

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

PRIVACY THRESHOLD ANALYSIS (PTA)

**Continuation of Interest Reduction Payments
after Refinancing Section 236 Projects**

OMB 2502-0572

Office of Recapitalization

Instruction & Template

November 16, 2017

PRIVACY THRESHOLD ANALYSIS (PTA)

The PTA is a compliance form developed by the Privacy Branch to identify the use of Personally Identifiable Information (PII) across the Department. The PTA is the first step in the PII verification process, which focuses on these areas of inquiry:

- Purpose for the information,
- Type of information,
- Sensitivity of the information,
- Use of the information,
- And the risk to the information.

Please use the attached form to determine whether a Privacy and Civil Liberties Impact Assessment (PCLIA) is required under the E-Government Act of 2002 or a System of Record Notice (SORN) is required under the Privacy Act of 1974, as amended.

Please complete this form and send it to your program Privacy Liaison Officer (PLO). If you have no program Privacy Liaison Officer, please send the PTA to the HUD Privacy Branch:

Marcus Smallwood, Acting, Chief Privacy Officer
Privacy Branch
U.S. Department of Housing and Urban Development

privacy@hud.gov

Upon receipt from your program PLO, the HUD Privacy Branch will review this form. If a PCLIA or SORN is required, the HUD Privacy Branch will send you a copy of the PCLIA and SORN templates to complete and return.

PRIVACY THRESHOLD ANALYSIS (PTA)

SUMMARY INFORMATION

Project or Program Name:	Continuation of Interest Reduction Payments after Refinancing Section 236 Projects		
Program:	Office of Housing		
CSAM Name (if applicable):	Click here to enter text.	CSAM Number (if applicable):	Click here to enter text.
Type of Project or Program:	Form or other Information Collection	Project or program status:	Existing
Date first developed:	Click here to enter a date.	Pilot launch date:	Click here to enter a date.
Date of last PTA update:	Click here to enter a date.	Pilot end date:	Click here to enter a date.
ATO Status (if applicable)	Choose an item.	ATO expiration date (if applicable):	Click here to enter a date.

PROJECT OR PROGRAM MANAGER

Name:	Minnie Monroe-Baldwin		
Office:	Office of Recapitalization	Title:	Branch Chief AHT
Phone:	(202) 402-2636	Email:	Minnie.x.monroebaldwin@hud.gov

INFORMATION SYSTEM SECURITY OFFICER (ISSO) (IF APPLICABLE)

Name:	Not Applicable		
Phone:	Click here to enter text.	Email:	Click here to enter text.

SPECIFIC PTA QUESTIONS

1. Reason for submitting the PTA: Choose an item.

Please provide a general description of the project and its purpose so a non-technical person could understand. If this is an updated PTA, please describe what changes and/or upgrades triggering the update to this PTA. If this is a renewal please state whether there were any changes to the project, program, or system since the last version.

Section 532 of the Department of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 2000 (Public Law 106-74) established Section 236(e)(2) which authorizes the Secretary, under certain terms and conditions to provide for the continuation of Interest Reduction Payments (IRP) after the prepayment of a Section 236 mortgage. This section also established Section 236(b) which provides for IRP payments with respect to projects financed under State or local programs.

2. Does this system employ the following technologies?

If you are using these technologies and want coverage under the respective PIA for that technology, please stop here and contact the HUD Privacy Branch for further guidance.

- Social Media
- Web portal¹ (e.g., SharePoint)
- Contact Lists
- Public website (e.g. A website operated by HUD, contractor, or other organization on behalf of the HUD)
- None of these

3. From whom does the Project or Program collect, maintain, use, or disseminate information?

Please check all that apply.

- This program collects no personally identifiable information²
- Members of the public
- HUD employees/contractors (list programs):
- Contractors working on behalf of HUD
- Employees of other federal agencies
- Other (e.g. business entity)

¹ Informational and collaboration-based portals in operation at HUD and its programs that collect, use, maintain, and share limited personally identifiable information (PII) about individuals who are “members” of the portal or “potential members” who seek to gain access to the portal.

² HUD defines personal information as “Personally Identifiable Information” or PII, which is any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual, regardless of whether the individual is a U.S. citizen, lawful permanent resident, visitor to the U.S., or employee or contractor to the Department. “Sensitive PII” is PII, which if lost, compromised, or disclosed without authorization, could result in substantial harm, embarrassment, inconvenience, or unfairness to an individual. For the purposes of this PTA, SPII and PII are treated the same.

