



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

In this issue:

- I. Revised Annual LIHTC Reporting Process**
- II. Annual Point in Time Survey of Maine's homeless population - Jan 30th**
- III. RHIIP Listserv #293 - Timing of Income Eligibility Determinations**
- IV. HUD Notice - Federally Mandated Exclusions from Income**
- V. MREMA - Save the Date (26th Annual Conference) and Outreach efforts**

I. Revised Annual LIHTC Reporting Process

On July 23, 2012 MaineHousing issued Notice 2012-05 (attached) requesting that each owner/manager (OM) submit their 2011 tenant information for each LIHTC property electronically. Submission of tenant demographic information is a requirement of The Housing and Economic Recovery Act (HERA) of 2008. Submission of annual reporting is a requirement of Treasury Regulation 1.42-5(c) and a requirement of MaineHousing's Qualified Allocation Plan (QAP). This information is submitted through MaineHousing's Web Compliance Management System (WCMS). We thank all who have successfully submitted this data. The purpose of this notice is to inform you of MaineHousing's revised reporting process effective with the submission of the 2012 Annual Reporting.

The following will be due no later than May 1st of each year throughout the Extended use Period of the Qualified Low-income Housing project for the preceding calendar year:

1. Annual owner certification – emailed to LIHTC@mainehousing.org
2. An executed Form 8609 for each building (this is only required one time when reporting the year a building is Placed in Service) – emailed to LIHTC@mainehousing.org
3. Electronic submission of tenant data through the WCMS system – The electronic submission replaces the paper Tenant Status report. If the 2012 data will be your first submission you will need to include tenant information for residents residing in each building during 2012 from their move in date or placed in service date to 12/31/12. Please review the July Notice for instructions on how to register to WCMS. Once you are registered additional instructions will be provided. If this is your second submission, and you have already entered move in and recertification information for 2011, please send tenant information for 2012.

Additional Requirements for properties with Tax-Exempt Bonds and/or FedHOME funds:

1. Properties with Tax-Exempt Bonds are required to submit a copy of IRS Form 8703 – emailed to LIHTC@mainehousing.org
2. Properties with HOME units are required to submit a Tenant Status Report, in the same format as has been previously required, listing only the HOME units. Because this report contains sensitive tenant information we ask that the report be mailed or faxed to MaineHousing rather than sent via email. Owners who are submitting HOME Tenant Status Reports may also include their Owner Certification and 8609s and 8703 (if required) with their submission, rather than emailing them separately.

Submission of the 8609-A (Schedule A) is no longer required. MaineHousing reserves the right to request a copy of the 8609-A as may be needed from time to time.

Please note that submission of tenant data electronically is mandatory and must be completed by May 1st. OMs need to start this process immediately. If this is your first submission it will be time intensive. Questions or comments regarding the implementation of the Revised Annual LIHTC Reporting process may be directed to LIHTC@mainehousing.org.

II. Annual Point in Time Survey of Maine's homeless population

Maine State Housing Authority is coordinating the efforts of homeless shelters, outreach groups and volunteers who are participating in the annual Point in Time Survey of the state's homeless population on Wednesday evening, January 30.

The annual census is required of all states at this time each year by the U.S. Department of Housing and Urban Development. The count provides a snapshot of the number of individuals and families in shelters and on the streets on a given night.

Data collected on Wednesday night by these groups is sent to MaineHousing, where it is inputted into the Homeless Management Information System and subsequently analyzed to better understand the dimensions of Maine's homeless population. The information facilitates the gaps and needs component of a complex federal formula by which HUD allocates funds for programs intended to end homelessness.

The information also is used by service providers, particularly the state's two Continuums of Care, the Statewide Homeless Council and regional homeless councils, to plan programs that appropriately address what resources are needed in their communities to prevent and end homelessness.

Each year HUD solicits applications from communities to address the needs of those experiencing homelessness. This process is known as the Continuums of Care. In Maine, the Continuums of Care, one in Portland and one statewide, are former and current homeless individuals, advocates, service providers, governmental agencies and businesses who work together to provide a full range of emergency, transitional, and permanent housing and other services to individuals and families who are homeless or at risk of being homeless.

MaineHousing, through its work with the Continuums of Care, is involved at a support and administrative level. The agency develops the forms and methodology for distribution, administers trainings to assist communities with

implementation, and generates reports on the information that is returned.

Last year's Point in Time Survey, conducted on January 25, 2012, found 1,050 people were homeless that night. The figure does not represent the total number of people who are homeless in a year. The population of people who are homeless is counted by the number of bed nights spent at homeless shelters. In 2011, 7,725 unique individuals spent a combined total of 304,524 bed nights.

Attempting to connect with people who are not utilizing traditional shelters or services can be difficult in such a large rural state. This effort could not be done without the help of trained volunteers. Last year, the York County Maine Military and Community Network group (MM&CN) organized a PIT outreach effort in its area and were able to survey 51 people who would not otherwise have been contacted. This year, several MM&CN groups are hoping to replicate that effort in Androscoggin, Oxford, Franklin and Kennebec counties.

Other groups participating in the Point in Time Survey include: Tri-County Mental Health, Springvale Vet Center, Kennebec County Sheriff's Office, Oxford Street Shelter, the cities of Lewiston, Portland and Bangor, Journey House, Knox-Waldo Homeless Coalition, and homeless youth outreach groups including The Opportunity Alliance, Preble Street, New Beginnings, Kennebec Behavioral Health, Home Counselors Inc., and Shaw House.

III. RHIP Listserv Posting #293 – Timing of Income Eligibility Determinations

Clarification to Existing Policy

Subsequent to the publication of RHIP Listserv #292 FY2013 Income Limit Implementation Policy, several individuals have requested clarification on the general policy relating to the timing of determining income eligibility. Specifically, is an applicant eligible to be housed from the waiting list if they have been determined to be eligible based on the prior year's income limits and, just prior to the applicant being housed, new income limits are published which would make the applicant ineligible? HUD Handbook 4350.3 REV-1, paragraph 3-6.C.2 states "Owners determine income eligibility prior to approving applicants for tenancy. Owners compare the family's annual income to the appropriate income limit prior to placing an applicant on the waiting list. However, owners may wait until a unit is available to verify the applicant's income eligibility." Following this guidance in the Handbook, if a unit becomes available and an applicant is selected from the waiting list, is processed for eligibility, and meets all eligibility requirements at the time of processing, the applicant is eligible to move-in to the project even if new income limits have been published.

Please be advised, this clarification of existing policy is in addition to the information provided in RHIP Listserv #292 which addressed the errors relating to the FY2013 Income Limits.

IV. HUD Notice – Federally Mandated Exclusions from Income

In the Federal Register dated Friday, December 14, 2012, HUD published a notice correcting its previously published notice concerning federally mandated exclusions from income for purposes of determining eligibility for benefits. The republished notice is attached for reference.

V. MREMA – Save the Date (26th Annual Conference) and Outreach Efforts

MREMA has distributed its Save the Date notice regarding the 26th Annual Conference that will be held May 20th –

22nd, 2013 at the Point Lookout Resort & Conference Center in Northport, Maine. A copy of the notice is attached for your reference.

Also, in an effort to determine how MREMA may effectively serve its members, MREMA President Diane McDonald sent out a letter requesting feedback from the affordable housing industry in Maine on staff training and development needs. A copy of this letter has been attached for reference as well.

Attachments:

- **Notice 2012-05**
- **HUD Notice – Federally Mandated Exclusions from Income**
- **MREMA Save the Date**
- **MREMA – Outreach Letter**

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, age, physical or mental disability, or familial status in the admission or access to, or treatment or employment in, its programs, and activities. 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), 1-800-452-4603 (TTY in state only), or (207) 623-2985 (TTY).





