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Via E-Mail

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www.reginfo.gov/public/do/PRAMain.

Ms. Colette Pollard
Reports Management Officer
Office of Policy Development and Research (PD&R)
Department of Housing and Urban Development
451 7th Street SW
Room 4176
Washington, DC 20410-5000

RE: Docket No. FR-7050-N-56
OMB Approval Number: 2502-0118
30-Day Notice of Proposed Information Collection: Previous Participation Certification;
OMB Control No.: 2502- 0118 ("Notice")

Dear Ms. Pollard:

Nixon Peabody LLP provides its comments to the Office of Policy Development and Research, U.S. Department of Housing and Urban Development, Docket No, FR-7050-N-56, OMB Control No. 2502-0118, 30 Day Notice of Proposed Information Collection: Previous Participation Certification.

Nixon Peabody, LLP is an international law firm with more than 500 attorneys and professionals, including more than two dozen that work regularly with HUD multifamily programs. Working with a broad range of clients, we have noticed areas where certain efficiencies can be improved.

The above-referenced Notice asks five questions:

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. (5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology

We believe that clarifying the exact parties that need to file and maintain the 2530 form responds to all of these questions. Precision in the definition of covered parties improves accuracy, reduces extraneous information and saves time, and minimizes the collection burden. Accordingly, we believe HUD should revise the instructions accompanying the 2530 form, and make corresponding updates to the electronic filing system, to become consistent with HUD Notice H2016-15 and the 2016 amendments to HUD regulations at 24 CFR Part 200, Subpart H. Specifically, the 2530 instructions should be revised note

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that only Controlling Participants in covered programs are subject to filing and that noncontrolling parties, like limited partners with no day-to-day control are not subject to filing. The instructions should clarify that low income housing tax credit investors are not required to file per the Preservation Approval Process Improvement Act of 2007 (the "2007 Act"). And further that, per the 2007 Act, HUD must accept paper submissions as well as electronic submissions.

Sincerely,



Richard Michael Price
Partner

RMP/bg