



**Public Housing Authorities  
Directors Association**

511 Capitol Court, NE  
Washington, DC  
20002-4937

Phone: 202-546-5445  
Fax: 202-546-2280  
[www.phada.org](http://www.phada.org)

April 10, 2023

Regulations Division  
Office of General Counsel  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> St, SW  
Room 3178  
Washington, DC 20410

Re: Docket No. FR-7076-N-05

To Whom It May Concern:

On behalf of PHADA, I am pleased to submit comments on proposed changes to the Form HUD 50058 Family Report, HUD 50058 MTW Family Report, and HUD 50058 MTW Expansion Family Report.

As you know, PHADA (The Public Housing Authorities Directors Association) is a membership organization representing approximately 1,900 public housing authority (HA) executives from across the nation. Our membership includes HAs of all types, from the largest in the country to some of the smallest. We work with members and on their behalf with HUD and members of Congress and their staff to develop and implement effective policy for existing and new programs.

HUD is proposing changes to the Forms HUD 50058 for consistency, and “in recognition of rulemakings, policy changes, and current equity principles.” While most of the proposed changes make sense in light of revised law, regulations, and policy, PHADA is concerned that adequate time and specific detail has not been provided to software vendors to enable them to update software effectively for agencies’ use. PHADA is also concerned about potential timelines for changes and confusion that could occur for staff. Finally, PHADA has concerns regarding changes that have been proposed only for data and analysis purposes and have no direct relationship to the objectives of the assistance programs or the performance of the operating agencies.

PHADA makes the following specific comments on proposed changes.

Section 2: Action. It is unclear why HUD is proposing to remove the ‘historical adjustment code’ and does not provide an alternative code when a submission may be made to correct a prior submission. Further, regarding the other changes and options under action type, adequate time must be given for both software vendors to update their programs, and for front-line staff to be trained in the new categories. We would also appreciate greater clarity on which code agencies should use for an over-income public housing tenant who transitions to non-public housing over-income (NPHOI) status, including whether this should be an additional code included here.

Section 3. Household. On changes to the Sex/gender field, guidance on occupancy standards and bedroom size eligibility will be needed when household members, especially minors, identify as X-Non-Binary/Transgender or No Response Prefer not to answer. In addition, some training and guidance for staff on how to handle this question in an appropriate manner would be helpful. Allowing multiple selections in this field will also challenge the underlying architecture of widely used software programs and will make certain data reports unreliable.

Regarding the proposal to add a question on a household member's Sexual Orientation, PHADA understands the interest of HUD and others in collecting this data. However, adding this question seems out of place. There are two primary reasons for concern:

1) the sexual orientation of household members has no bearing on program eligibility or operation, unit size assignment, or any other program regulation nor any program performance measures. Collecting the data may help to identify potential disparate impact claims but does not directly advance equality in any substantive manner.

2) the sexual orientation of household members is not the business of the housing authority or housing manager. Both staff and households may be uncomfortable with this question, and for most people it will not be clear why this question is being asked. The application and continued occupancy process is already considered invasive by many HAs, applicants, and tenants. Adding this very personal question is inappropriate and unnecessary. If HUD chooses to move forward and add this question, significant training of front-line staff in how to appropriately handle this question is needed – training for which neither HUD nor providers have the resources. To ease this challenge, should HUD choose to proceed, it should clearly identify this question as optional for the household. By listing the question as optional, staff can indicate that up front, and check the choose not to answer box if the household declines.

Section 5. Unit to be Occupied on Effective Date of Action. HUD is proposing to add the ability to identify “the type of accessible unit identified by the PHA”. Clarity is requested regarding accessible unit types. Is this strictly fully UFAS, Vision/Hearing, or other? Does this refer to the International Building Code or other standards for accessible unit types? Or is this to allow HAs to establish sub-categories that might identify units with partial modifications such as no step entrances, automatic door closers, walk-in showers, or other common reasonable accommodations? Finally, what capacity do HIP and common software products have to accommodate this new data?

HUD also proposes to add whether the last inspection was an alternative inspection. PHADA is not clear why this information is needed, as alternative inspections are acceptable. Furthermore, this may add complication to processing as additional information regarding the inspection will need to be communicated from inspections divisions or inspectors to processors and managers to add the type of inspection in addition to the date of the inspection and if it passed or failed.

Section 6: Assets. While changes to conform to HOTMA rulemaking are needed, in this area software updates and training for HAs and staff on the changes are needed and delayed implementation is needed.

Section 8: Expected Income per Year. Again, while changes to conform to HOTMA rulemaking are needed, it is unclear why the addition of fields relating specifically to the over-income rule are added to this form. This is information the housing authority and HUD have via other sources, it is the housing authority's responsibility to operate according to the rule, and compliance would be

verified through audit and other compliance and quality control measures of both the HA and HUD. Requiring inputting of the applicable over-income limit for families of the household size (they would not be applicants – over-income applicants would be ineligible), in particular, would require an updating of underlying software data on a regular basis, an unnecessary and burdensome task, and should not be added to the 50058 forms.

Section 11: PHADA is concerned that the Housing Information Portal will not be functional and implementation of changes to the 50058 dependent on HIP should be delayed until HIP has been rolled out and tested.

PHADA appreciates the efforts of HUD and your consideration of these comments.

Sincerely,

David P Weber  
Senior Policy Analyst  
PHADA