

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4816-N-01]

**Notice of Proposed Information
Collection: Comment Request;
Implementation of the Housing for
Older Persons Act of 1995**

AGENCY: Office of the Assistant
Secretary for Fair Housing and Equal
Opportunity, HUD.

ACTION: Notice.

SUMMARY: The proposed information
collection requirement established
under the final rule implementing the
Housing for Older Persons Act of 1995
(HOPA) will be submitted to the Office
of Management and Budget (OMB) for
review, as required by the Paperwork
Reduction Act. The Department is
soliciting public comments on the
information collection requirement.

DATES: *Comments Due Date:* March 17,
2003.

ADDRESSES: Interested persons are
invited to submit comments regarding
this proposed information collection
requirement. Comments should refer to
the proposal by name and/or OMB
Control Number and should be sent to:
Turner Russell, U.S. Department of
Housing and Urban Development, 451
7th Street, SW., Room 5210,
Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT:
Turner Russell, Director, Enforcement
Support Division, Office of Fair Housing
and Equal Opportunity, Room 5208, 451
7th Street, SW., Washington, DC 20410,
Telephone: (202) 619-8041 (this is not
a toll-free number). Hearing of speech-
impaired individuals may access this
number via TTY by calling the toll-free
Federal Information Relay Service at 1-
800-877-8399.

SUPPLEMENTARY INFORMATION: The
Department is submitting the proposed
information collection requirement to
the OMB for review, as required by the
Paperwork Reduction Act of 1995 (44
U.S.C., Chapter 35, as amended).

This Notice is soliciting comments
from members of the public and affected
agencies concerning the proposed
collection of information to: (1) Evaluate
whether the proposed collection of
information is necessary for the proper
performance of the functions of the
agency, including whether the
information will have practical utility;
(2) Evaluate the accuracy of the agency's
estimate of the burden of the proposed
collection of information; (3) Enhance
the quality, utility, and clarity of the
information to be collected, and (4)
Minimize the burden of the collection of

information on those who are to
respond; including through the use of
appropriate automated collection
techniques or other forms of information
technology, e.g., permitting electronic
submission of responses.

Title of Regulation: 24 CFR Part 100,
Implementation of the Housing for
Older Persons act of 1995; final rule.

OMB Control Number, if applicable:
2529-0046.

*Description of the need for the
information and proposed use:* In the
Fair Housing Amendments Act of 1988
(the Act) [42 U.S.C. 3601 *et seq.*],
Congress prohibited discrimination in
the sale or rental of housing based on
familial status (families with children
under 18 years of age). However, at
§ 3607(b)(2) of the act, Congress
exempted 3 categories of "housing for
older persons" from liability for familial
status discrimination: (1) Housing
provided under any State or program
which the Secretary of HUD determines
is specifically designed and operated to
assist elderly persons; (2) housing
intended for, and solely occupied by,
persons 62 years of age or older; and (3)
housing intended and operated for
occupancy by at least one person 55
years of age or older per unit ("55 or
older" housing). In December 1995,
Congress passed the "Housing for Older
Persons Act of 1995 (HOPA)" [Public
Law 104-76]. The HOPA modified the
"55 or older" housing" exemption
provided under the Act by eliminating
the requirement for "significant
facilities and services specifically
designed to meet the physical or social
needs of older persons." The HOPA still
requires that at least 80 percent of the
occupied units must be occupied by at
least one person who is 55 years of age
or older; and that housing providers
must publish and adhere to policies and
procedures that demonstrate the intent
to provide housing for persons 55 years
of age or older. In addition, the HOPA
mandates compliance with "rules
issued by the Secretary for verification
of occupancy, which shall * * *
provide for [age] verification by reliable
surveys and affidavits."

The final rule does not significantly
increase the record keeping burden. It
describes in greater detail the
documentation that HUD will consider
when determining whether or not a
community or facility qualifies for the
"55 or older" housing exemption.
Further, § 100.305(e)(5) of the final rule
provides a non-extendible one-year
transition period (May 3, 1999-May 3,
2000) for existing communities or
facilities that wish to qualify for the "55
or older" housing exemption. An
existing community or facility that fails

to complete the transition by the
expiration of that period must stop
reserving vacant units for "55 or older"
residents; market available housing to
the general public regardless of familial
status; and rescind all policies,
practices, and procedures that
discriminate against residents with
minor children. By definition, such
communities would no longer need to
collect or maintain occupancy/age
verification information for purposes of
the "55 or older" housing exemption.