Dear Maine Housing Professional,

On behalf of the Maine Real Estate Managers Association (MREMA) I am reaching out to the affordable housing industry in Maine and hope that you will feel free to contact me with your ideas as to how MREMA can serve your organization.

We would like to hear from you about your needs for staff training and development. Are there national training programs that you would like to have staff attend if they can be brought closer to home here in Maine? Do you have staff that need specific topic training in areas related to fair housing, reasonable accommodations, state or federal housing program rules or budgeting requirements? Are there topics you'd like to see at our annual Maintenance Workshop? Is there information that would be helpful in meeting your responsibilities as an employer? What would you like to hear from the regulatory agency representatives at our quarterly meetings?

If you are not currently a member, I hope you'll consider joining our organization. MREMA members benefit from regular industry training opportunities. Quarterly meetings include updates from HUD, RD and MaineHousing as well as training workshops. Our annual conferences provide members with timely and necessary training on topics ranging from fair housing to property management practices to employer responsibilities. MREMA-sponsored annual training programs are conducted right here in Maine and available to members at a significant discount. And the networking opportunities with your peers as well as those who regulate our business are unparalleled! Our Legislative Committee works overtime to bring you the most current information about proposed legislation and final bills that affect our industry.

More information about MREMA and its members is available on the web. I encourage you to look over our website at www.mrema.org and to feel free to contact me with your suggestions or ideas.

Sincerely yours,

Diane MacDonald
President
macdonaldd@emeraldmanagement.biz

SAVE THE DATE

Maine Real Estate Managers Association 26th Annual Conference May 20 to May 22, 2013 Point Lookout Resort & Conference Center Northport, Maine

You don't want to miss this year's retreat. Here are a few of the workshop we have planned:

2 1/2 day COS Certification including exam – NCHM

Safety & Security Measures – Keeping staff & residents safe

EIV Expanded Version covering rules for Public Housing & Multi Family Housing

Radon Testing, Fair Housing BIAS and much more....

Hotel Information

The charming rustic décor, airy screened-in porches and spacious layouts bring an air of casual elegance to 106 guest cabins. Fully heated and air conditioned, the one, two & three bedroom cabins include kitchenettes, living spaces, and one or two bathrooms. And while you feel like you are a million miles away from the hectic pace of daily life, you can stay connected to work and home with Internet access in each cabin.

Phone Reservations: 1-800-515-3611

Guest Room Rates:

1 Bedroom Studio Cabin with 1 King Bed, 1 Bath	\$ 99.00 per day
1 Bedroom Studio Cabin with 1 Queen Bed, 1 bath	\$ 89.00 per day
2 Bedroom Cabin with 2 Double Beds, 1 bath	\$ 89.00 per day
2 Bedroom Cabin with 2 Queens Beds, 2 baths	\$ 149.00 per day
3 Bedroom Lodge with 2 King beds, 1 Queen, 2 Baths	\$ 179 .00 per day

Handicapped accessible cabins are available for 1 and 2 bedroom cabins.

The above rates do not include a Maine lodging tax.

Please reserve your cabin or lodge before 5/5/13 to insure availability.

Join MREMA today- visit our website @ mrema.org for the benefits.

Landholding Agency: Air Force
 Property Number: 18201240026
 Status: Excess
 Directions: 16, 35, 28
 Comments: Located on secured area; public access denied & no alternative methods to gain access w/out compromising nat'l security
 Reasons: Secured Area

New Jersey
 2 Buildings
 JBMDL
 Ft. Dix NJ 08640
 Landholding Agency: Air Force
 Property Number: 18201240019
 Status: Unutilized
 Directions: 8679, 2316
 Comments: Secured post; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

New Mexico
 Buildings 782, 793, 1102, 803
 Holloman AFB
 Holloman NM 88330
 Landholding Agency: Air Force
 Property Number: 18201240008
 Status: Unutilized
 Comments: Active military installation; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