4. What specific information about individuals is collected, generated or retained?

Please provide a specific description of information collected, generated, or retained (such as full names, maiden name, mother's maiden name, alias, social security number, passport number, driver's license number, taxpayer identification number, patient identification number, financial account, credit card number, street, internet protocol, media access control, telephone number, mobile number, business number, photograph image, x-rays, fingerprints, biometric image, template data (e.g. retain scan, well-defined group of people), vehicle registration number, title number and information about an individual that is linked or linkable to one of the above (e.g. date of date, place of birth, race, religion, weight, activities, geographical indicators, employment information, medical information, education information, financial information) and etc.

Owners of Section 236 projects that prepay their mortgages may request continuation of IRP under one of two options, Section 236(e)(2) or Section 236(b). HUD uses the information provided to ensure that owners agree to maintain the projects as low-income housing resources through the various applicable agreements:

- form HUD-93173 Agreement for Interest Reduction Payments (§236(e)(2))
- form HUD-93175 Agreement for Interest Reduction Payments (§236(b))
- form HUD-93174 Use Agreement (§236(e)(2))
- form HUD-93176 Use Agreement (§236(b))

These agreements will allow HUD to preserve low-income housing units that may otherwise be lost. All transactions are subject to the requirements of HUD's Tenant Participation in Multifamily Housing Project Regulations at 24 CFR Part 245.

Section 236(e)(2). Under this option, a project owner may prepay a Section 236 mortgage, and HUD may continue the IRP subsidy, provided the owner enters into IRP and Use Agreements that require the continuation of the low-income housing resource for 5 years beyond the new IRP term. Any mortgagee may refinance the project if a public agency agrees to be the oversight entity (i.e., becomes a party to the IRP Agreement) to ensure compliance with the requirements of the IRP Agreement. If no public agency agrees to participate as the oversight entity, then the mortgagee must be a HUD-approved multifamily mortgagee, the refinancing must be through an FHA insured mortgage, and HUD will perform the oversight functions.

Section 236(b). Under this option, an approved State or local agency Section 236(b) mortgagee must purchase the insured Section 236 mortgage, terminate the FHA insurance, and keep the Section 236 mortgage intact, and the owner must enter into new IRP and Use Agreements to maintain the property as a low-income housing resource. The original Section 236 note and mortgage must remain intact. FHA insurance will be terminated. The original Section 236 mortgage, which may be modified, restated, and enveloped in the closing transaction, must remain identifiable as the basis for the continued IRP assistance.

Interest Reduction Payment Agreement. The IRP Agreement establishes the terms and conditions under which HUD shall continue to make interest reduction payments to the owner. There are two types of IRP Agreements. One for Section 236(e)(2) and one for Section 236(b).

Use Agreement. In this agreement, the owner agrees to maintain the property as low-income housing. There are two types of Use Agreements. One for Section 236(e)(2) and one for Section 236(b).

<p>HUD has created an electronic application for eligible projects to retain the IRP benefits after refinancing. Upon approval of the application, owners must submit hard copies to HUD Headquarters for execution. Complete automation of the information collection is not feasible at this time because the agreements must be executed by the new mortgagee or public entity, the owner.</p>	
<p>4(a) Does the project, program, or system retrieve information from the system about a U.S. Citizen or lawfully admitted permanent resident aliens by a personal identifier?</p>	<p><input type="checkbox"/> No. Please continue to next question. <input checked="" type="checkbox"/> Yes. If yes, please list all personal identifiers used: Name, FHA and/or Project No.</p>
<p>4(b) Does the project, program, or system have an existing System of Records Notice (SORN) that has already been published in the Federal Register that covers the information collected?</p>	<p><input checked="" type="checkbox"/> No. Please continue to next question. <input type="checkbox"/> Yes. If yes, provide the system name and number, and the Federal Register citation(s) for the most recent complete notice and any subsequent notices reflecting amendment to the system</p>
<p>4(c) Has the project, program, or system undergone any significant changes since the SORN?</p>	<p><input checked="" type="checkbox"/> No. Please continue to next question. <input type="checkbox"/> Yes. If yes, please describe.</p>
<p>4(d) Does the project, program, or system use Social Security Numbers (SSN)?</p>	<p><input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes.</p>
<p>4(e) If yes, please provide the specific legal authority and purpose for the collection of SSNs:</p>	<p>Not Applicable</p>
<p>4(f) If yes, please describe the uses of the SSNs within the project, program, or system:</p>	<p>Not Applicable</p>
<p>4(g) If this project, program, or system is an information technology/system, does it relate solely to infrastructure?</p> <p><i>For example, is the system a Local Area Network (LAN) or Wide Area Network (WAN)?</i></p>	<p><input checked="" type="checkbox"/> No. Please continue to next question. <input type="checkbox"/> Yes. If a log kept of communication traffic, please answer this question.</p>
<p>4(h) If header or payload data³ is stored in the communication traffic log, please detail the data elements stored.</p>	
<p>Click here to enter text.</p>	

³ Header: Information that is placed before the actual data. The header normally contains a small number of bytes of control information, which is used to communicate important facts about the data that the message contains and how it is to be interpreted and used. It serves as the communication and control link between protocol elements on different devices.

