

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4451-N-03]

Notice Withdrawing and Reissuing FY 1999 Notice of Funding Availability for the Public Housing Drug Elimination Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice Withdrawing and Reissuing FY 1999 Notice of Funding Availability (NOFA) for the FY 1999 Public Housing Drug Elimination Program (PHDEP).

SUMMARY: The Department of Housing and Urban Development (HUD) is withdrawing the FY 1999 NOFA for the Public Housing Drug Elimination Program (PHDEP) published in the **Federal Register** of February 26, 1999 (64 FR 9745) and reissuing a NOFA that requests less information. Elsewhere in this issue of the **Federal Register** is HUD's proposed rule to implement the distribution of PHDEP funding under a non-competitive formula. The information requested by this notice will be used by HUD whether or not funds are distributed competitively, and will reduce the current reporting burden on applicants. This action is intended to prevent an interruption in the funding process while issues related to the proposed rule are resolved.

DATES: Requested information should be submitted by June 16, 1999.

ADDRESSES: Submit an original and two copies of the information requested to the local Field Office with delegated public housing responsibilities:

Attention: Director, Office of Public Housing, or, in the case of the Tribes or Tribally Designated Housing Entities (TDHEs), to the local HUD Administrator, Area Office of Native American Programs (AONAP), as appropriate. For a listing of Field Offices, please see the application kit, or the Appendix published in the February 26, 1999 SuperNOFA at 64 FR 9767.

FOR FURTHER INFORMATION CONTACT: Bertha M. Jones, Program Analyst, Community Safety and Conservation Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 708-1197 x.4237; or Tracy C. Outlaw, National Office of Native American Programs, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202, telephone (303) 675-1600 (these are not toll-free numbers). Hearing or

speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Background

Section 586 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105-276, 112 Stat. 2461, approved October 21, 1998) (Public Housing Reform Act) made important changes to PHDEP, including authorizing the Secretary to make renewable grants. An Advance Notice of Proposed Rulemaking published in the **Federal Register** of February 18, 1999 (64 FR 8210) announced HUD's intention to develop, through proposed rulemaking, a formula allocation funding for PHDEP. Elsewhere in this issue of the **Federal Register** HUD has published a proposed rule on PHDEP formula allocation.

Depending on the outcome of the proposed rulemaking on a formula allocation of PHDEP funds, HUD may award FY 1999 funds by a noncompetitive formula. However, at this time, in order to reduce the reporting burden required of applicants, expedite processing of FY 1999 funding awards and avoid an interruption in the funding process, HUD is withdrawing the FY 1999 Notice of Funding Availability (NOFA) for the FY 1999 Public Housing Drug Elimination Program (PHDEP). Instead, HUD is requesting the information described below to be submitted by June 16, 1999. The information solicited under this Notice will not be a part of the rulemaking record.

Withdrawal of FY 1999 Notice of Funding Availability (NOFA) for the HUD Public and Indian Housing Drug Elimination Program

Accordingly, the FY 1999 Public and Indian Housing Drug Elimination Program NOFA, published in the **Federal Register** of February 26, 1999 (64 FR 9745), is hereby withdrawn.

Reissuance of FY 1999 Notice of Funding Availability (NOFA) for the HUD Public and Indian Housing Drug Elimination Program

Accordingly, the FY 1999 Public and Indian Housing Drug Elimination Program NOFA is hereby reissued as follows:

I. Program Overview

Purpose of the Program. To provide grants to eliminate drugs and drug-related crime in public housing and Indian communities.

Available Funds. Approximately \$242,750,000 is available during FY 99 for PHDEP grants.

Eligible Applicants. Public Housing Authorities (PHAs), Tribes, or Tribally Designated Housing Entities (TDHEs) on behalf of the Tribe.

Application Deadline. June 16, 1999.
Match. None

II. Application Due Date, Application Kits, Address for Submitting Applications, Further Information and Technical Assistance

Application Due Date. Applications (an original and two copies) are due on or before 6:00 pm local time on June 16, 1999 at the address shown below.

For Application Kits. To receive a copy of the Public Housing Drug Elimination Program (PHDEP) application kit please call the SuperNOFA Information Center at 1-800-HUD-8929. Persons with hearing or speech impairments may call the Center's TTY number at 1-800-483-2209. When requesting an application kit, please refer to the Public Housing Drug Elimination Program (PHDEP). Please provide your name, address (including zip code, and telephone number (including area code). Although this Notice is the governing document for FY 1999 PHDEP funding, the information in the application kit is helpful to the extent the application kit is consistent with this Notice, and the blank forms contained in Section I of the application kit, beginning on page I-19, should still be used.

Address For Submitting Applications. Submit an original and two identical copies of the application by the application due date at the local Field Office with delegated public housing responsibilities: Attention: Director, Office of Public Housing, or, in the case of the Tribes or TDHEs, to the local HUD Administrator, Area Office of Native American Programs (AONAP), as appropriate. For a listing of Field Offices, please see the application kit, or the Appendix published in the February 26, 1999 SuperNOFA at 64 FR 9767.

For Further Information and Technical Assistance. Please call the local HUD Field Office HUB with delegated housing responsibilities for your housing agency, the Area Office of Native American Programs (AONAPs) with jurisdiction over your Tribe or Tribally Designated Housing Entity (TDHE), HUD's Drug Information and Strategy Clearinghouse (DISC) at 1-800-952-2232; or Bertha M. Jones, Program Analyst, in the Community Safety and Conservation Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451

Seventh Street, SW, Room 4206, Washington, DC 20410, telephone (202) 708-1197, extension 4237; or Tracy C. Outlaw, National Office of Native American Programs, Department of Housing and Urban Development, 1999 Broadway, Suite 3390, Denver, CO 80202, telephone (303) 675-1600. (With the exception of the "1-800" telephone number, these are not toll-free numbers.)

