Wednesday
November 3, 1999

Part VI

Department of Housing and Urban Development

Funding Availability; Public Housing Drug Elimination Program; Gun Buyback Violence Reduction Initiative; Notice
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4451-N-05]

Notice of Funding Availability; Public Housing Drug Elimination Program; Gun Buyback Violence Reduction Initiative

AGENCY: Office of Public and Indian Housing, HUD.

ACTION: Notice of Funding Availability (NOFA) for Public Housing Drug Elimination Program Gun Buyback Violence Reduction Initiative.

SUMMARY: The purpose of this notice is to affirm that gun buyback initiatives are an eligible activity under the public housing drug elimination program and to provide funding information and program guidelines for gun buyback programs. PHAs may reprogram a portion of their FY 1999 PHDEP grant dollars in order to devote such resources to gun buyback violence reduction initiatives. To encourage PHAs to devote a nationwide total of up to $10.5 million of their FY 99 PHDEP grant funds to gun buyback violence reduction initiatives in cooperation with local law enforcement agencies, HUD through this notice is making an additional $4.5 million available for gun buyback violence reduction initiatives. This $4.5 million will be awarded on a first-come, first-served basis to PHAs that submit their reprogramming requests in accordance with this notice to provide approximately an additional $43 dollars for every $100 of FY 1999 PHDEP funds reprogrammed for gun buyback violence reduction initiatives.

This notice also provides guidance to PHAs on the use of the additional $4.5 million of Drug Elimination grant funds that the Department is making available to PHAs to increase the amount available for buybacks and for the development, outreach, technical assistance, training, assessment and execution activities related to the gun buyback violence reduction initiatives. HUD estimates that this initiative has the potential to remove more than 300,000 guns from circulation.

Contained in the body of this document is further information concerning the purpose of the NOFA, applicant eligibility, available amounts, submission requirements, and application processing, including how to apply, and how selections will be made.

DATES: Applications may be submitted at any time after publication of this notice. The application due date is December 3, 1999, or until all available funds have been awarded. Eligible applications that comply with the requirements of this notice will be funded on a first-come, first-served basis to the extent funding remains available.

ADDRESS: To participate in this initiative and apply for funding under this Notice, a housing agency must submit an application to the U.S. Department of Housing and Urban Development, Grants Management Center, 501 School Street, SW, Suite 800, Washington, DC 20024, Attention: Gun Buyback Initiative. Applications may simply consist of a letter of request as long as it contains the information required by this Notice.

FOR FURTHER INFORMATION CONTACT: Cedric Brown, Program Analyst, Community Safety and Conservation Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4206, Washington, DC 20410, telephone (202) 708-1197 x.4057. Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339. Also, please see HUD's website at http://www.hud.gov/pih/legis/titlev.html for additional PHDEP information.

SUPPLEMENTARY INFORMATION:

I. Authority

The Public Housing Drug Elimination Program is authorized under the Public and Assisted Housing Drug Elimination Act. Public Law 105-276 (the FY 1999 HUD Appropriations Act) appropriated $310,000,000 for the Public and Assisted Housing Drug Elimination Program. Of that amount, approximately $230,750,000 is being made available for PHDEP grants in FY 99. Of the total $310,000,000 appropriated for the Public and Assisted Housing Drug Elimination Program, the FY 1999 HUD Appropriations Act also set aside $10,000,000 for “grants, technical assistance, contracts and other assistance, training, and program assessment and execution". Approximately $4,500,000 of this $10,000,000 set aside amount is being made available under this notice for the development, outreach, technical assistance, training, assessment and execution activities related to gun buyback violence reduction initiatives. As discussed in this notice, HUD is encouraging PHAs to reprogram a portion of their FY 1999 PHDEP grant funds to implement and operate gun buyback violence reduction initiatives in cooperation with local law enforcement agencies.

