

**U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT**

**INITIAL PRIVACY ASSESSMENT
(IPA)**

**[Office of Housing Assistance &
Grant Administration Housing
Assistance and Policy Division]**

Instruction & Template

[Office of Housing]

10/3/12

INTRODUCTION

What is an Initial Privacy Assessment?

An Initial Privacy Assessment (IPA) is designed to assess whether a Privacy Impact Assessment (PIA), a Privacy Act system of records notice (SORN), and/or other related privacy documents are required. The responses to the IPA will provide a foundation for both a PIA and a SORN should either or both be required, and will also help to identify any policy concerns.

The IPA incorporates the matters previously addressed in the Department's Privacy Identifiable Information (PII) Survey, and thus replaces the survey.

When should an IPA be completed?

An IPA should be completed during the system's design phase, whether the system is electronic or contains only records in paper form, and should be completed before commencement of any testing or pilot project of an information system. Additionally, an IPA should be completed any time there is a change to the information system to determine whether there are any privacy issues as a result of such a change.

Who should complete the IPA?

The IPA should be written and reviewed by a combination of the component's (e.g., Privacy Act Officer, System Owner, Project Leaders), and the program-specific office responsible for the system.

How is the IPA related to the Capital Planning and Certification and Accreditation process?

Upon completion and approval of the IPA by the Privacy Officer the official document may be uploaded into the C&A tool, and provided as part of the IT Capital Planning process as validation of the completed evaluation. The completed IPA demonstrates that the program components have consciously considered privacy and related requirements as part of the overall system design. For an IT system that does not require a C&A, such as a minor application that runs on a system that does require a C&A, an IPA still should be completed to determine if other related privacy documentation are required for that system or project.

Where should the completed IPA be sent?

A copy of the completed IPA should be sent to the Office of Privacy via email to Donna.Robinson.Staton@HUD.gov and Nadine.Craft@HUD.gov. The Privacy Officer will review the IPA and determine what additional privacy documentation is required, and then will advise the Program component accordingly.

Initial Privacy Assessment

I. INFORMATION ABOUT THE PROJECT/SYSTEM

Date submitted for review: 10/3/12

Project Name/Acronym: Section 8 Contract Renewal Policy

System Owner/Contact Information: Catherine Brennan

Project Leader/Contact Information: Kevin Garner

1. Which of the following describes the type of records in the system:

Paper-Only

Combination of Paper and Electronic

Electronic-Only

Other: Please describe the type of project including paper based Privacy Act System of Records

* **Note:** For this form purpose, there is no distinction made between technologies/ systems managed by contractors. All technologies/systems should be initially reviewed for potential privacy impact.

2. Provide a general description of the system or project that describes: (a) the functionality of the system and the purpose that the records and/or system serve; (b) who has access to information in the system; (c) how information in the system is retrieved by the user; (d) how information is transmitted to and from the system; and (e) interconnections with other systems.

The Section 8 Renewal Policy Guide implements Section 524 of the Multifamily Housing Reform and Affordability Act of 1997 (MAHRA) (public law 105-65, enacted on October 27, 1997), which governs how expiring Section 8 project-based assistance contracts are renewed. The Section 8 contract renewal process is an essential component to preserving low income rental housing affordability and availability, while reducing long-term costs of project-based assistance. Project-based assistance contracts are renewed under MAHRA to protect tenants and preserve affordable housing for low and very low-income tenants. The Section 8 contract renewal process will provide housing protection for the low and very low-income tenants living in various United States communities. The Section 8 Renewal Policy Guide sets forth six renewal options from which project Owners may choose when renewing their expiring Section 8 contracts.

- Option One (Mark -Up- To-Market)

- *Option Two (Contract Renewals for Other Projects with Current Rents at or Below Comparable Market Rents)*
- *Option Three (Referral to the Office of Affordable Housing Preservation (OAHP))*
- *Option Four (Renewal of Projects Exempted from Office of Affordable Housing Preservation (OAHP))*
- *Option Five (Renewal of Portfolio Reengineering Demonstration or Preservation Projects)*
- *Option Six (Opt-Outs)*
- The listed documents are used to establish market rents, amend rents and request renewal of a Section 8 contract under Section 524 of the Multifamily Housing Reform and Affordability Act of 1997 (MAHRA):
-
- **Contract Renewal Request Form (HUD - 9624)** *This form is used by the Owner to submit a request for renewal of the project's Section 8 contract. It identifies which option is being requested and contains a worksheet for each option; the one corresponding to the option selected must be completed by the Owner.*
-
- **OCAF Rent Adjustment Worksheet (HUD - 9625)** *This form must be completed to calculate the amount of the OCAF rent adjustment for projects eligible for this type of rent increase.*
-
- **Amend Rents Auto OCAF- Part A (HUD - 9626)** *This form is completed electronically by the Contract Administrator and sent to the Owner of a project only eligible for an OCAF rent increase under Option One and Option Three. Owners no longer need to submit HUD - 9624 and HUD - 9625.*
-
- **Amend Rents Auto OCAF- Part B (HUD - 9627)** *This form is completed electronically by the Contract Administrator and sent to the Owner of a project eligible for a budget-based rent increase or OCAF rent increase under Option Two and Option Four. Owners no longer need to submit HUD - 9624 and HUD - 9625.*
-
- **Request to Renew Using Non-Section 8 Units in the Section 8 Project as a Market Rent Ceiling, Appendix 9-6 (HUD-9629)** *This form is used when an owner has made a request to HUD to renew the above Section 8 contract(s) under Option 2 (Chapter Four of this Guide), using the non-Section 8 units in that project as a market rent ceiling instead of performing a traditional rent comparability study.*
-
- **Request to Renew Using Fair Market Rents (FMRs) as a Market Ceiling, Appendix 9-7a (HUD - 9630)** *This form is used by the Owner to request that the HAP contract be renewed under Option Two, using 75 percent of Fair Market Rents (FMRs) as a market rent ceiling instead of performing a rent comparability study.*
-
- **Use Agreement (HUD - 9634)** *This form is an agreement entered into when an Owner chooses to Mark-up-to-Market where a for-profit Owner is transferring the property to a non-profit Owner or is doing a budget-based rent increase for capital repairs for a non-profit Owner.*
-
- **Projects Preparing a Budget-Based Rent Increase, Attachment 5 (HUD - 9635)** *This form is to be used by the Owner to calculate the initial Owner equity in the project when preparing a budget-based rent increase.*
-

- **Basic Renewal Contract – One Year Term (HUD - 9636)** This form is the Section 8 contract for a one year term. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Basic Renewal Contract –Multi - Year Term (HUD - 9637)** This form is the Section 8 contract for a multi - year term. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Renewal Contract for Mark-Up-To-Market Project (HUD - 9638)** This form is the Section 8 contract to be used when the project rents are being marked-up-to-market. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Housing Assistance Payments Preservation Renewal Contract (HUD - 9639)** This form is the Section 8 contract for a Preservation project. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract. Such payments provide to the Owner rent benefits comparable to those provided under the Plan of Action in accordance with section 524(e)(1) of the MAHRA.
-
- **Interim (Full) Mark-To-Market Renewal Contract (HUD - 9640)** This form is the Section 8 contract used for a project that is eligible for Mark-to-Market where debt restructuring is necessary. The renewal contract constitutes a binding commitment for purposes of Section 579(b) of MAHRA. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Interim (Lite) Mark-To-Market Renewal Contract (HUD - 9641)** This form is the Section 8 contract used for a project that is eligible for Mark-to -Market where the project will be viable without debt restructuring. The renewal contract constitutes a binding commitment for purposes of Section 579(b) of MAHRA. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Full Mark-To-Market Renewal Contract (HUD - 9642)** This form is the Section 8 contract used for a project where the debt has been restructured. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
-
- **Watch List Renewal Contract (HUD - 9643)** This form is the Section 8 contract used for a project that initially entered into an interim contract (HUD -9641 or HUD-9642) but later elects not to restructure the debt. During the term of the renewal contract, the Contract Administrator shall make housing assistance payments to the Owner in accordance with the provisions of the renewal contract.
- **Project Based Assistance Payments Amendment Contract Moderate Rehabilitation (HUD-9644)** This form is an agreement to enter into Housing Assistance Payments Contract and a Housing Assistance Payments Contract with the Owner. Upon satisfactory completion of the

rehabilitation in accordance with requirements specified in the Agreement, the PHA will enter into a Housing Assistance Payments Contract with the Owner.

- **Consent to Assignment of HAP Contract for Freddie Mac Financing (HUD 9648A)** This form is used when an owner has advised the contract administrator (HUD or a public housing agency (PHA) acting as contract administrator under an annual contributions contract (ACC) with HUD) that the owner wants to assign the owner's interest in the HAP Contract to the lender, as security for a loan by the lender to the owner, and that the lender will assign the loan to Freddie Mac.
- **Consent to Assignment of HAP Contract as Security to FNMA as Security for FNMA Credit Enhancement (HUD-9648D)** This form is used when an owner has advised the contract administrator that the owner wants to grant the FNMA a security interest in the HAP Contract, as security for the obligations of the owner to FNMA on account of FNMA's credit enhancement of a loan to the owner.
- **Consent to Assignment of HAP Contract as Security for Financing (HUD-9649)** This form is used when an owner has advised the contract administrator that the owner wants to grant the lender a security interest in the HAP Contract, as security for a loan by the lender to the owner with respect to the project.
- **Consent to Assignment of HAP Contract as Security for FNMA Financing (HUD-9651)** This form is used when an owner has advised HUD that the owner wants to assign the owner's interest in the HAP Contract to the lender, as security for a loan by the lender to the owner, and that the lender will assign the loan to FNMA
- The information is submitted individually by project Owners on an annual and case-by-case basis. HUD has considered the use of improved electronic technology in collecting information; however, there are no funds to upgrade the electronic submission system. Presently the HUD Office's staff enters and updates the Owner's contract information into the HUD integrated Real Estate Management System (iREMS).
- The iREMS system is for internal HUD usage; the collection data, rent calculation for OCAF and contract renewal will be extracted from the iREMS system by HUD/Contract Administrator and mailed to the Owner for review and signature.
-
- There is no duplication.

3. Have the IPA been reviewed and approved by the Departmental Privacy Officer

YES

NO (Please contact component privacy official before submitting official IPA.)

4. Status of System or Project

This is a new system or project in development

Specify expected production date: **Do not complete Section II.**

This is an existing system or project.

After completing Section I, complete Section II.

5. System or project personal identifiers/sensitive information

YES NO **Does the system or project collect, maintain use or disseminate other personal identifiers/ sensitive information** (i.e., name, home address, home telephone number, date of birth, gender status, income/financial data, employment, medical history, criminal record, etc.)?

If yes, briefly describe the types of information about individuals in the system.

name

6. Does the information about individuals identify particular individuals (i.e., is the information linked or linkable to specific individuals, often referred to as personally identifiable information?)

YES

NO (If no, indicate below how the information is not identifiable to specific individuals.

7. Does the personally identifiable information in the system pertain only to government employees, contractors, or consultants?

YES (If yes, specify individual type.) *contractors*_____

NO (If no, indicate below how the information is not identifiable to specific individuals.

8. Is there an existing Privacy Act System of Records Notice (SORN) that has been published in the Federal Register to cover the system? (Please consult with the component's Privacy Act Officer if assistance is needed in responding to this question.)

YES

NO

9. SSN usage

YES NO Do the project or system collect, maintain, use, or disseminate Social Security Numbers (SSNs)? (This includes truncated SSNs)

If yes, please provide the purpose/legal authority authorizing the solicitation of SSNs:

10. Is there a Certification & Accreditation record for your system?

YES (If yes, indicate the following:)

Confidentiality Low Moderate High Undefined

Integrity Low Moderate High Undefined

Availability Low Moderate High Undefined

NO (If no, please identify the FISMA-reported system whose C&A covers this system.)

DO NOT KNOW

II. EXISTING SYSTEM OR PROJECT

1. When was the system developed?

7/2006

2. If an existing system, has the system undergone any changes since April 17, 2003?

YES (If yes, explain the nature of those changes and proceed to Question 3.)

NO (If no, proceed to question 5.)

3. Do the changes to the system or project involve a change in the type of records maintained, the individuals on whom records are maintained, or the use or dissemination of information from the system?

YES

NO

**4. Please indicate if any of the following changes to the system or project have occurred:
(Mark all boxes that apply.)**

- A conversion from paper-based records to an electronic system.
- A change from information in a format that is anonymous or non-identifiable to a format that is identifiable to particular individuals.
- A new use of an IT system, including application of a new technology that changes how information in identifiable form is managed. (For example, a change that would create a more open environment and /or avenue for exposure of data that previously did not exist.)
- A change that results in information in identifiable form being merged, centralized, or matched with other databases.
- A new method of authenticating the use of an access to information in the identifiable form by members of the public.
- A systematic incorporation of databases of information in identifiable form purchased or obtained from commercial or public sources.
- A new interagency use of shared agency function that results in new uses or exchanges of information in identifiable form.
- A change that results in a new use of disclosure of information in identifiable form.
- A change that results in new items of information in identifiable form being added into the system.

5. Does a PIA for the system already exist?

YES (If yes, provide the date and title of the PIA and whether the PIA is posted on the Privacy Office webpage.

NO.

IPA Determination/Approval

(To be completed by the Privacy Office)

DATE REVIEWED:
REVIEWERS NAME:

<input type="checkbox"/>	This is <u>NOT</u> a Privacy Sensitive Project - the project contains no personal identifiers/sensitive information
<input type="checkbox"/>	This <u>IS</u> a Privacy Sensitive Project
<input type="checkbox"/>	PTA sufficient at this time
<input type="checkbox"/>	A PIA is required
COMMENTS:	

Program Director Signature
[Title]

Date

Departmental Privacy Officer Signature

Date