III. Submission Requirements

In order to expedite its process for awarding FY 1999 funding, HUD is requesting that applicants submit the following information. The blank forms contained in Section I of the application kit, beginning on page I-19, should still be used. Applicants who do not submit the information in response to this notice will not be disadvantaged in the funding process for FY 1999. HUD will publish another notice this Fiscal Year with additional information on the funding process.

(A) The locations and unit counts of the developments that are targeted for FY 1999 PHDEP assistance.

(B) A plan for addressing the problem of drug-related crime and the problems associated with drug-related crime in the developments targeted for funding, that describes each of the activities to be implemented at each of the targeted developments and the particular problem that each activity is intended to address (see sections IV.(D) and (E) of this Notice, below, for a description of eligible and ineligible activities). The applicant should describe how each activity fits in with the goals and objectives that the applicant could achieve over a five-year period. The applicant should also set goals for each year for each activity. There should also be a description of the quantitative and/or qualitative measures that the applicant will use to assess its progress toward achieving its goals for each activity. Where quantitative measures will be used, the applicant must provide baseline data that describes current conditions and that will be compared to conditions over the grant term as a measure of the applicant's performance. Where only qualitative measures are used, the applicant must describe why no quantitative data could be applied to the activity in question. See also specific plan requirements in section IV of this Notice, below, regarding Housing Authority Police Departments.

(C) A budget for each fiscal year of the grant period (may not exceed 24 months) which estimates amounts to be expended for the activities set forth in their submission. The budget shall assume funding of the greater of

\$25,000, the minimum award amount, or \$220 per unit for the applicant's total unit count computed in accordance with section IV.(H) of this Notice, below, with a maximum award amount of \$35 million.

(D) A timetable that shows the start and end date for each activity with intermediate achievement milestones for each activity.

(E) A description of the role of each partner, if any, who will be working with the applicant during the grant period to implement the activities identified in the submission, including a description of subgrantees, if applicable. The description must include the names of subgrantees, as well as the relative roles and contributions of each subgrantee in implementing the PHDEP grant activities.

(F) A summary of the proposed program activities in five (5) sentences or less.

IV. Program Requirements

(A) *General Requirements.* Sections II and VII of the General Section of the SuperNOFA published on February 26, 1999 (64 FR 9618), continue to apply to this Notice.

(B) *Program Description.* Funds are available for Public Housing Authorities (PHAs), Tribes or Tribally Designated Housing Entities (TDHEs) to develop and finance drug and drug-related crime elimination efforts in their developments. You may use funds for enhancing security within your developments, making physical improvements to enhance security; and/or developing and implementing prevention, intervention and treatment programs to stop drug use in public and Indian housing communities.

In FY 1999, HUD is requiring all applicants to establish measurable baseline information and realistic goals for drug-related crime in Public Housing and for all major PHDEP activities being proposed. In addition, HUD is developing a formula based system for use in awarding PHDEP grants.

(C) *Eligible Applicants.* Eligible applicants include PHAs, Tribes or TDHEs. (A Tribe can apply either in its own name or through its TDHE. A TDHE cannot apply on behalf of a Tribe that is applying on its own behalf.) Resident Management Corporations (RMCs); and incorporated Resident Councils (RCs) are eligible for funding from PHAs as sub-grantees. RMCs and ROs that were operating pursuant to 24 CFR part 950 are eligible for funding from Tribes or TDHEs as subgrantees to develop security and substance abuse prevention programs. Eligible applicants

with substantial drug-related crime in and around their premises are strongly encouraged to apply.

(D) *Eligible/Ineligible Activities.* Under statute, PHDEP grants may be used for seven types of activities including: Physical improvement specifically designed to enhance security; Programs designed to reduce use of drugs in and around public or Indian housing developments including drug-abuse prevention, intervention, referral, and treatment; Funding for non-profit public housing resident management corporations (RMCs), Resident Councils (RCs), and Resident Organizations (ROs) to develop security and drug abuse prevention programs involving site residents; Employment of security personnel; Employment of personnel to investigate and provide evidence in administrative or judicial proceeding; Reimbursement of local law enforcement agencies for additional security and protective services; and Training, communications equipment, and related equipment for use by voluntary tenant patrols. Applicants may choose eligible activities that best fit their communities' needs.

Following is a discussion by activity type of: what is fundable; what is not fundable; and specific requirements.

(1) *Physical Improvements to Enhance Security.* (a) Physical improvements specifically designed to enhance security may include: installing barriers, speed bumps, lighting systems, fences, surveillance equipment (e.g., Closed Circuit Television (CCTV), computers and software, fax machines, cameras, monitors, and supporting equipment), bolts, locks, and landscaping or reconfiguring common areas to discourage drug-related crime.

(i) All physical improvements must be accessible to persons with disabilities. For example, locks or buzzer systems that are not accessible to persons with restricted or impaired strength, mobility, or hearing may not be funded by PHDEP. Defensible space improvements must comply with civil rights requirements and cannot exclude or segregate people because of their race, color, or national origin from benefits, services, or other terms or conditions of housing. All physical improvements must meet the accessibility requirements of 24 CFR part 8.

