



To: All Owners and Managers
From: Bob Conroy, Director of Asset Management

In this issue:

- I. PUC LIAP Program Changes
- II. New Web Address for WCMS
- III. Property Losses or Alterations – Mainehousing Financed Properties
- IV. HUD Notice – FY 2014 AAFs
- V. HUD Updated Affirmative Fair Housing Marketing Plan (AFHMP) Package
- VI. HUD revised Resident Service Coordinator Semi-Annual Performance Report
- VII. Radon Testing of Residential Rental Buildings

I. PUC LIAP Program changes

Effective July 31, 2013, the Public Utilities Commission amended Chapter 314 - *Statewide Low-Income Assistance Plan*. This chapter provides for how two benefits are administered to help qualified low income customers pay their electric bills: the Low-Income Assistance Plan (LIAP) benefit and the Oxygen Pump/Ventilator benefit, which provides assistance to those who use an oxygen pump or ventilator for at least 8 hours a day. Prior to this change, anyone living in subsidized housing was ineligible for either benefit. Now, however, those who live in subsidized housing may be found eligible for these programs. Those interested in finding out if they are eligible for these programs, particularly those who previously may have been ineligible due to living in subsidized housing, are encouraged to get more information at their local Community Action Program (CAP) agency.

We encourage Owners and Managers to inform their residents and Resident Service Coordinators about this change in benefits.

II. New Web Address for WCMS

WCMS has a new web address: <https://wcms.mainehousing.org/webcompliance> . Please make note and update your records accordingly.

III. Property Losses or Alterations – MaineHousing Financed Properties

Unexpected events happen all the time (i.e. water damage, roof leak, fires, etc) and when they do, management and maintenance are scrambling to rectify the situation, many times being pulled in multiple directions. With correcting the issue being the top priority, we know it can be easy to forget so this serves as a friendly reminder that if MaineHousing has financing in the property, is contract administrator of project based subsidy or the property has Low Income Housing Tax Credits and is still in its compliance period, the Asset Manager assigned to the project must be notified of the situation as soon as possible.

In addition, if you are planning project alterations or require substantial work to the property, MaineHousing should be notified of any intentions/plans prior to work commencing. This only applies to projects with MaineHousing financing.

IV. HUD Notice – FY 2014 AAFs

HUD published the attached notice on its fiscal year 2014 annual adjustment factors for Section 8 contract rents in the February 18, 2014 Federal Register.

V. HUD Updated Affirmative Fair Housing Marketing Plan (AFHMP) Package

HUD recently provided MaineHousing with an updated AFHMP Package which is attached for reference. Along with the updated package they provided the following tips:

Tips:

To save data entered into the form, users will need a PDF Reader or PDF software capable of saving data to PDF forms. HUD recommends the free Nuance PDF Reader, available here: <http://www.nuance.com/products/pdf-reader/index.htm>. Adobe Reader XI (11.0) (the latest) is now capable of saving data to PDF forms. There are other PDF Readers, as well, that are capable of saving data to PDF forms.

Some fields have tool tips to provide more information regarding the field. Float your mouse over the field to see the tool tip.

Text throughout the form has been highlighted in yellow to bring your attention to specific instructions. Some of the highlights contain additional information. Float your mouse over the highlight to see the additional information.

The form also contains yellow sticky notes. Float your mouse over the sticky note to see additional information.

Clear Fields Button: This button will clear all the data from the form.

Reset Fields Button: This button hides fields that should be hidden until activated.

If you have any questions, recommendations, or find some bugs, please contact Kevin Pillsbury of HUD directly at kevin.pillsbury@hud.gov.

VI. HUD Revised Service Coordinator Semi-Annual Performance Report (HUD-92456)

Revised Service Coordinator Semi-Annual Performance Report Form Now Approved for Use

On Friday, January 31st, HUD staff in Washington, DC informed the American Association of Service Coordinators (AASC) that the revised Service Coordinator Semi-Annual Performance Report form has been released for use. All service coordinators working in Multifamily Housing for the Elderly & Disabled (Sect. 202s, 202/8s, 202PRACs, 221s and 236s) are required to complete and submit this form that documents their program's performance, to make sure they are working as effectively as possible.

The new form can be found here <<http://portal.hud.gov/huddoc/92456.pdf>> .

The form was developed with Nuance, the official HUD software for the creation of HUD forms. If you experience problems with filling in the form fields and/or saving the form in your Adobe® pdf reader, you may have to download and use the free Nuance Reader that can be found here <<http://www.nuance.com/products/pdf-reader/index.htm>> .

The AASC will be conducting free webinars for AASC members on the changes and additions to the Semi-Annual Report form in the very near future.

Service coordinators required to submit the Semi-Annual Report form are to use the new form to submit their data and activities for the October 1, 2013 through March 31, 2014 reporting period. Reports are due into your respective HUD Field Office/Hub no later than 30 days following the end of each reporting period. HUD headquarters staff have acknowledged that, due to the release of the revised form during the middle of the reporting period, service coordinators may not have collected all of the data required on the revised form. HUD asks that you complete the report to the extent possible with the information available to you at the end of the reporting period.

VII. Radon Testing of Residential Rental Buildings

Just a friendly reminder that the law was amended on June 21, 2013 to require radon testing by March 1, 2014 in all residential rental buildings in the State of Maine. Pertinent information related to the law and useful radon tip sheets can be found at: <http://www.maine.gov/dhhs/mecdc/environmental-health/rad/radon/hp-radon.htm>.

We would like to point out that MaineHousing is not an enforcement entity for the law so any questions or concerns you may have should be addressed directly to the Radiation Control Program at 207-287-5676.

Attachments:

- **HUD Notice – FY 2014 AAFs**
- **HUD AFHMP Package 15**

Please note that MaineHousing provides notices as a service to our partners. Notices are not intended to replace ongoing training and do not encompass all compliance and regulatory changes that may occur on the wide arrange of housing programs in which we work. MaineHousing recommends partners establish an ongoing training program for their staff.

Maine State Housing Authority ("MaineHousing") does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice) or Maine Relay 711.

Affirmative Fair Housing Marketing Plan (AFHMP) Multifamily Housing Package

Version 15.0 – February 5, 2014

A package to assist you in the completion of the Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing Form HUD-935.2A.

Please remember: It is your responsibility to “affirmatively further fair housing”. The process is on-going, and we expect it to be pursued with due diligence. You must be vigilant in assessing and remaining in contact with agencies (old/new/expired) that are able to reach the least likely to apply target groups, irrespective of the status of your waiting lists.