II. Amount Allocated

Public Law 105-276 (the FY 1999 HUD Appropriations Act) appropriated $310,000,000 for the Public and Assisted Housing Drug Elimination Program. Of that amount, approximately $230,750,000 is being made available for PHDEP grants in FY 99. Of the total $310,000,000 appropriated for the Public and Assisted Housing Drug Elimination Program, the FY 1999 HUD Appropriations Act also set aside $10,000,000 for “grants, technical assistance, contracts and other assistance, training, and program assessment and execution". Approximately $4,500,000 of this $10,000,000 set aside amount is being made available under this notice for the development, outreach, technical assistance, training, assessment and execution activities related to gun buyback violence reduction initiatives.
HUD is sponsoring the initiative announced in this notice through its Public Housing Drug Elimination Program to promote the cooperation of PHAs and local law enforcement agencies in conducting gun buyback initiatives aimed at reducing accidental or unintentional shootings, suicides, domestic violence and other forms of gun violence. HUD is inviting PHAs who are recipients of FY 1999 PHDEP funding to reprogram a portion of their PHDEP funding to implement gun reduction initiatives in their localities.

To encourage the participation of PHAs in this initiative, HUD will provide a participating PHA with additional funding to increase the amount of PHA dollars devoted to the gun buyback violence reduction initiative. In addition to reducing the number of accidental shootings, suicides, domestic and gun violence, gun reductions efforts have other positive aspects for housing and community residents such as:

- Raising public consciousness about community safety and soliciting neighborhood participation in crime control efforts.
- Acting as a visible deterrent to criminal activity.
- Increasing police presence in communities.
- Establishing stronger bonds between the community and the police, which might aid in more cooperative crime prevention and crime resolutions.
- Increasing trust in the police on the part of the community.
- Affording the community an active role in the fight against accidental shootings, suicides, domestic violence, violent crimes and firearm related criminal activity.
- Involving community businesses as cosponsors of these programs, which could bring about more resources and publicity in support of the gun reduction efforts.

While these factors and reports of the success of gun buyback initiatives have been sufficiently favorable to encourage HUD to undertake this effort, the total amount of HUD assistance being devoted to this effort under this notice is capped at a total of $10.5 million in Fiscal Year 1999 (FY99) PHDEP program funding, plus the additional $4.5 million. HUD will sponsor an independent assessment of this initial effort to more accurately and objectively determine the effectiveness of such initiatives before expanding this effort further. PHAs and local law enforcement agencies participating in the initiative under this notice may be contacted to participate in this assessment.

IV. Application Procedures and Requirements

A. General Overview

PHDEP funds are made available to a PHA to be used in a manner consistent with the PHA’s PHDEP plan to address drug-related, violent and criminal activity in and around public housing. Therefore, to participate in this initiative, a PHA must reprogram a portion of the funds in its PHDEP plan for gun buyback violence reduction activities. Before funds are awarded under this notice, a PHA will have to submit a reprogramming request for HUD approval.HUD will review each reprogramming request as it is received and upon approval of the request will authorize additional funding at a rate of approximately $43 for every $100 dollars of FY 1999 PHDEP funding reprogrammed. This represents an additional 43 percent of funding for the PHA’s gun buyback violence reduction. HUD approval will consist of HUD signing off on the reprogramming request and MOU (an executed agreement to carry out the gun buyback initiative) between the PHA and the local police, and having HUD amend the PHDEP grant award to the PHA to support the gun reduction effort.

Because of the security issues involved, the gun buyback activities must be conducted by the local law enforcement agency. The FY 1999 PHDEP funds for this gun reduction initiative fall under the categories of eligible PHDEP activities of “programs designed to reduce use of drugs in and around public or federally assisted low-income housing projects, including drug-abuse prevention, intervention, referral, and treatment programs”, provided in 42 U.S.C. 11903(a)(6) and, under appropriate circumstances, reimbursement of local law enforcement agencies for additional security and protective services, as provided in 42 U.S.C. 11903(a)(2). Funds for buyback activities may not be drawn until the grantee has executed an agreement or Memorandum of Understanding for the additional law enforcement services. The full amount of PHDEP funds that are reprogrammed should be used for the actual buyback costs. HUD also strongly recommends that the additional 43 percent of funding made available be used for gun buyback costs to maximize the number of guns taken out of circulation.