(ii) Funding is permitted for the purchase or lease of house trailers of any type that are not designated as a building if they are used for eligible community policing, educational, employment, and youth activities. A justification of purchase versus lease

must be supported by a cost-benefit analysis prior to purchase or lease.

(b) *Ineligible Improvements.* The following are ineligible for funding:

- (i) Physical improvements that involve demolishing any units in a development;
- (ii) Physical improvements that would displace persons;
- (iii) Acquiring real property.

(2) *Programs to Reduce Drug Use (Prevention, Intervention, Treatment, Structured Aftercare and Support Systems).* (a) *General Requirements and Strategies.* Any substance abuse prevention, intervention, treatment, and aftercare program should use a "continuum of care" approach. A "continuum of care" approach includes not just treating the addiction or dependency but providing aftercare, mentoring, and support services such as day care, family counseling, education, training, employment development opportunities, and other activities.

You should develop a substance abuse/sobriety (remission)/treatment (dependency) strategy to adequately plan your substance abuse prevention, intervention, treatment, and structured aftercare efforts. In many cases, you may want to include education, training, and employment opportunities for residents; and support Welfare to Work initiatives. When undertaking these activities, you should be leveraging your PHDEP resources with other Federal, State, local and Tribal resources. For example, your program may include providing space and other infrastructure for these efforts with several public agencies providing staff and other resources at limited or no cost. Your strategy must incorporate existing community resources and you must document how they will be used in your program. The strategy should also document how community resources will be provided on-site, or how participants will be referred and transported to treatment programs that are not on-site.

A community-based approach also requires you to develop a culturally appropriate strategy. Curricula, activities, and staff should address the cultural issues of the local community, which requires your application to indicate your familiarity and facility with the language and cultural norms of the community. As applicable, your strategy should address cultural competencies associated with Hispanic, African-American, Asian, Native American or other racial or ethnic communities.

Your activities should focus resources directly to housing authority residents and families.

For all activities involving education, training and employment, you should document efforts to coordinate with Federal, Tribal, State and local employment training and development services, "welfare to work" efforts, or other new "welfare reform" efforts.

The current Diagnostic and Statistical Manual (DSM) of Mental Disorders of the American Psychiatric Association dated May 1994, contains information on substance abuse, dependency and structured aftercare. For more information about this reference, contact: APPI, 1400 K. Street, NW, Suite 1100, Washington, DC 20005 on 1(800) 368-5777 or World Wide Web site at <http://www.appi.org>.

Eligible activities may include:

- (i) Substance abuse prevention, intervention, and referral programs;
- (ii) Programs of local social, faith-based and/or other organizations that provide treatment services (contractual or otherwise) for dependency/remission; and
- (iii) Structured aftercare/support system programs.

(b) *Activities must be "in and around".* PHDEP funding is permitted for programs that reduce/eliminate drug-related crime "in and around" the premises of the housing authority/development(s). HUD has defined the term "in and around" to mean within, or adjacent to, the physical boundaries of a public or Indian housing development. This ensures that program funds and activities are targeted to benefit, as directly as possible, public and Indian housing developments and their residents.

(c) *Eligible cost.* (i) Funding is permitted for reasonable, necessary, and justified purchasing or leasing (whichever is documented as the most cost effective) of vehicles for transporting adult and youth residents for education, job training, and off-site treatment programs directly related to reducing drugs and drug-related crime. The cost reasonableness can be determined by a comparison of the number of participants in and anticipated costs of these programs compared to the purchase or lease cost of the vehicles. If these costs are included in your program, your plan must include a description of why the expenses are necessary. The primary use of such vehicles must correspond with their intended purposes under your grant.

(ii) Funding is permitted for reasonable, necessary and justified program costs, such as meals and beverages incurred only for training, education and employment activities, and youth services directly related to

reducing drugs and drug-related crime. Refer to Office of Management and Budget (OMB) Circular A-87, Cost Principles for State, Local and Indian Tribal Governments.

(d) *Prevention.* Prevention programs should provide directly, or otherwise make available, services designed to distribute substance/drug education information, to foster effective parenting skills, and to provide referrals for treatment and other available support services in the housing development or the community for housing authority families.

Prevention programs should provide an effective prevention approach for residents that address the individual resident and his or her relationship to family, peers, and the community. Your prevention programs activities should identify and change the causal factors present in housing authorities that lead to drug-related crime thereby lowering the risk of drug usage. Components of an effective approach may include, but are not limited to, wellness and educational training; substance abuse sobriety, refusal and restraint skills training programs; or drug, substance abuse/dependency and family counseling. These may already be available in the community of your housing developments and should be included to the maximum extent possible in your proposed program of activities.

The following eligible activities under a prevention program are discussed in more detail below: educational opportunities; family and other support services; youth services; and economic and educational opportunities for resident adult and youth activities.

(i) *Educational Opportunities.* The causes and effects of illegal drug/substance abuse must be taught in a culturally appropriate and structured setting. You may contract (in accordance with 24 CFR 85.36) to provide such knowledge and skills through training programs. The professionals contracted to provide these services are required to base their services on your needs assessment and program plan. These educational opportunities may be a part of resident meetings, youth activities, or other gatherings of public and Indian housing residents.

(ii) *Family and Other Support Services.* "Supportive services" are services that allow housing authority families to have access to prevention, educational and employment opportunities. Supportive services may include: child care; employment training; computer skills training; remedial education; substance abuse

counseling; help in getting a high school equivalency certificate; and other services to reduce drug-related crime.

