment to the definition of a public housing agency to include “a consortium of public housing agencies...” The intent of the language is to enable consortia to form and operate under one Annual Contributions Contract (ACC). Consortia currently operate vis-à-vis memoranda of understanding with one PHA managing the public housing and/or HCV enterprises for the other consortium members. Although the managing PHA may handle all the business affairs, including receipt and distribution of operating and capital fund, financial reporting, audits, and so on, each member PHA retains its identity, PHA number in PIC, ACC, etc. Similar to the “Streamlining Requirements Applicable to Formation of Consortia by Public Housing Agencies” proposed rule, these changes will provide additional flexibility and increase administrative efficiencies associated with forming a consortium.</p>	Continuing	The projected publication date of a second proposed rule that encompasses this proposed rule is September 2015	N/A	Public Comment	The proposed rule will enable PHAs to establish cross-jurisdictional consortia that would be treated as a single PHA, with a single jurisdiction and a single set of reporting and audit requirements, for purposes of administering the HCV program in a more streamlined and less burdensome fashion.

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HUD	Public and Indian Housing	Aligning the Public Housing Assessment System and Section Eight Management Assessment Program Proposed Rule		This proposed rule would align and streamline HUD’s regulations for assessing the performance of public housing agencies (PHAs) operating the public housing and Section 8 tenant-based assistance programs. Currently, the Public Housing Assessment System (PHAS) is used to assess PHA performance in conducting the public housing program. HUD has established the separate Section 8 Management Assessment program (SEMAP) to assess the performance of PHAs operating tenant-based rental assistance. The use of separate assessment systems, with differing performance indicators and different regulatory structures, makes it difficult to comprehensively assess overall PHA operations under both the public housing and tenant-based programs. The proposed rule would address these issues by aligning the PHAS and SEMAP regulations into a single part of the Code of Federal Regulations and, to the greatest extent feasible, harmonizing the two sets of regulations into a single set of performance indicators	New	This proposed rule is projected for publication in November 2015.	N/A	Public Comment	The proposed rule would enable HUD to establish a performance assessment system for use in assessing a PHAs operation of both public housing and Section 8 tenant-based assistance programs. This would reduce burden on HUD and the PHAs that operate both a public housing and tenant-based program.

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HUD	Policy Development and Research	Establish a More Effective Fair Market Rent (FMR) System (FR-5855) Advanced Notice of Proposed Rulemaking	2501-AD74	Section 8(c)(1) of the United States Housing Act of 1937 (USHA) requires the Secretary to publish Fair Market Rents (FMRs) periodically, but not less than annually, adjusted to be effective on October 1 of each year. Currently, HUD calculates FMRs based on the 40th percentile of the distribution of gross rents for standard quality units occupied by recent movers. Based on an interim rule published in 2000, in some large metropolitan areas where voucher tenants are highly concentrated, however, HUD sets the FMRs at the 50th percentile to provide tenants with additional subsidy to expand the portion of the FMR area in which they can find suitable units. HUD has determined that setting FMRs at the 50th percentile is not an effective tool for deconcentrating voucher tenants and is difficult to administer for areas moving in and out of 50th percentile status. Additionally HUD has instituted a Small Area FMR demonstration, both as part of a court settlement and through a number of selected Public Housing Authorities, to ascertain the efficacy of FMRs set at the ZIP Code level with metropolitan areas instead of metropolitan area-wide FMRs. This proposed rule would remove the 50th percentile FMR rule and replace it with a Small Area FMR rule.	New	The projected publication of this notice is March 2015	N/A	Public Comment	This advance notice of proposed rulemaking would provide an opportunity for the public to provide input on HUD's proposed FMR system. HUD believes that the proposed system will make the FMR settings easier to utilize by PHAs.

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HUD	Public and Indian Housing	Removal of Obsolete Section 8 Rental Assistance Certificate Program Regulations (5827-F-01) Final rule	2577-AC93	This final rule removes from regulations obsolete references to the Section 8 Tenant-Based Rental Assistance Certificate program (Certificate Program). The Certificate Program was first created by the Housing and Community Development Act of 1974, which amended section 8 of the United States Housing Act of 1937 (1937 Act). Building on the success of the Certificate Program, Congress authorized a new rental voucher demonstration program in 1984, by adding a new section 8(o) to the 1937 Act. The rental voucher program was similar to the Certificate Program but provided families with more options in housing selection. The Quality Housing and Work Responsibility Act of 1998 (QHWRA) amended section 8 of the 1937 Act to fully merge the Certificate and rental voucher programs and eliminated all differences between the two. The Certificate Program was then phased out by October 2001. The removal of obsolete references to the Certificate Program from 24 CFR eliminates any misunderstanding that the Certificate Program is an active program.	Completed	This final rule was published on February 17, 2015 (80 FR 8243). Note: This rule will be removed from HUD’s report at the next update	N/A	Public Comment	The removal of these regulations avoids any possible confusion that this program remains active.