Included in the package:

- [Form HUD-935.2A](#): The form is form-fillable, contains highlights and comments, contains prompts in drop-down boxes and text fields. You can save the form and your data.
- [The Checklist](#): A list of reminders and required attachments. Before you submit, please use this checklist to ensure your submission is complete.
- [4b \(Worksheet 3\) Closed Waiting Lists Community Contacts Memo Sample](#): **Only applicable if your waiting lists are closed.** You are required to contact, at least yearly, agencies that represent groups least likely to apply, even though your waiting lists are closed. Use to construct your community contacts memorandum to satisfy Block 4b (Worksheet 3). The sample is also available in Microsoft Word.
- [4b \(Worksheet 3\) Group Home Community Contacts Memo Sample](#): **Only applicable for group homes that have closed referrals** (see below). Use to construct your community contacts memorandum to satisfy Block 4b (Worksheet 3). Please send to your referral agencies. The sample is also available in Microsoft Word.
- [7d Staff Instructions Memo Sample](#): Use to construct your instructions memorandum to staff to satisfy Block 7d. The sample is also available in Microsoft Word.
- [7d Staff Training Summary Memo Sample](#): Use to construct your training memorandum to staff to satisfy Block 7d. The sample is also available in Microsoft Word.

Group Home information: The majority of group homes do not advertise (marketing). Their outreach is limited. Their tenants are referred from other agencies. This is called "Closed Referrals". If this describes your group home, please refer to these instructions for Blocks 4b (Worksheet 3) and 4c (Worksheet 4) and Part 6:

- Please enter “Closed Referrals”, along with other relevant data, on Worksheet 3 and Worksheet 4 and Part 6.
- The [Group Home Community Contacts Memo](#) must be on your letterhead, dated, and signed. The memo must be sent to all of your referral agencies, just as it is required for other properties. It is important your agency and the referral agencies are clear on fair housing requirements.

The Checklist

Before you submit, please use this checklist to ensure your submission is complete.

- Please label attachments with their corresponding Part, Block, and Worksheet identification: 8, 4a, Worksheet 1, Worksheet 2,
- Block 3a - Worksheet 1, Block 3b, Block 4b - Worksheet 3, and Block 4c - Worksheet 4 are related and demonstrate your outreach efforts to groups least likely to apply.

Are the groups least likely to apply (3a and 3b) represented by your community contacts (4b) and marketing activities (4c)?

- Block 3a - Worksheet 1 and Part 8 are related: Block 3a - Respondents should use the most current demographic data from the U.S. Census or another official source such as a local government planning office. *Please indicate the source of your data in Part 8 of this form.*
- Please include the following attachments:
 - Tenant Selection Plan (**only if** project is new to the inventory or project has owner-adopted or local residency preferences).
 - Worksheet 1: Determining Demographic Groups Least Likely to Apply for Housing Opportunities (Blocks 3a and 3b) **with**:
 - Maps showing both the housing market area and the expanded housing market area.
 - Worksheet 2: Establishing a Residency Preference Area (Block 4a) (if applicable) **with**:
 - Map clearly delineating the residency preference geographical area.
 - Worksheet 3 : Proposed Marketing Activities - Community Contacts (Block 4b) **must include**:
 - State the names of contact persons, their addresses, their telephone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing. Please attach additional pages if necessary.
 - Community Contact Letters (Block 4b - Worksheet 3). Recent (within the last 90 days) letters to each community contact listed. Must be on letterhead, dated,

and signed. Letters should include the Fair Housing Logo or Statement and the TTY/TDD phone number for the hearing impaired, if available.

- Worksheet 4: Proposed Marketing Activities - Methods of Advertising (Block 4c) **with**:
 - *Recent* (within the last 90 days) samples of advertisements, radio and television scripts, internet advertisements and websites, brochures, Please ensure the copies include business names and dates of publication.

The only exception to this would be a group home with Closed Referrals.
 - Photo(s) of project site sign(s) (Block 5c). Include at least one photo of each project site sign. Ensure the photo(s) clearly shows the HUD-approved Equal Housing Opportunity logo, slogan, or statement.
 - If your property does not or will not have a project site sign, click on the “No Sign” button in Block 5c and enter the reason(s) why the property does not or will not have a site sign.
 - Copies of any AFHM/Fair Housing staff training materials (Block 7d), **including** instructions and training summary memorandums to staff. Memos must be on letterhead, dated, and signed. They should include the Fair Housing Logo or Statement and the TTY/TDD phone number for the hearing impaired, if available.
- Please sign and date the form.

Note to all applicants/respondents: This form was developed with Nuance, the official HUD software for the creation of HUD forms. HUD has made available instructions for downloading a free installation of a Nuance reader that allows the user to fill-in and save this form in Nuance. Please see <http://portal.hud.gov/hudportal/documents/huddoc?id=nuancereaderinstall.pdf> for the instructions. Using Nuance software is the only means of completing this form.

Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing

**U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity**

OMB Approval No. 2529-0013
(exp.12/31/2016)

| | | |
|--|---|-------------------------|
| 1a. Project Name & Address (including City, County, State & Zip Code) | 1b. Project Contract Number | 1c. No. of Units |
| | 1d. Census Tract | |
| | 1e. Housing/Expanded Housing Market Area | |



1f. Managing Agent Name, Address (including City, County, State & Zip Code), Telephone Number & Email Address



1g. Application/Owner/Developer Name, Address (including City, County, State & Zip Code), Telephone Number & Email Address

1h. Entity Responsible for Marketing (check all that apply)

Owner Agent Other (specify)

Position, Name (if known), Address (including City, County, State & Zip Code), Telephone Number & Email Address

1i. To whom should approval and other correspondence concerning this AFHMP be sent? Indicate Name, Address (including City, State & Zip Code), Telephone Number & E-Mail Address.

2a. Affirmative Fair Housing Marketing Plan

Plan Type

Date of the First Approved AFHMP:

Reason(s) for current update:

2b. HUD-Approved Occupancy of the Project (check all that apply)

Elderly

Family

Mixed (Elderly/Disabled)

Disabled

2c. Date of Initial Occupancy

2d. Advertising Start Date

Advertising must begin *at least* 90 days prior to initial or renewed occupancy for new construction and substantial rehabilitation projects.

Date advertising began or will begin

For existing projects, select below the reason advertising will be used:



| | | |
|---------------------------------------|----------------------|--------------|
| To fill existing unit vacancies | | |
| To place applicants on a waiting list | (which currently has | individuals) |
| To reopen a closed waiting list | (which currently has | individuals) |

7a. Marketing Staff

What staff positions are/will be responsible for affirmative marketing?

7b. Staff Training and Assessment: AFHMP

- (1) Has staff been trained on the AFHMP?
 - (2) Has staff been instructed in writing and orally on non-discrimination and fair housing policies as required by 24 CFR 200.620(c)?
 - (3) If yes, who provides instruction on the AFHMP and Fair Housing Act, and how frequently?

 - (4) Do you periodically assess staff skills on the use of the AFHMP and the application of the Fair Housing Act?
 - (5) If yes, how and how often?
-

7c. Tenant Selection Training/Staff

- (1) Has staff been trained on tenant selection in accordance with the project's occupancy policy, including any residency preferences?