In addition to the use of reprogrammed FY 1999 PHDEP funds and the additional funding made available under this NOFA, PHAs may and are encouraged to use funding from other sources, such as contributions from local government or the private sector, for their gun buyback/violence reduction initiatives. PHAs may, for example, negotiate with businesses in the community that vouchers exchanged for guns under the initiative provide an additional discount or value increase when redeemed at that business. PHAs and local law enforcement agencies are also strongly encouraged to seek out and obtain community cooperation and resources to leverage the costs of the development, outreach, technical assistance, training, assessment and execution activities related to the initiative, because a community-wide effort is likely to have the greatest positive impact.

B. Eligible Applicants

PHAs that are (1) recipients of FY 1999 PHDEP funding, (2) devoting a portion of that funding to gun buyback violence reduction initiatives, and (3) implementing their gun buyback initiatives in cooperation with local law enforcement agencies, as evidenced by letters of intent and executed agreement, may apply for a portion of the additional $4,500,000 TA funding under this notice.

C. Amount of Funding Per Applicant

Consistent with this notice, HUD will permit a PHA to reprogram up to $500,000 of its FY 1999 PHDEP funding to gun buyback violence reduction initiatives. In addition to the amount reprogrammed, PHAs will receive an additional amount of funding equal to approximately 43 percent of the FY 99 PHDEP dollars devoted to the gun buyback initiative.

D. Eligible Activities

Police conducting the buyback activity should accept for buyback firearms as defined under Federal, State or local law. The Federal law definition of a firearm is found at 18 U.S.C. 921(a)(3). In deference to local conditions and judgments, HUD will consider a wide range of gun buyback violence reduction activities, in accordance with the following:

1. Form of buyback exchange. HUD encourages these initiatives to offer gift certificates, food vouchers, certificates for merchandise such as toys, or other...
incentives of value to those who turn in
guns, in addition to or in place of cash
payments.
2. Amount of value per exchange.
HUD suggests value equivalent to $50 of
the HUD assistance provided to be
offered for each gun exchanged.
Additional value in the form of
discounts or extra merchandise made
available by businesses participating in
the initiative may also be offered.
3. Site of gun buyback activities.
While the PHDEP activities must be
planned to reduce drug-related, violent
and criminal activity in or around the
premises of public housing, perpetrators
of gun violence are frequently non-
resident predators of public housing.
Gun buyback activities, therefore, do not
need to be conducted on the PHA
premises in order to be effective.
However, it is anticipated that the gun
reduction effort will have a noticeable
impact on reducing the number of guns
and the risk of unintentional shootings
in the homes and communities of public
housing residents.

Once the police collect the weapons from the buyback
initiatives, the guns must be destroyed
so as not to be put back into use or
circulation, unless law enforcement
needs call for another action, such as
preservation of a gun as evidence or a
determination of whether a gun was
stolen or used in the commission of a
crime. If a gun is determined to be
stolen, it must be returned to its lawful
owner. Guns may not be resold or
exchanged for value, except in
connection with their destruction and
conversion to scrap, however, a gun
determined to be a curio or relic under
27 CFR 178.11 may be donated to a
State or Federal museum. Local law
enforcement agencies will be required to
include the following recovery, tracing
and destruction procedures in their
doing of firearms obtained under this
initiative:
(a) Certain firearms defined under the
National Firearms Act (NFA), 26 U.S.C.
5845(a), e.g., short-barreled shotguns,
generally must be registered with the
Bureau of Alcohol, Tobacco, and
Firearms (ATF). Local police will
consult with the ATF where NFA
firearms are surrendered in a buyback
program;
(b) Local police will conduct a search
de each surrendered firearm in the
National Crime Information Center
(NCIC).
(c) Where available, local police will
test each surrendered firearm using an
automated ballistics information system
such as JIRE.
(d) Where appropriate, certain
surrendered firearms should be traced.

For example, firearms possessed in
violation of local law or ordinance, NFA
firearms, firearms with an obliterated
serial number, or firearms that are
determined by local law enforcement to
be associated with crime must be traced
where possible.

E. Application Submission
Requirements
Each application for funding under
this notice must include the following:
1. A written statement briefly
describing which activities in the PHA’s
PHDEP plan would be reprogrammed,
and the resulting reprogrammed amount
of FY 1999 PHDEP funding to be used for
the gun buyback reduction activities;
2. A brief description of the proposed
gun buyback initiative, including the
gun recovery, tracing, and destruction
procedures that will be followed, in
accordance with the requirements and
guidelines of this notice;
3. Letters of intent. A letter of intent
signed by the chief of the local law
enforcement agency to conduct the gun
buyback initiative for the PHA’s
PHDEP plan, and the resulting
reprogrammed amount of FY 1999
PHDEP funding to be used for the gun
buyback reduction activities;
4. Amount of value per exchange.

As HUD receives applications, it will
log them in by date and time. HUD will
notify each PHA applicant that it is
eligible to reprogram its PHDEP funds in
the amount indicated in the application
until a total of $10.5 million of FY 1999
PHDEP funding has been designated
eligible for reprogramming. Before
additional funds are awarded, the PHA
will be required to submit its formal
programming request describing which
activities in the PHA’s PHDEP plan are
being reprogrammed, and the
reprogrammed amount of FY 1999
PHDEP funding to be used for the gun
buyback reduction activities. The PHA
must also submit an executed agreement
with the local law enforcement agency
to conduct the gun buyback initiative
in accordance with the description
submitted, and a letter of intent from the
defense executive officer (generally the
mayor or county executive) of the unit of
local government for the jurisdiction
indicating the cooperation and support
of the local jurisdiction.

F. Award Process
As HUD receives applications, it will
log them in by date and time. HUD will
notify each PHA applicant that it is
eligible to reprogram its PHDEP funds in
the amount indicated in the application
until a total of $10.5 million of FY 1999
PHDEP funding has been designated
eligible for reprogramming. Before
additional funds are awarded, the PHA
will be required to submit its formal
programming request describing which
activities in the PHA’s PHDEP plan are
being reprogrammed, and the
reprogrammed amount of FY 1999
PHDEP funding to be used for the gun
buyback reduction activities. The PHA
must also submit an executed agreement
with the local law enforcement agency
to conduct the gun buyback initiative
in accordance with the description
submitted, and a letter of intent from the
defense executive officer (generally the
mayor or county executive) of the unit of
local government for the jurisdiction
indicating the cooperation and support
of the local jurisdiction.

V. Certifications and Findings
Environmental Impact
This notice does not direct, provide
for assistance or loan and mortgage
insurance for, or otherwise govern or
regulate, real property acquisition,
disposition, leasing, rehabilitation,
alteration, demolition, or new
construction, or establish, revise or
provide for standards for construction or
construction materials, manufactured
housing, or occupancy. Accordingly,
under 24 CFR 50.19(c)(1), this notice is
categorically excluded from
environmental review under the
National Environmental Policy Act of

Paperwork Reduction Act Statement
The information collection requirements for the Public Housing
Drug Elimination Program were
submitted to the Office of Management and Budget for review under the
provisions of the Paperwork Reduction
Act of 1995 (44 U.S.C. 3501–3520) and
have been assigned OMB control
number 2577–0124. An agency may not
conduct or sponsor, and a person is not
required to respond to, a collection of
information unless the collection
displays a valid control number.

Federalism, Executive Order 12612
The General Counsel, as the
Designated Official under section 6(a) of
Executive Order 12612, Federalism, has
determined that the policies contained
in this notice will not have substantial
direct effects on States or their political
subdivisions, or on the relationship
between the Federal Government and
the States, or on the distribution of
power and responsibilities among the
various levels of government.
Specifically, the notice seeks to
encourage the undertaking of a specific
eligible activity under the Public
Housing Drug Elimination Program, and
does not impinge upon the relationships
between the Federal government and
State and local governments. As a result,
the notice is not subject to review under
the Order.

Catalog of Domestic Assistance Number
The Catalog of Domestic Assistance
number for the Public Housing Drug
Elimination Program is 14.854.


Harold Lucas,
Assistant Secretary for Public and Indian
Housing.

FR Doc. 99–28856 Filed 11–2–99; 8:45 am
BILLING CODE 4210–33–P