



Submitted electronically to:

[https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref\\_nbr=202409-2529-002](https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202409-2529-002) and  
<https://www.regulations.gov/commenton/HUD-2021-0010-0005>

November 4, 2024

Re: Docket No. FR-7080-N-49  
30-Day Notice of Proposed Information Collection; Affirmative Fair  
Housing Marketing Plan—HUD 935.2A, HUD 935.2B, and HUD  
935.2C; OMB Control No.: 2529-0013

Gentlepeople:

The Public Housing Authorities Directors Association (PHADA) is a membership association of approximately 1,900 housing authority chief executives. On behalf of its members, PHADA submits the following comments in response to HUD's proposed information collection referenced above. These comments concern the public review process HUD and OMB has engaged in and its implementation, and then concern specific content of the information collection under review.

#### The Comment Process and its Implementation

Concerning the notice and public review and comment, PHADA has encountered confusing barriers to its review and preparation of comments.

1. The October 3 notice directed the public to request further information from Colette Pollard at her email address (Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov)). There were no further contacts for the public concerning this collection.
2. PHADA emailed Ms. Pollard twice on October 4 and on October 9, 2024, and received successful delivery notices concerning these

emails from HUD's email server. We never received a response to these requests for information.

3. PHADA monitored OMB's Reginfo.gov web page for information collections. The OMB control number published in HUD's notice never appeared as a collection currently under review. It did appear on the complete inventory page for a review conducted in 2016.
4. After these notes to Ms. Pollard went unanswered, PHADA contacted Deputy Assistant Secretary for Multifamily Housing Programs Ethan Handelman on October 23<sup>rd</sup> raising this concern and received a successful delivery notice from HUD's email server.
5. Continuing to monitor OMB's Reginfo.gov website turned up this proposed information collection available on October 25. **HUD's and OMB's failure to publish this information collection until October 25th effectively reduced the public's comment period from the required 30 days to not more than 12 days.**
6. The notice indicates that while, "*Comment Due Date*: November 4, 2024," "Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain)." Since that publication date appears to be October 24<sup>th</sup> or 25<sup>th</sup>, PHADA presumes that the department will accept comments concerning this collection until November 23<sup>rd</sup> or 24<sup>th</sup>. PHADA will submit its comments on November 4<sup>th</sup> to both sites.
7. PHADA believes that, if HUD and OMB are interested in soliciting public comments concerning this collection in good faith, it should:
  - a. Withdraw its October 3<sup>rd</sup> notice;
  - b. Assure that the Reginfo.gov site includes the marketing plan forms on the appropriate page;
  - c. Reissue a notice providing the public with a 30-day review period rather than the 11- or 12-day period the department has allowed.

Concerning the information collection itself:

1. HUD's notice and ICR submission failed to describe changes HUD proposed in any detail.
2. HUD claimed that the number of required submissions of the modified form (Form HUD 935-2A) will decline by 2,347 without discernable discussion or justification.
  - a. That claim is unclear as both the existing and the new form directions require all developers of FHA insured multifamily properties to submit the form. Is the reduction based on an anticipated reduction in developers' use of FHA insurance?
  - b. Owners must submit marketing plan updates every 5 years, whenever changes in demographics of the housing marketing area or the census tract of the property occur.

3. In general, PHADA supports simplification of the form for multifamily developments, and conformance of that form to those for condominium, cooperative housing, and single-family housing development. PHADA also supports any reduction in the number of submissions required. However, it is unclear how the reduction in submission will occur.
4. HUD's notice has also raised questions concerning the completeness of material published on OMB's Reginfo.gov web site.
  - a. Geographies:
    - i. The notice's discussion of a previously submitted comment indicates that, "The form instructions define a housing market area (HMA) as an area from which a multifamily housing project owner/agent, may "reasonably expect to draw a substantial number of tenants," and an Expanded Housing Market Area (EHMA) as "a larger geographic area, such as a Metropolitan Division or a Metropolitan Statistical Area, which may provide additional demographic diversity regarding race, color, national origin, religion, sex, familial status, or disability."
    - ii. However, in the form linked to HUD's ICR submission, instructions only indicate: "Block 1h-the applicant should indicate the housing market area, in which the housing will be (is) located." PHADA could find no reference to an "expanded housing marketing area" in the form's body or its instructions.
  - b. Residency Preferences Questions:
    - i. The Notice's discussion of an earlier comment indicates that, "The commenter supported the inclusion of the residency preferences questions."
    - ii. PHADA can find no reference to "preferences" or to "residency preferences" in the body of the form or in the instructions for the form published on OMB's Reginfo.gov web site.
  - c. As a result of discrepancies between HUD's notice and material published by OMB, PHADA questions the completeness of material HUD has submitted and OMB has published.

## Conclusion

HUD's claims concerning its proposed revisions to affirmative fair housing marketing plans are encouraging. Simplification of the form, conforming all marketing plan forms, and reducing the number of required submissions are laudable objectives.

Unfortunately, HUD's discussion of one specific public comment it received in response to its 60-day notice concerning this information collection lead PHADA to believe that there is material related to this information collection currently unavailable to the public, including discussions of the matters mentioned above not included in OMB's Reginfo.gov information collections web site. That material must be available to the public to permit a legitimate 30-day period for public review and comment concerning this information collection.

Thank you for the opportunity to comment on these form revisions.

Sincerely,

A handwritten signature in black ink that reads "James P. Armstrong". The signature is fluid and cursive, with the first name "James" being the most prominent.

James P. Armstrong  
Analyst  
Public Housing Authorities Directors Association  
202-549-4335  
Jacycle@principle2.org