5 Buildings
 Cannon AFB
 Cannon NM 88103
 Landholding Agency: Air Force
 Property Number: 18201240031
 Status: Unutilized
 Directions: 381, 799, 2112, 2382, 258
 Comments: Located on AF controlled installation; restricted to authorized personnel only; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

Oklahoma
 Facility 47
 501 North First St.
 Altus OK 73523
 Landholding Agency: Air Force
 Property Number: 18201240022
 Status: Excess
 Comments: Public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

4 Buildings
 Altus AFB
 Altus OK 73523
 Landholding Agency: Air Force
 Property Number: 18201240023
 Status: Unutilized
 Directions: 165, 65, 72, 48
 Comments: Secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

Oregon
 Building 1004
 6801 NE Cornfoot Rd.
 Portland OR 97218

Landholding Agency: Air Force
 Property Number: 18201240025
 Status: Unutilized
 Comments: Located on secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

Tennessee
 Building 712
 240 Knapp Blvd.
 Nashville TN 37217
 Landholding Agency: Air Force
 Property Number: 18201240024
 Status: Excess
 Comments: Located on secured area; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

Wyoming
 3 Buildings
 FE Warren AF
 Cheyenne WY 82005
 Landholding Agency: Air Force
 Property Number: 18201240020
 Status: Unutilized
 Directions: 1166, 2277, 835
 Comments: Restricted area; public access denied & no alternative method to gain access w/out compromising nat'l security
 Reasons: Secured Area

[FR Doc. 2012-29925 Filed 12-13-12; 8:45 am]
BILLING CODE 4210-67-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5635-N-02]

Federally Mandated Exclusions from Income: Republication of Corrected Listing

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: HUD's regulations provide that HUD will periodically publish a **Federal Register** notice listing the amounts specifically excluded by any Federal statute from consideration as income for purposes of determining eligibility or benefits. On July 24, 2012, HUD published a notice in the **Federal Register** that listed those exclusions and listed federal statutes that require certain income sources to be disregarded with regard to specific HUD programs. The July 24, 2012, notice updated the list of exclusions last published on April 20, 2001, by amending, removing, and adding exclusions. Today's notice corrects errors and an omission in the July 24, 2012, notice. For the convenience of the public, the Department is publishing a corrected version of the July 24, 2012, notice in its entirety.

FOR FURTHER INFORMATION CONTACT: For the Rent Supplement, section 236, and Project-based section 8 programs administered under 24 CFR parts 880, 881, and 883 through 886: Catherine Brennan, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Room 6138, Washington, DC 20410, telephone number 202-401-7914. For other section 8 programs administered under 24 CFR part 882 (Moderate Rehabilitation) and under part 982 (Housing Choice Voucher), and the Public Housing Programs: Shauna Sorrells, Director, Office of Public Housing Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4206, Washington, DC 20410, telephone number 202-402-2769, or the Public and Indian Housing Information Resource Center at 1-800-955-2232. For Indian Housing Programs: Rodger Boyd, Deputy Assistant Secretary, Office of Native American Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW., Room 4126, Washington, DC 20410, telephone number 202-401-7914. With the exception of the telephone number for the PIH Information Resource Center, these are not toll-free numbers. Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Relay Service at 1-800-877-8339 or by visiting <http://federalrelay.us/> or <http://www.federalip.us/>.

Please note: Members of the public who are aware of other federal statutes that require any benefit not listed in this notice to be excluded from consideration as income in these programs should submit information about the statute and the benefit program to one of the persons listed in the **FOR FURTHER INFORMATION CONTACT** section above. Members of the public may also submit this information to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW., Room 10276, Washington, DC 20410-0500.

SUPPLEMENTARY INFORMATION: Under several HUD programs (Rent Supplement under 24 CFR 200.1303 (although loans in existence immediately before May 1, 1996, continue to be governed by 24 CFR part 215 (1995 ed.)); Mortgage Insurance and Interest Reduction Payment for Rental Projects under 24 CFR part 236; section 8 Housing Assistance programs; Public Housing programs), the definition of income excludes amounts of other

benefits specifically excluded by federal law.