Payload data: The actual data to be transmitted, often called the payload of the message (metaphorically borrowing a term from the space industry!) Most messages contain some data of one form or another, but some actually contain none: they are used only for control and communication purposes. For example, these may be used to set up or terminate a logical connection before data is sent.

--

5. Does this project, program, or system connect, receive, or share PII with any other HUD programs or systems?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list: Click here to enter text.
6. Does this project, program, or system connect, receive, or share PII with any external (non-HUD) partners or systems?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list: Click here to enter text.
6(a) Is this external sharing pursuant to new or existing information sharing access agreement (MOU, MOA, etc.)?	Choose an item. Please describe applicable information sharing governance in place:
7. Does the project, program, or system provide role-based training for personnel who have access in addition to annual privacy training required of all HUD personnel?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If yes, please list:
8. Per NIST SP 800-53 Rev. 4, Appendix J, does the project, program, or system maintain an accounting of disclosures of PII to individuals/agencies who have requested access to their PII?	<input checked="" type="checkbox"/> No. What steps will be taken to develop and maintain the accounting: <input type="checkbox"/> Yes. In what format is the accounting maintained:
9. Is there a FIPS 199 determination?⁴	<input checked="" type="checkbox"/> Unknown. <input type="checkbox"/> No. <input type="checkbox"/> Yes. Please indicate the determinations for each of the following: Confidentiality: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High Integrity: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High Availability: <input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High

⁴ FIPS 199 is the [Federal Information Processing Standard](#) Publication 199, Standards for Security Categorization of Federal Information and Information Systems and is used to establish security categories of information systems.

PRIVACY THRESHOLD ANALYSIS REVIEW

(TO BE COMPLETED BY PROGRAM PLO)

Program Privacy Liaison Reviewer:	Click here to enter text.
Date submitted to Program Privacy Office:	Click here to enter a date.
Date submitted to HUD Privacy Branch:	Click here to enter a date.
Program Privacy Liaison Officer Recommendation: <i>Please include recommendation below, including what new privacy compliance documentation is needed.</i>	
Click here to enter text.	

(TO BE COMPLETED BY THE HUD PRIVACY BRANCH)

HUD Privacy Branch Reviewer:	Click here to enter text.
Date approved by HUD Privacy Branch:	Click here to enter a date.
PTA Expiration Date:	Click here to enter a date.

DESIGNATION

Privacy Sensitive System:	Choose an item. If “no” PTA adjudication is complete.
Category of System:	Choose an item. If “other” is selected, please describe: Click here to enter text.
Determination:	<input type="checkbox"/> PTA sufficient at this time. <input type="checkbox"/> Privacy compliance documentation determination in progress. <input type="checkbox"/> New information sharing arrangement is required. <input type="checkbox"/> HUD Policy for Computer-Readable Extracts Containing Sensitive PII applies. <input type="checkbox"/> Privacy Act Statement required. <input type="checkbox"/> Privacy and Civil Liberties Impact Assessment (PCLIA) required. <input type="checkbox"/> System of Records Notice (SORN) required. <input type="checkbox"/> Paperwork Reduction Act (PRA) Clearance may be required. Contact your program PRA Officer.

<input type="checkbox"/> A Records Schedule may be required. Contact your program Records Officer.	
PIA:	Choose an item. If covered by existing PCLIA, please list: Click here to enter text.
SORN:	Choose an item. If covered by existing SORN, please list: Click here to enter text.
HUD Privacy Branch Comments:	
<i>Please describe rationale for privacy compliance determination above.</i>	
Click here to enter text.	

DOCUMENT ENDORSMENT

DATE REVIEWED:
PRIVACY REVIEWING OFFICIALS NAME:

By signing below, you attest that the content captured in this document is accurate and complete and meet the requirements of applicable federal regulations and HUD internal policies.

Thomas R. Davis

11/16/17

Date

SYSTEM OWNER

**Thomas R. Davis, Director
Office of Recapitalization**

Date

CHIEF PRIVACY OFFICER

<<INSERT NAME/TITLE>>

OFFICE OF ADMINISTRATION