(iii) *Youth Services.* "Educating and enabling America's youth to reject illegal drugs" is Goal #1 of the Office of National Drug Control Policy (ONDCP) top five goals in the Nation's Drug Control Strategy. Activities that target youth further this goal. Youth drug and crime prevention programs must include, but are not limited to, groups composed of young people ages 16 through 18. Your youth drug and crime prevention activities should be coordinated by adults but have housing authority youth actively involved in organizing youth leadership, sports, recreational, cultural and other activities. Eligible youth services may include: youth sports; youth leadership skills training; cultural and recreational activities. These youth services provide an alternative to drugs and drug-related criminal activity for public housing and Native American youth. Youth leadership skills training may include training in leadership, peer pressure reversal, resistance or refusal skills, life skills, goal planning, parenting skills, and other relevant topics. Youth leadership training should be designed to place youth in leadership roles including: mentors to younger program participants, assistant coaches, managers, and team captains. Cultural and recreational activities may include ethnic heritage classes, art, dance, drama and music appreciation.

The following are eligible youth services activities:

(1) Salaries and expenses for staff for youth sports programs and cultural activities and leadership training;

(2) Sports and recreation equipment to be used by participants;

(3) Non-profit subgrantees that provide scheduled organized sports competitions, cultural, educational, recreational or other activities, including: Boys and Girls Clubs, YMCAs, YWCAs, the Inner City Games, Association of Midnight Basketball Leagues.

(4) Liability insurance costs for youth sports activities.

(iv) *Economic and Educational Opportunities for Resident Adult and Youth.* Any economic and educational activities should provide residents opportunities for interaction with, or referral to, established higher education, vocational institutions and/or private sector businesses in the immediate surrounding communities with the goal of developing or building on the residents' skills to pursue educational, vocational and economic goals and become self-sufficient.

Any economic and educational opportunities for residents and youth activities should be consistent with "welfare to work" and related Federal, Tribal, State and local government efforts for employment training, education and employment opportunities related to "welfare to work" goals. Establishing or referring adults and youth to computer learning centers, employment service centers (coordinated with Federal, Tribal, State and local employment offices), and micro-business centers are eligible.

Limited educational scholarships are permitted under this section. No one individual award may exceed \$500.00, and there is a total maximum scholarship program cap of \$10,000. Educational scholarship FY 1999 PHDEP funds must be obligated and expended during the term of your grant. You should develop and document a scholarship strategy; the financial and management controls that will be used; and projected outcomes.

(e) *Intervention.* The aim of intervention is to identify or detect residents with substance abuse issues, assist them in modifying their behavior, and in getting early treatment, and structured aftercare.

(f) *Substance Abuse/Dependency Treatment.* (i) Treatment funded under this program should be "in and around" the premises of the housing authority/development(s) you proposed for funding. In undertaking substance abuse/dependency treatment programs, you must establish a confidentiality policy regarding medical and disability related information.

(ii) Funds awarded for substance abuse/dependency treatment must be targeted towards developing and implementing, or expanding and improving sobriety maintenance, substance-free maintenance support groups, substance abuse counseling, referral treatment services, and short or long range structured aftercare for residents.

(iii) Any drug program should address the following goals for residents:

(1) Increasing accessibility of treatment services;

(2) Decreasing drug-related crime "in and around" your housing authority/development(s) by reducing and/or eliminating drug use.; and

(3) Providing services designed for youth and/or adult drug abusers and recovering addicts (e.g., prenatal and postpartum care, specialized family and parental counseling, parenting classes, domestic or youth violence counseling).

(iv) Approaches that have proven effective with similar populations have

included, but are not limited to, the following:

(1) Formal referral arrangements to other treatment programs in cases where the resident is able to obtain treatment costs from sources other than this program.

(2) Family/youth counseling.

(3) Linkages to educational and vocational training and employment counseling.

(4) Coordination of services from and to appropriate local substance abuse/treatment agencies, HIV-related service agencies, mental health and public health programs.

(v) As applicable, you must develop a working partnership with the Single State Agency or local, Tribal or State license provider or authority with substance abuse program(s) coordination responsibilities to coordinate, develop and implement your substance dependency treatment program.

(vi) You must use counselors (contractual or otherwise) that meet any applicable Federal, State, Tribal, and local government licensing, bonding, training, certification and continuing training re-certification requirements.

(vii) You must get certification from the Single State Agency or authority with substance abuse and dependency programs coordination responsibilities that your proposed program is consistent with the State plan; and that the service(s) meets all Federal, State, Tribal and local government medical licensing, training, bonding, and certification requirements.

(viii) Funding is permitted for drug treatment of housing authority residents at local in-patient medical treatment programs and facilities. PHDEP funding for structured in-patient drug treatment under PHDEP funds is limited to 60 days, and structured drug out-patient treatment, which includes individual/family aftercare, is limited to 6 months. If you are undertaking drug treatment programs, your program should provide, directly or indirectly, employment training, education and employment opportunities related to "welfare to work."

(ix) Funding is permitted for detoxification procedures designed to reduce or eliminate the short-term presence of toxic substances in the body tissues of a patient.

(x) Funding is not permitted for maintenance drug programs. Maintenance drugs are medications that are prescribed regularly for a short/long period of supportive therapy (e.g. methadone maintenance), rather than for immediate control of a disorder.

(3) *Resident Management Corporations (RMCs), Resident Councils (RCs), and Resident Organizations (ROs).* RMCs, and incorporated RCs and ROs, may be a subcontractor to their housing authorities, or Tribe/TDHE, to develop security and substance abuse prevention programs for residents. Such programs may include voluntary tenant patrol activities, substance abuse education, intervention, and referral programs, youth programs, and outreach efforts. The elimination of drug-related crime within housing authorities/developments must have the active involvement and commitment of public and Indian housing residents and their organizations. Active involvement requires that residents be involved in the planning process and implementation.

To enhance the ability of housing authorities, and Tribes/TDHEs, to combat drug-related crime within their developments, Resident Councils (RCs), Resident Management Corporations (RMCs), and Resident Organizations (ROs) may undertake program management functions, notwithstanding the otherwise applicable requirements of 24 CFR part 964. Sub-contracts with the RMC/RC/RO must include the amount of funding, applicable terms, conditions, financial controls, payment mechanism schedule, performance and financial report requirements, special conditions, including sanctions for violating the agreement, and monitoring requirements. Costs must not be incurred until a written contract is executed.

(4) *Employment of HA Security Personnel.* You may employ HA security personnel. Employment of security personnel is divided into two categories: security personnel services, and housing authority police departments. You are encouraged to involve police officials residing in public housing to partake in PHDEP security-related programs. The following specific requirements apply to all employment of security personnel activities funded under PHDEP:

(a) *Compliance.* Security guard personnel and public housing authority police departments must be in compliance with, all relevant Federal, State, Tribal or local government insurance, licensing, certification, training, bonding, or other law enforcement requirements.

(b) *Law Enforcement Service Agreement.* You must enter into a law enforcement service agreement with the local law enforcement agency and if applicable, the contract provider of security. Your service agreement must include:

(i) The activities security guard personnel or the public housing authority police department (HAPD) will perform; the scope of authority; written policies, procedures, and practices that will govern security personnel or HAPD performance (i.e., a policy manual and how security guard personnel or the HAPD shall coordinate activities with your local law enforcement agency);

(ii) The types of activities that your approved security guard personnel or the HAPD are expressly prohibited from undertaking.

(c) *Policy Manual.* Security guard personnel services and PHPDs must be guided by a policy manual that directs the activities of its personnel and contains the policies, procedures, and general orders that regulate conduct and describes in detail how jobs are to be performed. The policy manual must exist before incurring personnel costs for security services. To comply with State police department standards and/or Commission on Accreditation Law Enforcement Agencies (CALEA), you must also ensure all security guard personnel and housing authority police officers are trained in the following areas. These areas must also be covered in your policy manual:

- (i) Use of force;
- (ii) Resident contacts;
- (iii) Enforcement of HA rules;
- (iv) Response criteria to calls;
- (v) Pursuits;
- (vi) Arrest procedures;
- (vii) Reporting of crimes and workload;
- (viii) Feedback procedures to victims;
- (ix) Citizens' complaint procedures;
- (x) Internal affairs investigations;
- (xi) Towing of vehicles;
- (xii) Authorized weapons and other equipment;
- (xiii) Radio procedures internally and with local police;
- (xiv) Training requirements;
- (xv) Patrol procedures;
- (xvi) Scheduling of meetings with residents;
- (xvii) Reports to be completed;
- (xviii) Record keeping and position descriptions on all personnel;
- (xix) Post assignments;
- (xx) Monitoring;
- (xxi) Self-evaluation program requirements; and
- (xxii) First aid training.

(d) *Data Management.* A daily activity and incident complaint form approved by the housing authority must be used by security personnel and officers for the collection and analysis of criminal incidents and responses to service calls. Security guard personnel and HAPDs must establish and maintain a system of

records management for the daily activity and incident complaint forms that appropriately ensures the confidentiality of personal criminal information.

(e) *Management Informational Systems (MIS) (computers, software, and associated equipment) and management personnel.* Costs in support of these activities are eligible for funding.

(5) *Security Personnel Services.* Contracting for, or direct housing authority employment of, security personnel services in and around housing development(s) is permitted under this program. However, contracts for security personnel services must be awarded on a competitive basis.

(a) *Eligible Services—Over and Above.* Security guard personnel funded by this program must perform services that are over and above those usually performed by local municipal law enforcement agencies on a routine basis. Eligible services may include patrolling inside buildings, providing personnel services at building entrances to check for proper identification, or patrolling and checking car parking lots for appropriate parking decals.

(b) *Employment of Residents.* HUD encourages you to employ qualified resident(s) as security guard personnel, and/or to contract with security guard personnel firms that demonstrate a program to employ qualified residents as security guard personnel. Since your program of eliminating drug-related crime should promote "welfare to work" an excellent way to implement this is to employ residents.

(6) *Employment of Personnel and Equipment for HUD Authorized Housing Authority Police Departments.* Funding equipment and employment of housing authority police department (HAPD) personnel is permitted for housing authorities that already have HAPDs. The following 12 housing authorities are approved by HUD as being eligible under the FY 1999 PHDEP for these activities:

Baltimore Housing Authority and
Community Development, Baltimore,
MD
Boston Housing Authority, Boston, MA
Buffalo Housing Authority, Buffalo, NY
Chicago Housing Authority, Chicago, IL
Cuyahoga Metropolitan Housing
Authority, Cleveland, OH
Housing Authority of the City of Los
Angeles, Los Angeles, CA
Housing Authority of the City of
Oakland, Oakland, CA
Philadelphia Housing Authority,
Philadelphia, PA
Housing Authority of the City of
Pittsburgh, Pittsburgh, PA

Waterbury Housing Authority,
Waterbury, CT
Virgin Islands Housing Authority,
Virgin Islands
District of Columbia Housing Authority,
Washington, DC

(a) Notice PIH 98-16, issued March 11, 1998, reinstated PIH 95-58 (PHA) "Guidelines for Creating, Implementing and Managing Public Housing Authority Police Departments in Public Housing Authorities)." This Notice identifies prerequisites for creating HAPDs and provides guidance to assist housing authorities in making decisions about public housing security, analysis of security needs, and performance measures and outcomes.

(b) Housing authorities with their own HAPDs, but that are not included in the list above, shall request (in writing) to be recognized by HUD as a HAPD. The written request must be sent to the Office of the Deputy Assistant Secretary for Public and Assisted Housing Delivery, Public and Indian Housing, Department of Housing and Urban Development, Room 4204, 451 Seventh Street, SW, Washington, DC 20410. This request must be approved by HUD before you submit your FY 1999 PHDEP application.

(c)(i) HAPDs funded under this program that are not nationally or state accredited must submit a plan and timetable for such accreditation. Housing authorities may use either their State accreditation program, if one exists, or the Commission on Accreditation for Law Enforcement Agencies (CALEA) for this purpose. Use of grant funds for HAPD accreditation activities is permitted.

(ii) Housing authorities receiving grants for funding HAPDs are required to hire an HAPD accreditation specialist to manage the accreditation program. If you have a public housing police department funded under the FY 1996, 1997, or 1998 PHDEP you must include in your plan what progress you made in implementing your accreditation program and the projected date of accreditation. HUD will monitor results of your plan and timetable. HAPDs not meeting their timetables will be ineligible for funding in FY 2000.

(d) If you are allocating funds for this activity, you must describe the current level of local law enforcement agency baseline services being provided to the housing authority/development(s) proposed for assistance. Local law enforcement baseline services are defined as ordinary and routine services provided to the residents as part of the overall city and/or county-wide deployment of police resources to

respond to crime and other public safety incidents including: 911 communications, processing calls for service, routine patrol officer responses to calls for service, and investigative follow-up of criminal activity.

(e) If you are allocating funds for housing authority public housing authority police department officers, you must have car-to-car (or other vehicles) and portable-to-portable radio communications links between public housing authority police officers and local law enforcement officers to assure a coordinated and safe response to crimes or calls for services. The use of scanners (radio monitors) is not sufficient to meet the requirements of this section. If you do not have such links you must include in your plan a timetable for the implementation of such communications links. This activity is eligible for funding. If you were a housing authority funded under the FY 1994, 1995, 1996, 1997, and/or 1998 PHDEP for public housing police departments, you must include in your plan what progress has been made in implementing its planned communications links.

(f) HAPDs funded under this program that are not employing a community policing concept must incorporate a community policing concept in the implementation of their policing activities. Community policing under PHDEP is defined as a method of providing law enforcement services partnership among residents, police, schools, churches, government services, the private sector, and other local, State, Tribal, and Federal law enforcement agencies to prevent crime and improve the quality of life by addressing the conditions and problems that lead to crime and fear of crime. Community policing uses proactive measures including foot patrols, bicycle patrols, and motor scooters patrols. It also includes KOBAN activities where police officers operate out of police mini-stations, and other community-based facilities in housing authorities providing human resource activities with youth), and citizen contacts. This concept empowers police officers at the beat and zone level and residents in neighborhoods to:

- (i) Reduce crime and fear of crime;
- (ii) Ensure the maintenance of order;
- (iii) Provide referrals of residents, victims, and homeless persons to social services and government agencies;
- (iv) Ensure feedback of police actions to victims of crime; and (v) Promote a law enforcement value system based on the needs and rights of residents.

For additional information regarding KOBAN community policing contact

Cedric Brown, (202) 708-1197, extension 4057.

(g) Authorized PHPDs can purchase or lease law enforcement clothing or equipment. Eligible law enforcement clothing or equipment may include uniforms and protective vests; firearms/ weapons and ammunition; police vehicles including cars, vans, buses; or other equipment supporting PHPDs crime prevention and security mission. If you have not been identified by HUD as having an authorized PHPD, you are not permitted to use PHDEP funds to purchase any clothing or equipment for use by local municipal police departments and/or other law enforcement agencies.

(7) *Reimbursement of Local Law Enforcement Agencies for Additional (Supplemental—Over and Above Local Law Enforcement Baseline Services) Security and Protective Services.* Additional security and protective services are permitted if services are over and above the local police department's current level of baseline services. Housing authorities, Tribes, and TDHEs are required to identify the level of local law enforcement services received and the increased level of services to be received in their local Cooperation Agreement.

(8) *Employment of Investigators.* Employment of, and equipment for, one or more individuals to investigate drug-related crime "in and around" the real property comprising your development(s) and providing evidence relating to such crime in any administrative or judicial proceedings is permitted. Under this section, reimbursable costs associated with the investigation of drug-related crimes (e.g., travel directly related to the investigator's activities, or costs associated with the investigator's testimony at judicial or administrative proceedings) may only be those directly incurred by the investigator.

(a) If you are a housing authority that employs investigators funded by this program, you must demonstrate compliance with all relevant Federal, Tribal, State or local government insurance, licensing, certification, training, bonding, or other similar law enforcement requirements.

(b) Both you and the provider of the investigative services are required to execute a written agreement that describes the following:

(i) The activities that your investigators will perform, their scope of authority, reports to be completed, established investigative policies, procedures, and practices that will govern their performance (i.e., a Policy Manual; and how your investigators will

coordinate their activities with local, State, Tribal, and Federal law enforcement agencies); and prohibited activities.