 - (2) What staff positions are/will be responsible for tenant selection?
-

7d. Staff Instruction/Training:

Describe AFHM/Fair Housing Act staff training, already provided or to be provided, to whom it was/will be provided, content of training, and the dates of past and anticipated training. **Please include copies of any AFHM/Fair Housing staff training materials.**

8. Additional Considerations Is there anything else you would like to tell us about your AFHMP to help ensure that your program is marketed to those least likely to apply for housing in your project? **Please attach additional sheets, as needed.**



9. Review and Update

By signing this form, the applicant/respondent agrees to implement its AFHMP, and to review and update its AFHMP in accordance with the instructions to item 9 of this form in order to ensure continued compliance with HUD's Affirmative Fair Housing Marketing Regulations (see 24 CFR Part 200, Subpart M). I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (See 18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Signature of person submitting this Plan & Date of Submission (mm/dd/yyyy)

Name (type or print)

Title & Name of Company

| For HUD-Office of Housing Use Only | For HUD-Office of Fair Housing and Equal Opportunity Use Only | |
|------------------------------------|---|-------------|
| Reviewing Official: | Approval | Disapproval |
| Signature & Date (mm/dd/yyyy) | Signature & Date (mm/dd/yyyy) | |
| Name (type or print) | Name (type or print) | |
| Title | Title | |

Public reporting burden for this collection of information is estimated to average six (6) hours per initial response, and four (4) hours for updated plans, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget (OMB) control number.

Purpose of Form: All applicants for participation in FHA subsidized and unsubsidized multifamily housing programs with five or more units (see 24 CFR 200.615) must complete this Affirmative Fair Housing Marketing Plan (AFHMP) form as specified in 24 CFR 200.625, and in accordance with the requirements in 24 CFR 200.620. The purpose of this AFHMP is to help applicants offer equal housing opportunities regardless of race, color, national origin, religion, sex, familial status, or disability. The AFHMP helps owners/agents (respondents) effectively market the availability of housing opportunities to individuals of both minority and non-minority groups that are least likely to apply for occupancy. Affirmative fair housing marketing and planning should be part of all new construction, substantial rehabilitation, and existing project marketing and advertising activities.

An AFHM program, as specified in this Plan, shall be in effect for each multifamily project throughout the life of the mortgage (24 CFR 200.620(a)). The AFHMP, once approved by HUD, must be made available for public inspection at the sales or rental offices of the respondent (24 CFR 200.625) and may not be revised without HUD approval. This form contains no questions of a confidential nature.

Applicability: The form and worksheets must be completed and submitted by all FHA subsidized and unsubsidized multifamily housing program applicants.

INSTRUCTIONS:

Send completed form and worksheets to your local HUD Office, Attention: Director, Office of Housing

Part 1: Applicant/Respondent and Project

Identification. Blocks 1a, 1b, 1c, 1g, 1h, and 1i are self-explanatory.

Block 1d- Respondents may obtain the Census tract number from the U.S. Census Bureau (<http://factfinder2.census.gov/main.html>) when completing Worksheet One.

Block 1e- Respondents should identify both the housing market area and the expanded housing market area for their multifamily housing projects. Use abbreviations if necessary. A **housing market area** is the area from which a multifamily housing project owner/agent may reasonably expect to draw a substantial number of its tenants. This could be a county or Metropolitan Division. The U.S. Census Bureau provides a range of levels to draw from.

An **expanded housing market area** is a larger geographic area, such as a Metropolitan Division or a Metropolitan Statistical Area, which may provide additional demographic diversity in terms of race, color, national origin, religion, sex, familial status, or disability.

Block 1f- The applicant should complete this block only if a Managing Agent (the agent cannot be the applicant) is implementing the AFHMP.

Part 2: Type of AFHMP

Block 2a- Respondents should indicate the status of the AFHMP, i.e., initial or updated, as well as the date of the first approved AFHMP. Respondents should also provide the reason (s) for the current update, whether the update is based on the five-year review or due to significant changes in project or local demographics (See instructions for Part 9).

Block 2b- Respondents should identify all groups HUD has approved for occupancy in the subject project, in accordance with the contract, grant, etc.

Block 2c- Respondents should specify the date the project was/will be first occupied.

Block 2d- For new construction and substantial rehabilitation projects, advertising must begin at least 90 days prior to initial occupancy. In the case of existing projects, respondents should indicate whether the advertising will be used to fill existing vacancies, to place individuals on the project's waiting list, or to re-open a closed waiting list. Please indicate how many people are on the waiting list when advertising begins.

Part 3 Demographics and Marketing Area.

"Least likely to apply" means that there is an identifiable presence of a specific demographic group in the housing market area, but members of that group are not likely to apply for the housing without targeted outreach, including marketing materials in other languages for limited English proficient individuals, and alternative formats for persons with disabilities. Reasons for not applying may include, but are not limited to, insufficient information about housing opportunities, language barriers, or transportation impediments.

Block 3a - Using Worksheet 1, the respondent should indicate the demographic composition of the project's residents, current project applicant data, census tract, housing market area, and expanded housing market area. The applicable housing market area and expanded housing market area should be indicated in Block 1e. Compare groups within rows/across columns on Worksheet 1 to identify any under-represented group(s) relative to the surrounding housing market area and expanded housing market area, i.e., those group(s) "least likely to apply" for the housing without targeted outreach and marketing. If there is a particular group or subgroup with members of a protected class that has an identifiable presence in the housing market area, but is not included in Worksheet 1, please specify under "Other."

Respondents should use the most current demographic data from the U.S. Census or another official source such as a local government planning office. **Please indicate the source of your data in Part 8 of this form.**

Block 3b - Using the information from the completed Worksheet 1, respondents should identify the demographic group(s) least likely to apply for the housing without special outreach efforts by checking all that apply.

Part 4 - Marketing Program and Residency Preference (if any).

Block 4a - A residency preference is a preference for admission of persons who reside or work in a specified geographic area (see 24 CFR 5.655(c)(1)(ii)). Respondents should indicate whether a residency preference is being utilized, and if so, respondents should specify if it is new, revised, or continuing. If a respondent wishes to utilize a residency preference, it must state the preference area (and provide a map delineating the precise area) and state the reason for having such a preference. The respondent must ensure that the preference is in accordance with the non-discrimination and equal opportunity requirements in 24 CFR 5.105(a) (see 24 CFR 5.655(c)(1)).

Respondents should use Worksheet 2 to show how the percentage of the eligible population living or working in the residency preference area compares to that of residents of the project, project applicant data, census tract, housing market area, and expanded housing market area. **The percentages would be the same as shown on completed Worksheet 1.**



Block 4b - Using Worksheet 3, respondents should describe their use of community contacts to help market the project to those least likely to apply. This table should include the name of a contact person, his/her address, telephone number, previous experience working with the target population(s), the approximate date contact was/will be initiated, and the specific role the community contact will play in assisting with affirmative fair housing marketing or outreach.

Block 4c - Using Worksheet 4, respondents should describe their proposed method(s) of advertising to market to those least likely to apply. This table should identify each media option, the reason for choosing this media, and the language of the advertisement. Alternative format(s) that will be used to reach persons with disabilities, and logo(s) that will appear on the various materials (as well as their size) should be described.