HUD published a **Federal Register** notice on July 24, 2012 (77 FR 43347) that updated the list of exclusions last published on April 20, 2001 (66 FR 20318). Today's notice corrects errors and an omission in the July 24, 2012, notice. For the convenience of the public, the Department is republishing a corrected version of the July 24, 2012 notice in its entirety, and updates the list of federally mandated exclusions last published on April 20, 2001 to include the following:

(1) Assistance from section 1780 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(e)) and section 11(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1780(b));

(2) Payments from the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f);

(3) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts;

(4) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation in programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 *et seq.*) and administered by the Office of Native American Programs;

(5) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.); and

(6) Federal major disaster and emergency assistance provided to individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended) and comparable disaster assistance provided by States, local governments, and disaster assistance organizations (42 U.S.C. 5155(d)).

Background

In certain HUD-subsidized housing programs, annual income is a factor in determining eligibility and the level of benefits. Annual income is broadly defined as the anticipated total income from all sources received by every family member. HUD excludes certain types of benefits from applicants' and participants' annual income, as listed in 24 CFR 5.609, this notice, or otherwise specified by statute.

Federal statutes that require certain income sources be disregarded as income are universally applicable to all HUD programs where income is a factor in determining eligibility and benefits. Other federal statutes specify that income exclusions are specific to certain HUD programs.

Changes to the Previously Published List

Exclusions Amended: Exclusion (viii) in the updated list below has been clarified to describe its applicability to section 8 programs.

Exclusions Removed: Certain exclusions from the previously published list have been removed because they have been repealed by Congress. These exclusions are as follows:

1. Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b)). When the Workforce Investment Act was enacted in 1998, it simultaneously repealed the Job Training Partnership Act. The exclusion that still applies to HUD programs is listed as exclusion (xvii) in the updated list below.

2. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran. This exclusion was repealed by Public Law 106-419 in 2000.

Exclusions Added: The exclusions that are being added to the previously published list are as follows:

1. Section 1780 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(e)) and section 11(b) of the Child Nutrition Act of 1996 (42 U.S.C. 1780(b)) provide that the value of benefits to children under each of the respective Acts shall not be considered income or resources for any purpose under any Federal or state laws.

The effective date of this provision was October 11, 1966. This exclusion is added to the list as paragraph (xviii).

2. Section 8 of the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b)), provides: None of the payments, funds or distributions authorized, established, or directed by this Act, and none of the income derived therefrom, shall affect the eligibility of the Seneca Nation or its members for, or be used as a basis for denying, or reducing funds under any Federal program.

The effective date of this provision was November 3, 1990. This exclusion is added to the list as paragraph (xix).

3. Section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110-289), amended the definition of

annual income in section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437) to exclude payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts. The law provides:

Section 3(b)(4) of the United States Housing Act of 1937 (42 U.S.C. 1437a(3)(b)(4)) is amended by inserting "or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts" before "may not be considered."

This exclusion is applicable only to the section 8 and Public Housing programs. The effective date of this provision was July 30, 2008. This exclusion is added to the list as paragraph (xx).

4. Section 2 of the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111-269, approved October 12, 2010), amended the definition of income contained in section 4 of NAHASDA (25 U.S.C. 4103(9)) to exclude compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation. The law provides:

Paragraph (9) of section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4103(9)) is amended by adding at the end the following new subparagraph: "(C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title."

This exclusion only applies to the programs authorized under NAHASDA and administered by the Office of Native American Programs. The effective date of this provision was October 12, 2010. This exclusion is added to the list as paragraph (xxi).

5. The Claims Resolution Act of 2010 (Pub. L. 111-291), excludes a lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F.Supp.2d 10 (Oct. 5, 2011 D.D.C.). The law provides in subsection (f) of section 101:

Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or

a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

- (A) As income for the month during which the amounts were received; or
- (B) As a resource.

The effective date of this provision was December 8, 2010. This exclusion is added to the list as paragraph (xxii).

6. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) provides that amounts received under the Act and comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).

The effective date of this provision was November 23, 1988. This exclusion is added to the list as paragraph (xxiii).

Updated List of Federally Mandated Exclusions From Income

The following updated list of federally mandated exclusions republishes and corrects the notice published in the **Federal Register** on July 24, 2012. The following list of program benefits is the comprehensive list of benefits that currently qualify for the income exclusion in either any federal program or in specific federal programs. Exclusions (viii), (xiii), (xx), and (xxi) have provisions that apply only to specific HUD programs.

(i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

(ii) Payments to Volunteers under the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5044(f)(1), 5058);

(iii) Certain payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

(iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

(v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(vi) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, section 6);

(vii) The first \$2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court,

the interests of individual Indians in trust or restricted lands, including the first \$2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407);

(viii) Amounts of scholarships funded under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070), including awards under federal work-study programs or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu). For section 8 programs only (42 U.S.C. 1437f), any financial assistance in excess of amounts received by an individual for tuition and any other required fees and charges under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall not be considered income to that individual if that individual is over the age of 23 with dependent children (Pub. L. 109–115, section 327)(as amended);

(ix) Payments received from programs funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056g);

(x) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund (Pub. L. 101–201) or any other fund established pursuant to the settlement in *In Re Agent Orange Liability Litigation*, M.D.L. No. 381 (E.D.N.Y.);

(xi) Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96–420, 25 U.S.C. 1721);

(xii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

(xiii) Earned income tax credit (EITC) refund payments received on or after January 1, 1991, for programs administered under the United States Housing Act of 1937, title V of the Housing Act of 1949, section 101 of the Housing and Urban Development Act of 1965, and sections 221(d)(3), 235, and 236 of the National Housing Act (26 U.S.C. 32(l));

(xiv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);

(xv) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

(xvi) Any amount of crime victim compensation (under the Victims of

Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602(c));

(xvii) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931(a)(2));

(xviii) Any amount received under the Richard B. Russell School Lunch Act (42 U.S.C. 1760(e)) and the Child Nutrition Act of 1966 (42 U.S.C. 1780(b)), including reduced-price lunches and food under the Special Supplemental Food Program for Women, Infants, and Children (WIC);

(xix) Payments, funds, or distributions authorized, established, or directed by the Seneca Nation Settlement Act of 1990 (25 U.S.C. 1774f(b));

(xx) Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts as provided by an amendment to the definition of annual income in the U.S. Housing Act of 1937 (42 U.S.C. 1437A) by section 2608 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289);

(xxi) Compensation received by or on behalf of a veteran for service-connected disability, death, dependency, or indemnity compensation as provided by an amendment by the Indian Veterans Housing Opportunity Act of 2010 (Pub. L. 111–269; 25 U.S.C. 4103(9)) to the definition of income applicable to programs authorized under NAHASDA and administered by the Office of Native American Programs;

(xxii) A lump sum or a periodic payment received by an individual Indian pursuant to the Class Action Settlement Agreement in the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, 816 F. Supp. 2d 10 (Oct. 5, 2011 D.D.C.), as provided in the Claims Resolution Act of 2010 (Pub. L. 111–291); and

(xxiii) Major disaster and emergency assistance received by individuals and families under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93–288, as amended) comparable disaster assistance provided by States, local governments, and disaster assistance organizations shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs (42 U.S.C. 5155(d)).

Dated: December 10, 2012.
Aaron Santa Anna,
Assistant General Counsel, Regulations Division.
 [FR Doc. 2012-30210 Filed 12-13-12; 8:45 am]
BILLING CODE 4210-67-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS-HQ-MB-2012-N285; FF09M21200-234-FXMB1232099BPP0]

Information Collection Request Sent to the Office of Management and Budget (OMB) for Approval; Depredation Orders for Double-Crested Cormorants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for comments.

