§ 985.102  

(2) An PHA that subcontracts administration of its program to one or more subcontractors shall require each subcontractor to submit the subcontractor’s own SEMAP certification on the HUD-prescribed form to the PHA in support of the PHA’s SEMAP certification to HUD. The PHA shall retain subcontractor certifications for 3 years.

(3) An PHA may include with its SEMAP certification any information bearing on the accuracy or completeness of the information used by the PHA in providing its certification.

(b) Failure of an PHA to submit its SEMAP certification within 60 calendar days after the end of its fiscal year will result in an overall performance rating of troubled and the PHA will be subject to the requirements at §985.107.

(c) An PHA’s SEMAP certification is subject to HUD verification by an on-site confirmatory review at any time.

Information collection requirements in this section have been approved by the Office of Management and Budget under control number 2577-0215

§ 985.103  

Upon receipt of the PHA’s SEMAP certification, HUD will rate the PHA’s performance under each SEMAP indicator in accordance with §985.3. HUD will then prepare a SEMAP profile for each PHA which shows the rating for each indicator, sums the indicator ratings, and divides by the total possible points to arrive at an PHA’s overall SEMAP score. SEMAP scores shall be rounded off to the nearest whole percent.

§ 985.104  

(a) High performer rating. PHAs with SEMAP scores of at least 90 percent shall be rated high performers under SEMAP. PHAs that achieve an overall performance rating of high performer may receive national recognition by the Department and may be given competitive advantage under notices of fund availability.

(b) Standard rating. PHAs with SEMAP scores of 60 to 89 percent shall be rated standard.

(c) Troubled rating. PHAs with SEMAP scores of less than 60 percent shall be rated troubled.

(d) Modified rating on an indicator. A rating on any of the indicators at §§985.3(a) through 985.3(h) will be subject to change after HUD receives the PHA’s annual audit report or after HUD conducts a confirmatory review if the audit report or the confirmatory review report contains information that the PHA’s SEMAP certification concerning an indicator is not accurate.

(e) Modified or withheld overall rating.

(1) Notwithstanding an PHA’s SEMAP score, HUD may modify or withhold an PHA’s overall performance rating when warranted by circumstances which have bearing on the SEMAP indicators such as an PHA’s appeal of its overall rating, adverse litigation, a conciliation agreement under Title VI of the Civil Rights Act of 1964, fair housing and equal opportunity monitoring and compliance review findings, fraud or misconduct, audit findings or substantial noncompliance with program requirements.

(2) Notwithstanding an PHA’s SEMAP score, if the latest IA report submitted for the PHA under the Single Audit Act indicates that the auditor is unable to provide an opinion as to whether the PHA’s financial statements are presented fairly in all material respects in conformity with generally accepted accounting principals, or an opinion that the schedule of expenditures of Federal awards is presented fairly in all material respects in relation to the financial statements taken as a whole, the PHA will automatically be given an overall performance rating of troubled and the PHA will be subject to the requirements at §985.107.

(3) When HUD modifies or withholds a rating for any reason, it shall explain in writing to the PHA the reasons for the modification or for withholding the rating.

[63 FR 48555, Sept. 10, 1998, as amended at 64 FR 40988, July 26, 1999]