(ii) The activities the housing authority/Tribal investigators are expressly prohibited from undertaking.

(c) Your investigator(s) may use PHDEP funds to purchase or lease any law enforcement clothing or equipment, such as vehicles, uniforms, ammunition, firearms/weapons, or vehicles; including cars, vans, buses, protective vests, and any other supportive equipment.

(d) Your investigator(s) shall report on drug-related crime in your developments. You must establish, implement and maintain a system of records management that ensures confidentiality of criminal records and information. Housing authority-approved activity forms must be used for collection, analysis and reporting of activities by your investigators. You are encouraged to develop and use Management Information Systems (MIS) (Computers, software, hardware, and associated equipment) and hire management personnel for crime and workload reporting in support of your crime prevention and security activities.

(e) You may not expend funds and funds will not be released by the local HUD Field Office/AONAP until you have met the requirements of section IV.(6)(d) of this Notice.

(9) *Voluntary Tenant Patrols.* HUD believes the elimination of drug-related crime within and around the housing authority/development(s) requires the active involvement and commitment of residents and their organizations. Members of tenant patrols must be volunteers and must be residents of the housing authority's development(s). Voluntary tenant patrols are expected to patrol in your development(s) proposed for assistance, and to report illegal activities to appropriate housing authority staff, and local, State, Tribal, and Federal law enforcement agencies, as appropriate.

(a) Training equipment, uniforms for use by voluntary tenant patrols acting in cooperation with officials of local law enforcement agencies is permitted. All costs must be reasonable, necessary and justified. Bicycles, motor scooters, all season uniforms and associated equipment to be used, exclusively, by the members of your voluntary tenant patrol are eligible items. Voluntary tenant patrol uniforms and equipment must be identified with your specific housing authority/development(s) identification and markings.

(b) Housing authorities are required to obtain liability insurance to protect

themselves and the members of the voluntary tenant patrol against potential liability for the activities of the patrol under this program. The cost of this insurance is negligible.

(c) If you are funding voluntary tenant patrol activities, you, your local law enforcement agency, and the tenant patrol, before expending grant funds, are required to execute a written agreement that includes:

(i) The nature of the activities to be performed by your voluntary tenant patrol, the patrol's scope of authority, assignment, policies, procedures, and practices that will govern the voluntary tenant patrol's performance and how the patrol will coordinate its activities with the law enforcement agency;

(ii) The activities the voluntary tenant patrol is expressly prohibited from undertaking and that the carrying or use of firearms, weapons, nightsticks, clubs, handcuffs, or mace is prohibited;

(iii) Required initial and on-going voluntary tenant patrol training members will receive from the local law enforcement agency; (Please note that training by HUD-approved trainers and/or the local law enforcement agency is required before putting a voluntary tenant patrol into effect); and

(iv) Voluntary tenant patrol members will be subject to individual or collective liability for any actions undertaken outside the scope of their authority (described in paragraph (ii) above) and that such acts are not covered under your housing authority liability insurance.

(d) PHDEP grant funds must not be used for any type of financial compensation, such as full-time wages or salaries for voluntary tenant and/or patrol participants. Funding for housing authority personnel or resident(s) to be hired to coordinate this activity is permitted. Excessive staffing is not permitted.

(10) *Evaluation of PHDEP Activities.* Funding is permitted to contractually hire organizations and/or consultant(s) to conduct an independent assessment and evaluation of the effectiveness of your PHDEP program. You should include in your plan and budget contracting with an independent survey organization to conduct an annual resident survey in your targeted developments/areas. The amount of funding proposed for conducting assessments or evaluations should be necessary, reasonable, and justified. However, even if adequately justified, HUD would not expect that this cost should exceed ten (10) percent of the total grant amount requested.

(11) *High Intensity Drug Trafficking Areas (HIDTAs).* Funding may be used

for activities to eliminate drug-related crime in housing owned by a public housing agency that is not public housing assisted under the United States Housing Act of 1937 and is not otherwise federally assisted. For example, housing that receives tenant subsidies under Section 8 is federally assisted and would not qualify, but housing that receives only State, Tribal, or local assistance would qualify if it meets the following two requirements:

(a) The housing is located in a high intensity drug trafficking area designated pursuant to Section 1005 of the Anti-Drug Abuse Act of 1988 (see Appendix A); and

(b) The PHA owning the housing demonstrates, on the basis of information submitted, that the drug-related crime at the housing authority project has a detrimental affect in or around the housing.

The High Intensity Drug Trafficking Areas (HIDTAs) are areas identified as having problems that adversely impact the rest of the country.

(E) *Ineligible Activities.* PHDEP funding *is not permitted* for any of the activities listed below.

(1) Costs incurred before the effective date of your grant agreement (Form HUD-1044), including, but not limited to, consultant fees related to the development of your application or the actual writing of your application.

(2) The purchase of controlled substances for any purpose. Controlled substance shall have the meaning provided in section 102 of the Controlled Substance Act (21 U.S.C. 802).

(3) Compensation of informants, including confidential informants. These should be part of the baseline services provided and budgeted by local law enforcement agencies.

(4) Direct purchase or lease of clothing or equipment, vehicles (including cars, vans, and buses), uniforms, ammunition, firearms/weapons, protective vests, and any other supportive equipment for use in law enforcement or military enforcement except for HAPDs and investigator activities listed in this program requirements section.