Please attach a copy of the advertising or marketing material.

Part 5 – Availability of the Fair Housing Poster, AFHMP, and Project Site Sign.

Block 5a - The Fair Housing Poster must be prominently displayed in all offices in which sale or rental activity takes place (24 CFR 200.620(e)). Respondents should indicate all locations where the Fair Housing Poster will be displayed.

Block 5b -The AFHMP must be available for public inspection at the sales or rental office (24 CFR 200.625). Check all of the locations where the AFHMP will be available.

Block 5c -The Project Site Sign must display in a conspicuous position the HUD-approved Equal Housing Opportunity logo, slogan, or statement (24 CFR 200.620(f)). Respondents should indicate where the Project Site Sign will be displayed, as well as the size of the Sign and the size of the logo, slogan, or statement. **Please submit photographs of project site signs.**

Part 6 - Evaluation of Marketing Activities.

Respondents should explain the evaluation process to be used to determine if they have been successful in attracting those individuals identified as least likely to apply. Respondents should also explain how they will make decisions about future marketing activities based on the evaluations.

Part 7- Marketing Staff and Training.

Block 7a - Respondents should identify staff positions that are/will be responsible for affirmative marketing.

Block 7b - Respondents should indicate whether staff has been trained on the AFHMP and Fair Housing Act.

Please indicate who provides the training and how frequently. In addition, respondents should specify whether they periodically assess staff members' skills in using the AFHMP and in applying the Fair Housing Act. They should state how often they assess employee skills and how they conduct the assessment.

Block 7c - Respondents should indicate whether staff has been trained on tenant selection in accordance with the project's occupancy policy, including residency preferences (if any). Respondents should also identify those staff positions that are/will be responsible for tenant selection.

Block 7d - Respondents should include copies of any written materials related to staff training, and identify the dates of past and anticipated training.

Part 8 - Additional Considerations.

Respondents should describe their efforts not previously mentioned that were/are planned to attract those individuals least likely to apply for the subject housing.

Part 9 - Review and Update.

By signing the respondent assumes responsibility for implementing the AFHMP. Respondents must review their AFHMP every five years or when the local Community Development jurisdiction's Consolidated Plan is updated, or when there are significant changes in the demographics of the project or the local housing market area. When reviewing the plan, the respondent should consider the current demographics of the housing market area to determine if there have been demographic changes in the population in terms of race, color, national origin, religion, sex, familial status, or disability. The respondent will then determine if the population least likely to apply for the housing is still the population identified in the AFHMP, whether the advertising and publicity cited in the current AFHMP are still appropriate, or whether advertising sources should be modified or expanded. Even if the demographics of the housing market area have not changed, the respondent should determine if the outreach currently being performed is reaching those it is intended to reach as measured by project occupancy and applicant data. If not, the AFHMP should be updated. The revised AFHMP must be submitted to HUD for approval. HUD may review whether the affirmative marketing is actually being performed in accordance with the AFHMP. If based on their review, respondents determine the AFHMP does not need to be revised, they should maintain a file documenting what was reviewed, what was found as a result of the review, and why no changes were required. HUD may review this documentation.

Notification of Intent to Begin Marketing.

No later than 90 days prior to the initiation of rental marketing activities, the respondent must submit notification of intent to begin marketing. The notification is required by the AFHMP Compliance Regulations (24 CFR 108.15). The Notification is submitted to the Office of Housing in the HUD Office servicing the locality in which the proposed housing will be located. Upon receipt of the Notification of Intent to Begin Marketing from the applicant, the monitoring office will review any previously approved plan and may schedule a pre-occupancy conference. Such conference will be held prior to initiation of sales/rental marketing activities. At this conference, the previously approved AFHMP will be reviewed with the applicant to determine if the plan, and/or its proposed implementation, requires modification prior to initiation of marketing in order to achieve the objectives of the AFHM regulation and the plan.

OMB approval of the AFHMP includes approval of this notification procedure as part of the AFHMP. The burden hours for such notification are included in the total designated for this AFHMP form.

Worksheet 1: Determining Demographic Groups Least Likely to Apply for Housing Opportunities
(See AFHMP, Block 3b)

In the respective columns below, indicate the percentage of demographic groups among the project's residents, current project applicant data, census tract, housing market area, and expanded housing market area (See instructions to Block 1e). If you are a new construction or substantial rehabilitation project and do not have residents or project applicant data, only report information for census tract, housing market area, and expanded market area. The purpose of this information is to identify any under-representation of certain demographic groups in terms of race, color, national origin, religion, sex, familial status, or disability. If there is significant under-representation of any demographic group among project residents or current applicants in relation to the housing/expanded housing market area, then targeted outreach and marketing should be directed towards these individuals least likely to apply. Please indicate under-represented groups in Block 3b of the AFHMP. **Please attach maps showing both the housing market area and the expanded housing market area.**

| Demographic Characteristics | Project's Residents | Project's Applicant Data  | Census Tract | Housing Market Area | Expanded Housing Market Area |
|--|---------------------|---|--------------|---------------------|------------------------------|
| % White | | | | | |
| % Black or African American | | | | | |
| % Hispanic or Latino | | | | | |
| % Asian | | | | | |
| % American Indian or Alaskan Native | | | | | |
| % Native Hawaiian or Pacific Islander | | | | | |
| % Persons with Disabilities | | | | | |
| % Families with Children under the age of 18 | | | | | |
| Other (specify) | | | | | |

Worksheet 2: Establishing a Residency Preference Area (See AFHMP, Block 4a)



Complete this Worksheet if you wish to continue, revise, or add a residency preference, which is a preference for admission of persons who reside or work in a specified geographic area (see 24 CFR 5.655(c)(1)(ii)). If a residency preference is utilized, the preference must be in accordance with the non-discrimination and equal opportunity requirements contained in 24 CFR 5.105(a). This Worksheet will help show how the percentage of the population in the residency preference area compares to the demographics of the project's residents, applicant data, census tract, housing market area, and expanded housing market area. **Please attach a map clearly delineating the residency preference geographical area.**

| Demographic Characteristics | Project's Residents (as determined in Worksheet 1) | Project's Applicant Data (as determined in Worksheet 1)  | Census Tract (as determined in Worksheet 1) | Housing Market Area (as determined in Worksheet 1) | Expanded Housing Market Area (as determined in Worksheet 1) | Residency Preference Area (if applicable) |
|--|---|---|--|--|--|--|
| % White | | | | | | |
| % Black or African American | | | | | | |
| % Hispanic or Latino | | | | | | |
| % Asian | | | | | | |
| % American Indian or Alaskan Native | | | | | | |
| % Native Hawaiian or Pacific Islander | | | | | | |
| % Persons with Disabilities | | | | | | |
| % Families with Children under the age of 18 | | | | | | |
| Other (specify) | | | | | | |

Worksheet 3: Proposed Marketing Activities –Community Contacts (See AFHMP, Block 4b)

For each targeted marketing population designated as least likely to apply in Block 3b, identify at least one community contact organization you will use to facilitate outreach to the particular population group. This could be a social service agency, religious body, advocacy group, community center, etc. State the names of contact persons, their addresses, their telephone numbers, their previous experience working with the target population, the approximate date contact was/will be initiated, and the specific role they will play in assisting with the affirmative fair housing marketing. Please attach additional pages if necessary.

| Targeted Population(s) | Community Contact(s), including required information noted above. |
|------------------------|---|
| | |
| | |
| | |
| | |
| | |

Worksheet 4: Proposed Marketing Activities – Methods of Advertising (See AFHMP, Block 4c)

Complete the following table by identifying your targeted marketing population(s), as indicated in Block 3b, as well as the methods of advertising that will be used to market to that population. For each targeted population, state the means of advertising that you will use as applicable to that group and the reason for choosing this media. In each block, in addition to specifying the media that will be used (e.g., name of newspaper, television station, website, location of bulletin board, etc.) state any language(s) in which the material will be provided, identify any alternative format(s) to be used (e.g. Braille, large print, etc.), and specify the logo(s) (as well as size) that will appear on the various materials. Attach additional pages, if necessary, for further explanation. **Please attach a copy of the advertising or marketing material.**

| Targeted Population(s)→ Methods of Advertising ↓ | Targeted Population: | Targeted Population: | Targeted Population: |
|---|----------------------|----------------------|----------------------|
| Newspaper(s) | | | |
| Radio Station(s) | | | |
| TV Station(s) | | | |
| Electronic Media | | | |
| Bulletin Boards | | | |
| Brochures, Notices, Flyers | | | |
| Other (specify) | | | |

4b (Worksheet 3) Closed Waiting Lists Community Contacts Memo Sample

Please Place On Your Letterhead And Sign And Date

(To Be Placed on Company Letterhead, which should include the FH Logo or Statement and the TTY/TDD Phone Number for the Hearing Impaired, if available)

Date

Community Contact (from 4c.) Address

Dear:

Property or Management Company Name provides housing for eligible, low income (*insert all that apply: elderly persons or families, handicapped/disabled individuals*).

We would appreciate you continuing to add our name to the list of resources you provide to your clientele.

If you have any questions or concerns about the services we provide, please feel free to contact *Name, Title, Phone/Email*.

Sincerely,

*****Only applicable to Group Homes with Closed Referrals*****

4b (Worksheet 3) Group Home Community Contacts Memo Sample

Please Place On Your Letterhead And Sign And Date

(To Be Placed on Company Letterhead, which should include the FH Logo or Statement and the TTY/TDD Phone Number for the Hearing Impaired, if available)

MEMO

TO: Regional Director, Massachusetts Department of Mental Health
(*To be sent to each Referral Agency listed in 4c. of AFHMP*)
FROM: (*Sign or Initial*)
RE: Affirmative Fair Housing Marketing Plan-HUD-935.2A or B
_____ Subject Development's Name
HUD Project: 000-HD000 – City, State

DATE:

Please find attached a copy of the Affirmative Fair Housing marketing Plan, which HUD requires as part of our development process for the project undertaken by

_____ .

As you can see, it is critical that eligible applicants from all population groups in the development's housing market area have the same opportunity to apply for and to be considered and referred for residency in this development, regardless of race, color, religion, sex, national origin, familial status, or disability. The Department's procedures leading up to referrals to this development must provide for affirmative outreach to all eligible applicant groups within the housing market area, including the groups least likely to apply based on the development's location. (For a list of the groups least likely to apply, please see the attached Affirmative Fair Housing Marketing Plan.) The Department's application and referral process must be non-discriminatory. The Department must not use racially or ethnically conscious selection or referral procedures at any stage of its process in regard to this development.

If you have any questions, please contact _____ at 000-000-0000.

Note: This sample may be used verbatim, but you would need to make revisions where appropriate for your AFHMP.

7d Staff Instructions Memo Sample

Please Place On Your Letterhead And Sign And Date

(To Be Placed on Company Letterhead, which should include the FH Logo or Statement and the TTY/TDD Phone Number for the Hearing Impaired, if available)

MEMORANDUM

To: All Employees
From: _____, **(Title) (To be signed or initialled)**
Date: _____
Subject: Instructions **(or if applicable “Revised Instructions”)** for Complying with Local, State and Federal Fair Housing Laws Regarding the Rental of Housing Units.

“Affirmative marketing” is defined as (1) adherence to local, state and federal fair housing laws, and (2) positive efforts to ensure that a wide spectrum of persons from various races, colors, religions, genders, handicaps, national origins and familial statuses are made aware of our housing developments and their benefits.

It is the policy of this management company to ensure that all fair housing laws are observed by those who participate in the management and operation of our housing developments. Failure to comply with affirmative marketing provisions will subject you and me to sanctions authorized by law.

Marketing of multi-family housing by this management company, at a minimum, shall be in accordance with the Owner’s HUD- approved Affirmative Fair Housing Marketing Plan (attached), and their signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Executive Order 13166 addressing Limited English Proficiency, the Architectural Barriers Act of 1968 and the certifications required pursuant to Executive Order 11246.

In the marketing of units, this management company will adhere to the three following specific conditions:

7d Staff Training Summary Memo Sample

Please Place On Your Letterhead And Sign And Date

(To Be Placed on Company Letterhead, which should include the FH Logo or Statement and the TTY/TDD Phone Number for the Hearing Impaired, if available)

7d. Staff Training

The XYZ Company complies with all Federal, State and local fair housing and civil rights laws and with all Equal Opportunity requirements in HUD administrative procedures. In carrying out its marketing program and resident selection process, neither the Owner, nor its Agents, will discriminate based on ***race, color, creed, religion, sex,** sexual preference, **national** or ethnic **origin,** age, **handicap,** citizenship, ancestry, class, marital status, **familial status,** or any other basis prohibited by law. This applies to accepting and processing applications, selecting tenants from among eligible applicants of the waiting list, assigning units, and certifying and re-certifying eligibility for assistance.

All persons who will be handling and/or processing rental applications will be trained in procedures and policy matters, mindful of relevant federal, state and municipal orders, laws and statutes dealing with civil rights and fair housing, this Marketing Plan and applicable regulations governing the selection of applicants for housing, including, but not limited to: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1968, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, Executive Order 13166 addressing Limited English Proficiency, the Architectural Barriers Act of 1968, the certifications required pursuant to Executive Order 11246. and comparable orders on the state level. Marketing staff and all other persons involved in processing and/or handling of potential applications will be familiarized with the above regulations. Also, the appropriate appeal procedures will be explained so that applicants may exercise their rights if they feel discrimination has occurred.

Note: The ***emboldened** protected classes are the seven (7) that are relevant under federal fair housing law. The sample, however, is from an AFHM Plan that was submitted, and approved, where it also included the protected classes that are covered under its state fair housing law. Hence, the sample summary should be modified accordingly to suit the needs of your Plan.

1. All advertising, brochures, leaflets and other printed materials shall include the Equal Housing Opportunity Logo, statement or slogan.
2. All signs, off-site or on-site, will prominently display the logo, statement or slogan.
3. A fair housing poster will be displayed so as to be readily apparent to all persons seeking housing accommodations.

No applicant shall be refused the right to apply for housing. In the selection of residents, this management company will adhere to all regulations relating to fair housing. Our developments will be managed and operated without regard to race, color, religion, sex, national origin, familial status, disability, or as required by state law, without regard to creed, ancestry, sexual preference, or source of income.

(Note: applicable or non-applicable state-law protected classes can be added or deleted.)

From time to time, as fair housing laws are amended, this management company will revise and update its instructions to keep all employees current with any applicable equal housing opportunity regulations.

NOTE: Be sure to remove the ***emboldened/italicized instructions and/or choices***, before submitting your modifications to this sample.

The Memo should then be issued to all applicable staff & employees.

| | ACC Provision | Number of respondents | Frequency | Total responses | Hours per 23 response | Total hours | Cost per hour | Total cost |
|----------|--|-----------------------|-----------|-----------------|-----------------------|-------------|---------------|------------|
| 23 | Supplementary Document: Unique Legal Document used by HQ Staff Mixed-Finance Amendment to the Annual Contributions Contract. | 60 | 1 | 60 | 24 | 1440 | \$50 | \$72,000 |
| Totals | | 3,280 | 1 | 4,679 | 8.8 | 28,812 | \$30 | \$880,578 |

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 11, 2014.

Merrie Nichols-Dixon,

Deputy Director, Office of Policy, Programs and Legislative Initiatives.

[FR Doc. 2014-03480 Filed 2-14-14; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5749-N-01]

Section 8 Housing Assistance Payments Program—Annual Adjustment Factors, Fiscal Year 2014

AGENCY: Office of Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice of Fiscal Year (FY) 2014 Annual Adjustment Factors (AAFs).

SUMMARY: The United States Housing Act of 1937 requires that assistance contracts signed by owners participating in the Department's Section 8 housing assistance payment programs provide annual adjustments to monthly rentals for units covered by the contracts. This notice announces FY 2014 AAFs for adjustment of contract rents on assistance contract anniversaries. The factors are based on a formula using residential rent and utility cost changes from the most recent annual Bureau of Labor Statistics Consumer Price Index (CPI) survey. Beginning with the FY 2014 Fair Market Rents and continuing with the FY 2014 AAFs, the Puerto Rico CPI is used in place of the South Region CPI for all areas in Puerto Rico. These factors are applied at Housing Assistance Payment (HAP) contract anniversaries for those calendar months commencing after the effective date of this notice. A separate **Federal Register** Notice will be published at a later date that will identify the inflation factors that will be used to adjust tenant-based rental assistance funding for FY 2014.

DATES: *Effective Date:* February 18, 2014.

FOR FURTHER INFORMATION CONTACT:

Contact Michael S. Dennis, Director, Housing Voucher Programs, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, 202-708-1380, for questions relating to the Project-Based Certificate and Moderate Rehabilitation programs (non-Single Room Occupancy); Ann Oliva, Director, Office of Special Needs Assistance Programs, Office of Community Planning and Development, 202-708-4300, for questions regarding the Single Room Occupancy (SRO) Moderate Rehabilitation program; Catherine Brennan, Director, Office of Housing Assistance and Grant Administration, Office of Housing, 202-708-3000, for questions relating to all other Section 8 programs; and Marie Lihn, Economist, Economic and Market Analysis Division, Office of Policy

Development and Research, 202-402-5866, for technical information regarding the development of the schedules for specific areas or the methods used for calculating the AAFs. The mailing address for these individuals is: Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410. Hearing- or speech-impaired persons may contact the Federal Information Relay Service at 800-877-8339 (TTY). (Other than the "800" TTY number, the above-listed telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: Tables showing AAFs will be available electronically from the HUD data information page at http://www.huduser.org/portal/datasets/aaf.html/FY2014_tables.pdf.

I. Applying AAFs to Various Section 8 Programs

AAFs established by this Notice are used to adjust contract rents for units assisted in certain Section 8 housing assistance payment programs during the initial (i.e., pre-renewal) term of the HAP contract and for all units in the Project-Based Certificate program. There are three categories of Section 8 programs that use the AAFs:

Category 1: The Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation programs;

Category 2: The Section 8 Loan Management (LM) and Property Disposition (PD) programs; and

Category 3: The Section 8 Project-Based Certificate (PBC) program.

Each Section 8 program category uses the AAFs differently. The specific application of the AAFs is determined by the law, the HAP contract, and appropriate program regulations or requirements.

AAFs are not used in the following cases:

Renewal Rents. With the exception of the Project-Based Certificate program, AAFs are not used to determine renewal rents after expiration of the original

Section 8 HAP contract (either for projects where the Section 8 HAP contract is renewed under a restructuring plan adopted under 24 CFR part 401; or renewed without restructuring under 24 CFR part 402). In general, renewal rents are based on the applicable state-by-state operating cost adjustment factor (OCAF) published by HUD; the OCAF is applied to the previous year's contract rent minus debt service.

Budget-based Rents. AAFs are not used for budget-based rent adjustments. For projects receiving Section 8 subsidies under the LM program (24 CFR part 886, subpart A) and for projects receiving Section 8 subsidies under the PD program (24 CFR part 886, subpart C), contract rents are adjusted, at HUD's option, either by applying the AAFs or by budget-based adjustments in accordance with 24 CFR 886.112(b) and 24 CFR 886.312(b). Budget-based adjustments are used for most Section 8/202 projects.

Tenant-based Certificate Program. In the past, AAFs were used to adjust the contract rent (including manufactured home space rentals) in both the tenant-based and project-based certificate programs. The tenant-based certificate program has been terminated and all tenancies in the tenant-based certificate program have been converted to the Housing Choice Voucher Program, which does not use AAFs to adjust rents. All tenancies remaining in the project-based certificate program continue to use AAFs to adjust contract rent for outstanding HAP contracts.

Voucher Program. AAFs are not used to adjust rents in the Tenant-Based or the Project-Based Voucher programs.

II. Adjustment Procedures

This section of the notice provides a broad description of procedures for adjusting the contract rent. Technical details and requirements are described in HUD notices H 2002-10 (Section 8 New Construction and Substantial Rehabilitation, Loan Management, and Property Disposition) and PIH 97-57 (Moderate Rehabilitation and Project-Based Certificates).

Because of statutory and structural distinctions among the various Section 8 programs, there are separate rent adjustment procedures for the three program categories:

Category 1: Section 8 New Construction, Substantial Rehabilitation, and Moderate Rehabilitation Programs

In the Section 8 New Construction and Substantial Rehabilitation programs, the published AAF factor is applied to the pre-adjustment contract

rent. In the Section 8 Moderate Rehabilitation program (both the regular program and the single room occupancy program), the published AAF is applied to the pre-adjustment base rent.