SUMMARY: We (U.S. Fish and Wildlife Service) have sent an Information Collection Request (ICR) to OMB for review and approval. We summarize the

ICR below and describe the nature of the collection and the estimated burden and cost. This information collection is scheduled to expire on January 31, 2013. We may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. However, under OMB regulations, we may continue to conduct or sponsor this information collection while it is pending at OMB.

DATES: You must submit comments on or before January 14, 2013.

ADDRESSES: Send your comments and suggestions on this information collection to the Desk Officer for the Department of the Interior at OMB-OIRA at (202) 395-5806 (fax) or *OIRA_Submission@omb.eop.gov* (email). Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS 2042-PDM, 4401 North Fairfax Drive, Arlington, VA 22203 (mail), or *hope_grey@fws.gov*

(email). Please include "1018-0121" in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Hope Grey at *hope_grey@fws.gov* (email) or 703-358-2482 (telephone). You may review the ICR online at <http://www.reginfo.gov>. Follow the instructions to review Department of the Interior collections under review by OMB.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 1018-0121.

Title: Depredation Orders for Double-Crested Cormorants, 50 CFR 21.47 and 21.48.

Service Form Number(s): None.

Type of Request: Extension of a currently approved collection.

Description of Respondents: Aquaculture producers, States, and tribes.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually for reports; ongoing for recordkeeping.

Activity	Number of respondents	Number of responses	Completion time per response (hours)	Total annual burden hours
Report take of migratory bird species other than double-crested cormorants (21.47(d)(7); 21.48(d)(7))	1	1	1	1
Report take of species protected under Endangered Species Act (21.47(d)(8); 21.48(d)(8))	1	1	1	1
Written notice of intent to conduct control activities (21.48(d)(9))	12	12	3	36
Report of control activities (21.48(d)(10) and (11))	12	12	20	240
Report effects of management activities (21.48(d)(12))	9	9	75	675
Recordkeeping (21.47(d)(9))	325	325	7	2,275
Totals	360	360		3,228

Abstract: This information collection is associated with regulations implementing the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703 *et seq.*). Under the MBTA, it is unlawful to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, migratory birds or their parts, nests, or eggs, except as authorized by regulations implementing the MBTA.

The regulations in the Code of Federal Regulations (CFR) at 50 CFR 21.47 (Aquaculture Depredation Order) authorize aquaculture producers and the U.S. Department of Agriculture (APHIS-Wildlife Services) in 13 States to take double-crested cormorants when the birds are found committing or about to commit depredations on commercial freshwater aquaculture stocks. The regulations at 50 CFR 21.48 (Public Resource Depredation Order) authorize State fish and wildlife agencies, APHIS-Wildlife Services, and federally

recognized tribes in 24 States to take double-crested cormorants to prevent depredations on the public resources of fish, wildlife, plants, and their habitats.

Both 50 CFR 21.47 and 21.48 impose reporting and recordkeeping requirements on those operating under the depredation orders. We use the information collected to:

- Help assess the impact of the depredation orders on double-crested cormorant populations.
- Protect nontarget migratory birds or other species.
- Ensure that agencies and individuals are operating in accordance with the terms, conditions, and purpose of the orders.
- Help gauge the effectiveness of the orders at mitigating cormorant-related damages.

Comments: On July 9, 2012, we published in the **Federal Register** (77 FR 40374) a notice of our intent to request that OMB renew approval for

this information collection. In that notice, we solicited comments for 60 days, ending on September 7, 2012. We received one comment. The commenter objected to APHIS-Wildlife Services being included as an action agency under the depredation orders, but did not address the information collection requirements. We did not make any changes to our requirements based on this comment.

We again invite comments concerning this information collection on:

- Whether or not the collection of information is necessary, including whether or not the information will have practical utility;
- The accuracy of our estimate of the burden for this collection of information;
- Ways to enhance the quality, utility, and clarity of the information to be collected; and