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HUD	Office of Secretary	Environmental Compliance Recordkeeping Requirements (FR-5616-F-02) Final Rule	2506-AC34	<p>This final rule revises the regulations governing the format used for conducting the required environmental reviews for HUD program and policy actions. HUD’s current regulations require that HUD staff document part 50 environmental review compliance using form HUD-4128. Recipients receiving HUD assistance and other entities responsible for conducting part 58 environmental reviews (“responsible entities”) are currently allowed to use either HUD-recommended formats or develop equivalent formats for documenting environmental review compliance. The reference to a specific form number in part 50 restricts HUD’s ability to adopt alternative form designations and forms, while authorizing the use of alternate forms in part 58 makes it difficult for HUD to assess, compare, and collect data on responsible entities’ environmental review records. Despite being applicable to different parties, environmental review responsibilities under parts 50 and 58 are substantively similar. In light of that, the final rule would give the Departmental Environmental Clearance Officer (DECO) the authority to create one standardized format for use in both part 50 and part 58 reviews and authorize exceptions, thereby eliminating unnecessary distinctions between reviews completed by HUD employees and responsible entities. This final rule follows publication of a February 27, 2014, proposed rule.</p>	Completed	<p>This final rule was published on August 20, 2014 (79 FR 49226). Note: This rule will be removed from HUD’s report at the next update.</p>	N/A	Public Comment	<p>This rule eliminates the need for entities to develop individual formats and to mitigate the redundancies, inaccuracies and confusion that arises when many forms are used for the same purpose. The use of multiple formats under part 58 was ineffective, insufficient, and for some entities, excessively burdensome. As a result of HUD’s previous experience, HUD believes that standardized formats are necessary to ensure compliance with all applicable environmental laws and authorities, and the new requirements will ease the environmental compliance burden on all HUD recipients, streamlining the compliance process by applying a uniform and consistent approach.</p>

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HUD	Office of Housing	Residual Income Test		In HUD's Qualified Mortgage Definition for HUD Insured and Guaranteed Single Family Mortgages final rule (78 FR 75215), HUD committed to reviewing the use of a residual income test that would be adopted by all agencies for determining creditworthiness of a borrower. HUD reviewed the role of using residual income as a factor in its FHA lending and determined that rulemaking was not appropriate at this time.	Completed	HUD will not undergo rulemaking at this time. Note: This item will be removed from HUD's report at the next update.	N/A		

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HUD	Office of Housing	Federal Housing Administration (FHA): Section 232 Healthcare Facility Insurance Program – Aligning Operator Financial Reports with HUD’s Uniform Financial Reporting Standards (FR-5794-I-02) and (FR-5794-F-03)	2502-AJ25	Through a final rule published on September 7, 2012, at 77 FR 55120, HUD revised the regulations for FHA’s program for insurance of health care facilities under section 232 of the National Housing Act (Section 232 program). In the September 7, 2012, final rule, HUD retained the longstanding requirement that owners and borrowers participating in the Section 232 program submit audited financial statements to HUD, and added the requirement that operators of Section 232 facilities also submit financial statements to HUD. However, the September 7, 2012, rule placed operators on a different submission deadline than that required of owners. HUD published an interim rule, followed by a final rule, to revise the financial reporting deadlines for operators participating in FHA’s program for insurance of health care facilities under section 232 to bring them in-line with the reporting periods to which owners and borrowers participating in the Section 232 program are subject.	Completed	An interim rule was published on September 16, 2014 (79 FR 55360) and a final rule was published on December 16, 2014 (79 FR 74612). Note: This rule will be removed from HUD’s report at the next update.	N/A		This interim and final rule relaxes a reporting requirement for operators by allowing operators more time to comply with HUD’s audited financial statement reporting requirements. Allowing operators the additional time to submit audited financial statements reduces a burden of having to meet a deadline not imposed on other program participants in the Section 232 program.

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HUD	Office of Secretary	Removal of Emergency Homeowners' Loan Program Regulations	2502-AJ24	Through this rule, HUD removes regulations for the Emergency Homeowners' Loan Program. The statutory authority to provide emergency assistance to homeowners under this program expired on September 30, 2011. Because these regulations are no longer operative, they are being removed by this final rule. To the extent that assistance made available under this program is still ongoing, the removal of these regulations does not affect the requirements for transactions entered into when these parts were in effect. Assistance made available under the Emergency Homeowners' Loan Program will continue to be governed by the regulations that existed immediately before the effective date of this rule.	Completed	This final rule was published on August 7, 2014 (79 FR 46181).	N/A	Public Comment	The removal of these regulations avoids any possible confusion that this program designed to help homeowners in distress remains active.
HUD	Office of Housing	Federal Housing Administration (FHA) Multifamily Housing: Replacement of Development Application Processing system		Reengineering efforts are currently underway to replace the Development Application Processing (DAP) system with a new commercial-off-the-shelf software product to improve the application review process by being: A simple, user-friendly, intuitive, flexible, and trustworthy guide. The software is being tailored to reflect FHA multifamily procedures on an online system for easy application, third party reports, and various documents and data uploads. The new system will generate staff-generated review documents, pre-populated standardized documents and offers communication capability between HUD staff reviews and Lender coordination. Procurement for a contractor was accomplished in early FY 2013 and configuration and enhancements, such as e-signatures, are in process. The proposed target date for implementation is subject to the satisfaction of any IT security concerns.		The projected publication date for system implementation is August 2015			