For Category 1 programs, the Table 1 AAF factor is applied before determining comparability (rent reasonableness). Comparability applies if the pre-adjustment gross rent (pre-adjustment contract rent plus any allowance for tenant-paid utilities) is above the published Fair Market Rent (FMR).

If the comparable rent level (plus any initial difference) is lower than the contract rent as adjusted by application of the Table 1 AAF, the comparable rent level (plus any initial difference) will be the new contract rent. However, the pre-adjustment contract rent will not be decreased by application of comparability.

In all other cases (i.e., unless the contract rent is reduced by comparability):

- The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 2: Section 8 Loan Management Program (24 CFR Part 886, Subpart A) and Property Disposition Program (24 CFR Part 886, Subpart C)

At this time Category 2 programs are not subject to comparability. (Comparability will again apply if HUD establishes regulations for conducting comparability studies under 42 U.S.C. 1437f(c)(2)(C).)

The applicable AAF is determined as follows:

- The Table 1 AAF is used for a unit occupied by a new family since the last annual contract anniversary.
- The Table 2 AAF is used for a unit occupied by the same family as at the time of the last annual contract anniversary.

Category 3: Section 8 Project-Based Certificate Program

The following procedures are used to adjust contract rent for outstanding HAP contracts in the Section 8 PBC program:

- The Table 2 AAF is always used. The Table 1 AAF is not used.
- The Table 2 AAF is always applied before determining comparability (rent reasonableness).
- Comparability always applies. If the comparable rent level is lower than the rent to owner (contract rent) as adjusted by application of the Table 2 AAF, the comparable rent level will be the new rent to owner.

- The new rent to owner will not be reduced below the contract rent on the effective date of the HAP contract.

III. When To Use Reduced AAFs (From AAF Table 2)

In accordance with Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)), the AAF is reduced by 0.01:

- For all tenancies assisted in the Section 8 Project-Based Certificate program.
- In other Section 8 programs, for a unit occupied by the same family at the time of the last annual rent adjustment (and where the rent is not reduced by application of comparability (rent reasonableness)).

The law provides that:

Except for assistance under the certificate program, for any unit occupied by the same family at the time of the last annual rental adjustment, where the assistance contract provides for the adjustment of the maximum monthly rent by applying an annual adjustment factor and where the rent for a unit is otherwise eligible for an adjustment based on the full amount of the factor, 0.01 shall be subtracted from the amount of the factor, except that the factor shall not be reduced to less than 1.0. In the case of assistance under the certificate program, 0.01 shall be subtracted from the amount of the annual adjustment factor (except that the factor shall not be reduced to less than 1.0), and the adjusted rent shall not exceed the rent for a comparable unassisted unit of similar quality, type and age in the market area. 42 U.S.C. 1437f(c)(2)(A).

Legislative history for this statutory provision states that "the rationale [for lower AAFs for non-turnover units is] that operating costs are less if tenant turnover is less . . ." (see Department of Veteran Affairs and Housing and Urban Development, and Independent Agencies Appropriations for 1995, Hearings Before a Subcommittee of the Committee on Appropriations 103d Cong., 2d Sess. 591 (1994)). The Congressional Record also states the following:

Because the cost to owners of turnover-related vacancies, maintenance, and marketing are lower for long-term stable tenants, these tenants are typically charged less than recent movers in the unassisted market. Since HUD pays the full amount of any rent increases for assisted tenants in section 8 projects and under the Certificate program, HUD should expect to benefit from this 'tenure discount.' Turnover is lower in assisted properties than in the unassisted market, so the effect of the current inconsistency with market-based rent increases is exacerbated. (140 Cong. Rec. 8659, 8693 (1994)).

To implement the law, HUD publishes two separate AAF Tables, Tables 1 and 2. The difference between

Table 1 and Table 2 is that each AAF in Table 2 is 0.01 less than the corresponding AAF in Table 1. Where an AAF in Table 1 would otherwise be less than 1.0, it is set at 1.0, as required by statute; the corresponding AAF in Table 2 will also be set at 1.0, as required by statute.

IV. How To Find the AAF

AAF Tables 1 and 2 are posted on the HUD User Web site at http://www.huduser.org/portal/datasets/aaf.html/FY2014_tables.pdf. There are two columns in each AAF table. The first column is used to adjust contract rent for rental units where the highest cost utility is included in the contract rent, i.e., where the owner pays for the highest cost utility. The second column is used where the highest cost utility is not included in the contract rent, i.e., where the tenant pays for the highest cost utility.

The applicable AAF is selected as follows:

- Determine whether Table 1 or Table 2 is applicable. In Table 1 or Table 2, locate the AAF for the geographic area where the contract unit is located.
- Determine whether the highest cost utility is or is not included in contract rent for the contract unit.
- If highest cost utility is included, select the AAF from the column for "Highest Cost Utility Included." If highest cost utility is not included, select the AAF from the column for "Highest Cost Utility Excluded."

V. Methodology

AAFs are rent inflation factors. Two types of rent inflation factors are calculated for AAFs: Gross rent factors and shelter rent factors. The gross rent factor accounts for inflation in the cost of both the rent of the residence and the utilities used by the unit; the shelter rent factor accounts for the inflation in the rent of the residence, but does not reflect any change in the cost of utilities. The gross rent inflation factor is designated as "Highest Cost Utility Included" and the shelter rent inflation factor is designated as "Highest Cost Utility Excluded."

AAFs are calculated using CPI data on "rent of primary residence" and "fuels and utilities."¹ Beginning with these FY 2014 AAFs, the Puerto Rico CPI is used in place of the South Region CPI for all areas in Puerto Rico. The CPI inflation index for rent of primary residence measures the inflation of all surveyed units regardless of whether utilities are included in the rent of the unit or not.

In other words, it measures the inflation of the "contract rent" which includes units with all utilities included in the rent, units with some utilities included in the rent, and units with no utilities included in the rent. In producing a gross rent inflation factor and a shelter rent inflation factor, HUD decomposes the contract rent CPI inflation factor into parts to represent the gross rent change and the shelter rent change. This is done by applying data from the Consumer Expenditure Survey (CEX) on the percentage of renters who pay for heat (a proxy for the percentage of renters who pay shelter rent) and also American Community Survey (ACS) data on the ratio of utilities to rents. As done with the FY 2014 Fair Market Rents, HUD is incorporating the Puerto Rico Community Survey into the calculation of the FY 2014 AAFs. The Puerto Rico Community Survey (PRCS) is used to determine the ratio of utilities to rents, resulting in area-specific AAFs for the first time for some metropolitan areas in Puerto Rico.²

Survey Data Used To Produce AAFs

The rent and fuel and utilities inflation factors for large metropolitan areas and Census regions are based on changes in the rent of primary residence and fuels and utilities CPI indices from 2011 to 2012. The CEX data used to decompose the contract rent inflation factor into gross rent and shelter rent inflation factors come from a special tabulation of 2011 CEX survey data produced for HUD for the purpose of computing AAFs. The utility-to-rent ratio used to produce AAFs comes from 2011 ACS median rent and utility costs.

