

MTSPs have a strong tendency to create confusion. HOME income limits, should be held harmless in order to maintain compatibility with MTSP income limits, stated a commenter.

*HUD Response:* Because of the special provisions in HERA for HUD Hold-Harmless Impacted Projects, HOME income limits will not be able to mimic the HERA Special MTSP income limits. For new projects, income limits will not be held harmless for either of these programs, so initially, they will be the same. Going forward, projects containing both HOME funds and MTSP financing will have to make a determination about how to evaluate eligibility for both incoming families and ongoing eligibility. These projects should consider specifying eligibility rules at the outset of the project.

#### V. Policy Decision

Accordingly, HUD will eliminate the hold-harmless policy in estimating Section 8 income limits. Decreases to the Section 8 income limits from FY 2010 forward will be limited to the maximum of 5 percent; increases will be limited to 5 percent or twice the change in national median family income increase or decrease, whichever is greater. This means, for example, that if the national estimate of median family income increased by 3 percent from the previous year, local income limits could change by up to 6 percent. The income limits for MTSPs will continue to follow the formulas set out in HERA.

Specifically, HERA provides that area median gross income with respect to any project will be held harmless and not be less than the area median income for the preceding calendar year for which such determination is made. In addition, a different income limit determination formula specified by HERA for projects in areas held harmless in calendar years 2007 or 2008 applies if these limits would be higher than the limits calculated for MTSPs using HUD's regular methodology.<sup>2</sup> Rents used in the HOME program will continue to be held harmless, although the income limits used to determine eligibility for HOME projects may decrease up to the maximum of 5 percent or increase up to 5 percent or twice the change in national median family income, per year, whichever is greater. The income limits for Rural Housing Service programs will continue their current hold-harmless policy, based on different area definitions; these

income limits are provided directly to the Department of Agriculture.

#### VI. Findings and Certifications

##### *Environmental Review*

This notice involves a discretionary establishment of income limits and exclusions with regard to eligibility for or calculation of HUD housing assistance or rental assistance which does not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 5019(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Dated: May 10, 2010.

**Raphael W. Bostic,**

*Assistant Secretary for Policy Development and Research.*

[FR Doc. 2010-11638 Filed 5-14-10; 8:45 am]

**BILLING CODE 4210-67-P**

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-5376-N-34]

#### Monthly Report of Excess Income and Annual Report of Uses of Excess Income

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been 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 subject proposal.

Project owners are permitted to retain Excess Income for projects under terms and conditions established by HUD. Owners must request to retain some or all of their Excess Income. The request must be submitted through <http://www.pay.gov> at least 90 days before the beginning of each fiscal year, or 90 days before any other time during a fiscal year that the owner plans to begin retaining excess income for that fiscal year. HUD uses the information to ensure that required excess rents are remitted to the Department and/or retained by the owner.

**DATES:** *Comments Due Date:* June 16, 2010.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to

the proposal by name and/or OMB approval Number (2502-0086) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; *fax:* 202-395-5806.

#### **FOR FURTHER INFORMATION CONTACT:**

Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at

[Leroy.McKinneyJr@hud.gov](mailto:Leroy.McKinneyJr@hud.gov) or telephone (202) 402-5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting 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.

*This notice also lists the following information:*

*Title of Proposal:* Monthly Report of Excess Income and Annual Report of Uses of Excess Income.

*OMB Approval Number:* 2502-0086.

*Form Numbers:* None—form HUD-93104 has been retired.

*Description of the Need for the Information and its Proposed Use:* Project owners are permitted to retain Excess Income for projects under terms and conditions established by HUD. Owners must submit a written request to retain some or all of their Excess Income. The request must be submitted at least 90 days before the beginning of each fiscal year, or 90 days before any other time during a fiscal year that the owner plans to begin retaining excess income for that fiscal year. HUD uses the information to ensure that required excess rents are remitted to the

<sup>2</sup> For a discussion of the special methodology, please see the FY 2009 MTSP Briefing Materials document available at [http://www.huduser.org/portal/datasets/mtsp/mtsp09/MTSP\\_Briefing.pdf](http://www.huduser.org/portal/datasets/mtsp/mtsp09/MTSP_Briefing.pdf).

Department and/or retained by the owner.

Frequency of Submission: Monthly, Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting Burden .....	2,506	8,049		0.272		5,493

Total Estimated Burden Hours: 5,493.  
 Status: Extension of a currently approved collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: May 10, 2010.

Leroy McKinney, Jr.,  
 Departmental Reports Management Officer,  
 Office of the Chief Information Officer.

[FR Doc. 2010-11637 Filed 5-14-10; 8:45 am]

BILLING CODE 4210-67-P

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5376-N-35]

**Web Survey of the Recipients of Section 108 Funds**

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been 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 subject proposal.

The Department of Housing and Urban Development (HUD) procured this evaluation in response to the Office of Management and Budget's (OMB) recent Program Assessment Rating Tool (PART review of the Section 108 program). This research will address OMB's concerns by providing suggestions for developing performance measures that focus on outcomes and meaningfully reflect the purpose of the program collects information on the

activities, accomplishments and outcomes of Section 108 grantees and collects original information needed for the analysis of program overlap with other Federal programs. The survey will be sent to virtually all recipients that received Section 108 loans from HUD from FY 2002 through FY 2007.

DATES: Comments Due Date: June 16, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2528-Pending) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202-395-5806.

**FOR FURTHER INFORMATION CONTACT:**

Leroy McKinney Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney Jr. at [Leroy.McKinneyJr@hud.gov](mailto:Leroy.McKinneyJr@hud.gov) or telephone (202) 402-5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

SUPPLEMENTARY INFORMATION: This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the Information collection described below. This notice is soliciting comments from members of the public and affecting 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.

This notice also lists the following information:

Title of Proposal: Web Survey of the Recipients of Section 108 Funds.

OMB Approval Number: 2528-Pending.

Form Numbers: None.

Description of the Need for the Information and its Proposed Use: The Department of Housing and Urban Development (HUD) procured this evaluation in response to the Office of Management and Budget's (OMB) recent Program Assessment Rating Tool (PART review of the Section 108 program). This research will address OMB's concerns by providing suggestions for developing performance measures that focus on outcomes and meaningfully reflect the purpose of the program collects information on the activities, accomplishments and outcomes of Section 108 grantees and collects original information needed for the analysis of program overlap with other Federal programs. The survey will be sent to virtually all recipients that received Section 108 loans from HUD from FY 2002 through FY 2007.

Frequency of Submission: One Time Only.

Reporting Burden .....	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
.....	300	1		1.15		345