The information collection
requirements contained in §§ 100.306
and 100.307 of the final rule are
necessary to satisfy the criteria for the
"55 and older" housing exemption
under the HOPA. The information
required under the act, the HOPA, and
the HOPA final rule will be collected in
the normal course of business in
connection with the sale, rental, or
occupancy of dwelling units within a
"55 or older" housing community or
facility. The statutory and regulatory
requirement to publish and adhere to
age verification policies and procedures
for current and prospective occupants is
the usual and customary practice of the
"senior housing" industry without
regard to the requirements of the Act or
the HOPA. The procedures for verifying
ages of current residents may require an
initial survey and periodic review and
update of existing records. The creation
of such records should occur in the
normal course of sale or rental
transactions and should require
minimal time.

Three types of information would be
collected under the final rule. The
publication of a community's housing
policies and procedures is not
confidential by nature of the fact that
such policies and procedures must be
disclosed to current and prospective
residents, and to residential real estate
professionals. The occupancy survey
results must be available for public
inspection. The survey summary need
not contain confidential information
because it may simply indicate the total
number dwelling units occupied by
persons 55 years of age or older. The
supporting age verification records may
contain some private information,
which would be protected from
disclosure unless the community or
facility claims the "55 or older" housing
exemption as a defense to a
jurisdictional familial status
discrimination complaint filed with
HUD.

HUD's Office of Fair Housing and
Equal Opportunity will only request
disclosure of this information by a
housing provider when HUD
investigates a jurisdictional familial

status discrimination complaint, and the housing provider claims the "55 or older" housing exemption as an affirmative defense to the complaint.

Agency form numbers(s), if applicable: None.

Members of affected public: Both the HOPA and the HOPA final rule require that small businesses and other small entities that operate housing intended for occupancy by persons 55 years of age or older to routinely collect and update age verification information necessary to meet the eligibility criteria for the "55 or older" housing exemption. The record keeping requirements are the responsibility of the housing provider that wishes to qualify for the exemption.

Estimation of the total numbers of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response: The information collection requirements of the HOPA final rule are the responsibility of the community or facility that claims eligibility for the "55 or older" housing exemption provided under the HOPA. Since the HOPA does not require HUD certification or registration for "55 or older" communities or facilities, it is difficult to estimate the number of communities or facilities that intend to collect this information in order to qualify for the exemption. When the proposed rule was published for public comment in January 1997, HUD estimated that approximately 1,000 communities or facilities would seek the exemption. HUD also estimated that the occupancy/age verification data would require routine updating with each new housing transaction within the community or facility, and that the number of such transactions per year might vary significantly depending on the size and nature of the community. HUD estimated the average number of housing transactions per year at "10 per community." HUD concluded that the publication of policies and procedures " * * * is likely to be a one-time event and in most cases will require no additional burden beyond what is done in the normal course of business. The estimated total annual burden for the three collections is 5,500 hours."

Status of the proposed information collection: Extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 34, as amended.

Dated: January 8, 2003.

Diana Ortiz,

Director, Office of Enforcement.

[FR Doc. 03-788 Filed 1-14-03; 8:45 am]

BILLING CODE 4210-28-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Blackstone River Valley National Heritage Corridor Commission; Notice of Bimonthly Meeting

Notice is hereby given in accordance with section 552b of Title 5, U.S.C., that a meeting of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission will be held on Thursday, February 6, 2003.

The Commission was established pursuant to Pub. L. 99-647. The purpose of the Commission is to assist federal, state and local authorities in the development and implementation of an integrated resource management plan for those lands and waters within the Corridor.

The meeting will convene at 4 p.m. at the Corporate Offices of Gateway Healthcare, Inc. located at 249 Roosevelt Ave., Second Floor Board Conference Room, in Pawtucket, RI for the following reasons:

1. Approval of Minutes.
2. Chairman's Report.
3. Executive Director's Report.
4. Financial Budget.
5. Public Input.

It is anticipated that about twenty-five people will be able to attend the session in addition to the Commission members.

Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made prior to the meeting to: Michael Creasey, Executive Director, John H. Chafee, Blackstone River Valley National Heritage Corridor Commission, One Depot Square, Woonsocket, RI 02895, Tel.: (401) 762-0250.

Further information concerning this meeting may be obtained from Michael Creasey, Executive Director of the Commission at the aforementioned address.

Michael Creasey,

Executive Director BRVNHCC.

[FR Doc. 03-799 Filed 1-14-03; 8:45 am]

BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications

to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by February 14, 2003.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358-2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358-2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

Applicant: Larry P. Carlson, N. Muskegon, MI, PRT-066199

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa for the purpose of enhancement of the survival of the species.

Applicant: Joseph F. Hickey, Milwaukee, WI, PRT-066094

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa for the purpose of enhancement of the survival of the species.

Applicant: Philip L. Rank, Westfield, WI, PRT-061812

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa