

**Notification of Public Housing
Closeout or Future Development
HUD- 5837**

**U.S. Department of Housing
and Urban Development
Office of Public and Indian Housing**

**OMB Approval No. 2577-0075
(exp. 08/31/2023)**

Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, Office of Policy Development and Research, REE, Department of Housing and Urban Development, 451 7th St SW, Room 4176, Washington, DC 20410-5000. When providing comments, please refer to OMB Approval No. 2577-0075. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number. Do not send this form to the above address.

Responses to the collection will supplement the HUD-52860 or RAD Application (both through the IMS/PIC application submission) for all inventory removal actions that will result in the removal of all Annual Contributions Contract (ACC) units from a Public Housing Authority's (PHA) inventory. HUD will use this information to provide targeted technical assistance, to identify potential issues, and to assess risk areas. Please refer to the instructions for guidance on completing this form. This information is required to obtain the benefits sought pursuant to Sections 18, 22, 32, and 33 of the U.S. Housing Act of 1937. There is no personal information contained in this application. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when disclosure is not required. The information collected will not be held confidential.

A. General PHA Information

PHA Identification Number and Name:	
PHA Fiscal Year End:	
Expected date of removal of last unit from public housing program	
Is the PHA required to closeout its public housing program based on a PIH Notice?	Participated in one of the following Programs: Mandatory Closeout ☐ Section 18 "Very Small PHA" ☐ Streamlined Voluntary Conversion ☐ Streamlined RAD "50 and Under" ☐ Small PHA RAD/Section 18 Blend
If the PHA is not required to closeout its program, does PHA intend to close out, or does it plan to develop new ACC units in the future?	☐ Close out public housing program <i>Fill out Section B & D only (and Section C if PHA plans to develop Faircloth-to-RAD units)</i> ☐ Develop new ACC Units

B. Public Housing Program Closeout Information

Will the PHA have any Non-Dwelling Public Housing Real Property after it removes all units? If yes, which removal action does the PHA intend to pursue to remove the remaining property from public housing restrictions?	☐ Yes ☐ Section 18 Disposition ☐ Retention under 2 CFR part 200.311 and PIH Notice 2016-20 ☐ Transfer to another PHA through Voluntary Transfer (PIH Notice 2014-24) ☐ No
Does the PHA have (or reasonably anticipate) any outstanding public housing litigation, claims, compliance or monitoring review findings, PHA or MTW Plan reviews, audits, and/or fair housing or other civil rights complaints to resolve?	☐ Yes – explain in Section D ☐ No
How does the PHA plan to close out its public housing program? <i>See instructions for more information.</i>	☐ Voluntary Transfer (PIH Notice 2014-24) ☐ Closeout Notice (PIH Notice 2019-13) ☐ Undecided
Does the PHA certify it will comply with all required closeout activities, including submission of board resolution, legal opinion, and quarterly financial reports as specified in the applicable HUD notice?	☐ Yes _____ Estimated Date of Completing Closeout activities

C. Future Development Information

How many new ACC units does the PHA intend to develop?	
Does the PHA have sufficient Faircloth limit authority to develop the intended ACC units?	☐ Yes ☐ No
What is the PHA's proposed development method?	☐ Conventional ☐ New Construction ☐ Acquisition (With or Without Rehab) ☐ Mixed-Finance ☐ Faircloth to RAD
Does the PHA have a site(s) selected?	☐ Yes ☐ No
Anticipated date of development proposal submission:	

D. Identify any potential issues related to closeout or future development activities. (Attach supporting documentation).

Name of Authorized Official	
Official Title:	
Signature:	
Date:	

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. §§ 1001, 1010, 1012; 31 §§ U.S.C. 3729, 3802)

HUD-5837 Instructions

PHAs that remove the last of their public housing units from inventory may be required to close out their public housing program based on applicable PIH Notice requirements. Closeout involves transferring remaining public housing assets and liabilities either to HUD or to another PHA with an active public housing program. Other PHAs that remove the last of their public housing units may choose to either close out their public housing program or develop new public housing units. This form provides HUD information regarding the PHA's closeout or future development plans in order to provide appropriate oversight and technical assistance. PHAs submit this form HUD as an attachment to the Inventory Removal Application (HUD-52860) or RAD Application that is submitted as a "DDA" number in the Inventory Management System/PIH Information Center (IMS/PIC).

All PIH notices referred to in this form also extend to successor or replacement PIH notices.

A. General PHA Information

Purpose: To provide HUD with information regarding the PHA's for closing out or continuing its public housing program.

B. Public Housing Program Closeout Information

Purpose: To provide HUD with information regarding the PHA's outstanding assets, debts, and obligations that will require resolution prior to termination of the Public Housing ACC.

Instructions: PHAs should determine if they own any real property that remains subject to Public Housing requirements and the ACC. Note that Public Housing Real Property includes any real property that was acquired, maintained, or operated with U.S. Housing Act of 1937 (1937 Act) funds. PHAs must identify legal issues and obligations that could be affected by removal for further review by HUD. A removal action may not be used to relieve a PHA of legal liabilities arising from noncompliance with federal statutory or regulatory activities. Fair housing and civil rights matters may include charges, cause determinations, lawsuits, letters of findings, outstanding voluntary compliance agreements or consent decrees, and remedial orders or agreements with unfulfilled requirements. HUD will determine if actions to resolve the items listed above are sufficient to resolve the matter.

Voluntary Transfer (PIH Notice 2012-24). The Divesting PHA transfers its remaining PH assets (i.e., Faircloth cap authority, Operating Reserves, Non-dwelling property, if any) and liabilities to a Receiving PHA with a Public Housing program (including PHAs across state lines). This is a good option if a PHA has significant assets (including Faircloth cap authority) that another PHA (and community) could benefit from. After all assets and liabilities are transferred, HUD terminates the PHA's public housing program.

Closeout (PIH Notice 2019-13). The PHA completes closeout activities outlined in the notice (including closing out grant funds). After closeout activities are complete, HUD terminates the PHA's public housing program. The PHA will be required to return any remaining program funds to HUD and the PHA's authority under the Faircloth limit will be lost.

C. Future Development Plans

Purpose: To provide HUD with information regarding the PHA's plans to make use of its authority under the Faircloth caps to develop new ACC units and whether it plans to continue operating a Public Housing program.

Instructions: Complete the following questions regarding the development of new ACC units. PHAs must determine if they are eligible to develop any new public housing ACC units based on the Quality Housing and Work Responsibility Act of 1998 (QHWRA) imposition of a statutory limit on new construction of Public Housing units (Faircloth limit) in Section 9(g)(3)(A) of the 1937 Act. Please note that any units converted through RAD will reduce a PHA's Faircloth Limit. The information included should reflect the PHA's proposed plans; however, the information has no effect on the content of the PHA's development proposal submission to HUD.

D. Identify any potential issues related to closeout or future development activities.

Purpose: To alert HUD to any known issues or potential issues related to closeout or future development activities, in order to facilitate appropriate technical assistance.

Instructions: Provide a brief narrative that describes any known issues or potential issues related to closeout activities. For example, a PHA may wish to note that they are aware of existing long-term use restrictions on a prior Section 18 demolition/disposition approval and anticipate the need for an amendment to the approval or a revised use restriction. If the PHA is not aware of any issues or potential issues, the PHA may leave this section blank.