Geographic Areas

AAFs are produced for all Class A CPI cities (CPI cities with a population of 1.5 million or more), the four Census Regions, and Puerto Rico. The Class A CPIs are applied to core-based statistical areas (CBSAs), as defined by the Office of Management and Budget (OMB), according to how much of the CBSA is covered by the CPI city-survey. If more than 75 percent of the CBSA is covered by the CPI city-survey, the AAF that is based on that CPI survey is applied to the whole CBSA and to any HUD-defined metropolitan area, called the "HUD Metro FMR Area" (HMFA), within that CBSA. If the CBSA is not covered by a CPI city-survey, the CBSA uses the relevant regional CPI factor. The Puerto Rico CPI covers the entire

island rather than a defined city area. An ACS-adjusted CPI is developed for all the CBSAs in Puerto Rico. Almost all U.S. non-metropolitan counties use regional CPI factors.³ For areas assigned the Census Region CPI factor, both metropolitan and non-metropolitan areas receive the same factor.

Each metropolitan area that uses a local CPI update factor is listed alphabetically in the tables and each HMFA is listed alphabetically within its respective CBSA. Each AAF applies to a specific geographic area and to units of all bedroom sizes. AAFs are provided:

- For separate metropolitan areas, including HMFAs and counties that are currently designated as non-metropolitan, but are part of the metropolitan area defined in the local CPI survey.
- For the four Census Regions (to be used for those metropolitan and non-metropolitan areas that are not covered by a CPI city-survey).

AAFs use the same OMB metropolitan area definitions, as revised by HUD, that are used for the FY 2014 FMRs.

Area Definitions

To make certain that they are using the correct AAFs, users should refer to the Area Definitions Table section at http://www.huduser.org/portal/datasets/aaf.html/FY2014_AreaDef.pdf. The Area Definitions Table lists CPI areas in alphabetical order by state, and the associated Census region is shown next to each state name. Areas whose AAFs are determined by local CPI surveys are listed first. All metropolitan areas with local CPI surveys have separate AAF schedules and are shown with their corresponding county definitions or as metropolitan counties. In the six New England states, the listings are for counties or parts of counties as defined by towns or cities. The remaining counties use the CPI for the Census Region and are not specifically listed in the Area Definitions Table at http://www.huduser.org/portal/datasets/aaf.html/FY2014_AreaDef.pdf.

Puerto Rico uses its own AAFs calculated from the Puerto Rico CPI as adjusted by the PRCS and the Virgin Islands uses the South Region AAFs. All

³ There are four non-metropolitan counties that continue to use CPI city updates: Ashtabula County, OH, Henderson County, TX, Island County, WA, and Lenawee County, MI. BLS has not updated the geography underlying its survey for new OMB metropolitan area definitions and these counties, are no longer in metropolitan areas, but they are included as parts of CPI surveys because they meet the 75 percent standard HUD imposes on survey coverage. These four counties are treated the same as metropolitan areas using CPI city data.

¹ CPI indexes CUUSA103SEHA and CUSR0000SAH2 respectively.

² The formulas used to produce these factors can be found in the Annual Adjustment Factors overview and in the FMR documentation at www.HUDUSER.org.

areas in Hawaii use the AAFs listed next to “Hawaii” in the Tables which are based on the CPI survey for the Honolulu metropolitan area. The Pacific Islands use the West Region AAFs.

Dated: February 11, 2014.

Jean Lin Pao,
General Deputy Assistant Secretary, for Policy Development and Research.

[FR Doc. 2014-03461 Filed 2-14-14; 8:45 am]

BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-R1-ES-2013-N296;
 FXES11130100000C4-123-FF01E00000]

Endangered and Threatened Wildlife and Plants; Initiation of 5-Year Status Reviews of Five Species in Oregon, Palau, Guam, and the Northern Mariana Islands

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews for five species in Oregon, Palau, Guam, and the Northern Mariana Islands, under the Endangered Species Act of 1973, as amended (Act). A 5-year status review is based on the best scientific and commercial data available at the time of the review; therefore, we are requesting submission of any new information on these species that has become available since the last review.

DATES: To ensure consideration in our reviews, we are requesting submission of new information no later than April

21, 2014. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: For the four species in Palau, Guam, and the Northern Mariana Islands (see table below), submit information to: Deputy Field Supervisor-Programmatic, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Blvd., Room 3-122, Box 50088, Honolulu, HI 96850.

For the Fosskett speckled dace (Oregon), submit information to: Field Supervisor, Attention: 5-Year Review, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, OR 97266. Information on the Oregon species can also be submitted by email to: fw1or5yearreview@fws.gov.

FOR FURTHER INFORMATION CONTACT: Kristi Young, U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (see **ADDRESSES**), 808-792-9400 (for species in Palau, Guam, and the Northern Mariana Islands); or Jeff Dillon, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 503-231-6179 (for Fosskett speckled dace, Oregon). Individuals who are hearing impaired or speech impaired may call the Federal Relay Service at 800-877-8339 for TTY assistance.

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Act (16 U.S.C. 1531 et seq.), we maintain Lists of Endangered and Threatened Wildlife and Plants (which we collectively refer to as the List) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the Act

requires us to review each listed species’ status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review.

What information do we consider in the review?

A 5-year review considers all new information available at the time of the review. In conducting these reviews, we consider the best scientific and commercial data that has become available since the listing determination or most recent status review, such as:

(A) Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

(B) Habitat conditions, including but not limited to amount, distribution, and suitability;

(C) Conservation measures that have been implemented that benefit the species;

(D) Threat status and trends in relation to the five listing factors (as defined in section 4(a)(1) of the Act); and

(E) Other new information, data, or corrections, including but not limited to, taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

Any new information will be considered during the 5-year review and will also be useful in evaluating the ongoing recovery programs for these species.

What species are under review?

This notice announces our active review of the five species listed in the table below.

SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW

| Common name | Scientific name | Status | Where listed | Final listing rule |
|-------------------------------|--------------------------------------|------------|---|-------------------------|
| ANIMALS | | | | |
| Megapode, Micronesian | <i>Megapodius laperouse</i> | Endangered | West Pacific Ocean—Palau Islands, U.S.A. (Mariana Islands). | 35 FR 8495; 06/02/1970 |
| Dace, Fosskett speckled | <i>Rhinichthys osculus</i> ssp. | Threatened | U.S.A. (OR) | 50 FR 12302; 03/28/1985 |
| PLANTS | | | | |
| No common name | <i>Nesogenes rotensis</i> | Endangered | Western Pacific Ocean, U.S.A. (Commonwealth of the Northern Mariana Islands). | 69 FR 18499; 04/08/2004 |
| No common name | <i>Osmoxylon mariannense</i> | Endangered | Western Pacific Ocean, U.S.A. (Commonwealth of the Northern Mariana Islands). | 69 FR 18499; 04/08/2004 |
| Hayun lagu | <i>Serianthes nelsonii</i> | Endangered | Western Pacific Ocean, U.S.A. (Guam, Rota) | 52 FR 4907; 02/18/1987 |