(5) Construction of facility space in a building or unit, and the costs of retrofitting/modifying existing buildings owned by the housing authorities and TDHEs for purposes other than: community policing mini-station operations, adult/youth education, employment training facilities, and drug abuse treatment activities.

(6) Organized fund raising, advertising, financial campaigns, endowment drives, solicitation of gifts

and bequests, rallies, marches, community celebrations, stipends and similar expenses.

(7) Court costs and attorneys fees related to screening or evicting residents for drug-related crime are not allowable.

(8) PHDEP grant funds cannot be transferred to any Federal agency.

(9) Costs to establish councils, resident associations, resident organizations, and resident corporations are not allowable.

(10) Indirect costs are not allowable.

(11) Supplant existing positions/activities. For purposes of the PHDEP, supplanting is defined as "taking the place of or to supersede".

(12) Alcohol-exclusive activities and programs are *not eligible* for funding under this program, although activities and programs may address situations of multiple abuse involving controlled substances and alcohol. PHDEP is limited to only controlled substances.

(F) *Commingle of Funds*. Housing authorities must not co-mingle funds of multiple HUD programs including: Comprehensive Improvement Assistance Program (CIAP); Comprehensive Grant Program (CGP); Economic Development and Supportive Services (EDSS); Tenant Opportunity Program (TOP); Indian Housing Block Grant (IHBG); Housing Opportunity for People Everywhere (HOPE) projects; Family Investment; Elderly Service Coordinator; and Operating Subsidy.

(G) *Reports and Closeout*. In accordance with 24 CFR 761.35, grantees are required to submit a PHDEP Semi-Annual Performance Report and the Semi-Annual Financial Status Report (SF-269A) to the appropriate HUD Field Office. HUD will require grantees to transmit reports electronically to facilitate providing more meaningful performance information to comply with the requirements of the Government Performance and Results Act (GPRA) and to provide greater assurance that the program activities undertaken are effective in reducing drugs and drug-related crime in areas targeted by PHDEP. HUD will require grantees to report the number of grant-funded, full-time equivalent positions for law enforcement and security services, and PHDEP-supported activities for residents broken out by youth, adults, families, and communities. For each

category of PHDEP-supported activities, other than law enforcement, grantees will report the results achieved using program or activity goals that are specific and measurable to the extent practicable.

In addition, all grantees shall be required, as indicated by written notice from HUD, to participate in HUD-sponsored training activities. HUD will issue a separate notice containing the details for meeting performance reporting requirements.

(H) *Computing Unit Counts*. Unit counts are to be computed as follows:

(1) PHAs. (a) The unit count includes rental, Turnkey III Homeownership, and Section 23 leased housing bond-financed projects. Eligible units are those that are under management and fully developed, and must be covered by an Annual Contributions Contract (ACC) during the period of grant award. In determining unit count for PHA-Owned Rental Housing, a long-term vacancy unit as defined in 24 CFR 990.102 is included in the count.

(b) PHAs preparing PHDEP applications are required to confirm/validate the unit count with the local Field Office (Office of Public Housing) before they submit their applications. Confirmation/Validation may be given if the unit count to be used is the same as the unit count reflected on a PHA's most recently approved Operating Budget (Form HUD-52564) and/or subsidy calculation (Form HUD-52723) submitted for that program. Field Offices that have PHAs that are not required to submit either of these forms may confirm/validate the PHDEP unit count if it is the same as the most recently submitted Form HUD-51234. Field Offices in validating the unit count shall not include Non-Federally Assisted Housing units located in High Intensity Drug-Trafficking Areas.

(2) *Tribes and TDHES*. (a) The unit count includes rental, Turnkey III and Mutual Help Homeownership units which have not been conveyed to a homebuyer, and Section 23 lease housing bond-financed projects. Such units must be counted as Current Assisted Stock under the Indian Housing Block Grant Program.

(b) Eligible units are those units which are under management and fully developed. However, you should note that in determining the unit count for

PHA-owned or Native American rental housing, a long-term vacancy unit, as defined in 990.102 or 24 CFR 950.102 (as revised May 1, 1996), is still included in the count. If you are an applicant for Native American housing developments, you must certify that the targeted units were covered by an ACC on September 30, 1997.

(c) Use the number of units counted as Formula Current Assisted Stock for Fiscal Year 1999 as defined in 24 CFR 1000.316.

(I) *MTCS Compliance*. PHAs, to receive funding, must be in compliance with HUD Notice PIH 99-2, Reporting Requirements for Multifamily Tenant Characteristics System (MTCS) (Form HUD-50058).

Authority

Chapter 2, Subtitle C, Title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et. seq), as amended by section 581 of the National Affordable Housing Act of 1990 (Pub.L. 101-625, approved November 28, 1990) (NAHA), section 161 of the Housing and Community Development Act of 1992 (Pub.L. 102-550, approved October 28, 1992) (HCDA 1992), and section 586 of the Quality Housing and Work Responsibility Act of 1998 (Pub.L. 105-276, 112 Stat. 2461, approved October 21, 1998) (Public Housing Reform Act).

Paperwork Reduction Act Statement

The information collection requirements contained in this Notice have been approved by the Office of Management and Budget under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), and assigned OMB control number 2577-0124. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Catalog of Federal Domestic Assistance. The Catalog of Federal Domestic Assistance number for the Public and Indian Housing Drug Elimination Program is 14.854.

Dated: May 6, 1999.

Deborah Vincent,

General Deputy Assistant Secretary for Public and Indian Housing.

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