

Ensuring NAHMA Members Receive the Latest News and Analysis of Breaking Issues in Affordable Housing

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Ethnicity and Race Data Collection--Update

Effective Date or Deadline

Information included in this update is current as of September 15, 2003.

Background

This comes as a follow-up to recent developments related to the prospects of working with HUD to issue a standardized, official form for collecting ethnicity and race information from individual tenants. For a detailed account of the history of the ethnicity and race data collection, please see NAHMAanalysis 2003- 0808.

Since HUD began requiring owners and agents to “offer tenants the opportunity to self-certify” their ethnicity and race, NAHMA has repeatedly urged the Department to issue an official OMB-approved form to collect the information. In a letter dated June 3, 2003, HUD stated that the Office of Housing received permission to use an official standardized form, HUD-27061, for this purpose. The letter said a notice was being prepared which would instruct owners and agents to use this form. It also advised continued use of the March 18 “format” until such guidance was issued.

NAHMA was encouraged by the prospects of having an official form to collect this information. However, we also pointed out that HUD-27061 was designed for collecting aggregate ethnicity and racial information. NAHMA informed HUD on several occasions that this form could not be used for a tenant’s individual self-certification without substantial modification of the form and instructions.

Summary

HUD is seeking renewed Paperwork Reduction Act approval from the Office of Management and Budget (OMB) for its standardized form to collect aggregate ethnicity and race information (form HUD-27061). HUD announced its intention to seek renewed approval for form HUD-27061 in the September 9 *Federal Register*.

NAHMA obtained the documentation that HUD sent to OMB to support renewing HUD-27061. Upon review, NAHMA determined the minor revisions proposed to the form would still not permit us to use it for collections on individual tenants. Furthermore, the supporting documentation sent to OMB acknowledged HUD-27061 is intended to be an aggregate reporting form and noted, “At this time the Department has no plans to develop an individual collection form for this purpose.”

NAHMA promptly followed-up with HUD to determine whether plans to use form HUD-27061 for tenant self-certifications had changed.

Issues of Concern to NAHMA

NAHMA members have been frustrated about being required to implement a controversial data collection without the legitimacy of an OMB-approved form and without having the capability in TRACS to report the new information.

After receiving past indications from the Office of Housing that HUD-27061 would be used for the tenant self certification, and then discovering that the revised form would remain unsuitable for this purpose, NAHMA submitted two critical questions to HUD. NAHMA specifically asked:

1. “Does the Department still intend to instruct owners and agents to use HUD-27061 for the ethnicity and racial information collection?” and
2. “Absent necessary modifications to HUD-27061 which would make it usable for collecting information on individual tenants, will the Office of Housing issue its own official, OMB-approved form for this purpose?”

Positive Aspects of This Policy/Proposal

HUD staff informally responded to NAHMA’s query by e-mail. The response we received suggested that an official OMB-approved form to collect ethnicity and race information from individual tenants may be forthcoming.

On September 15, key staff in HUD’s Office of Housing informally told NAHMA that, “[the Office of] Housing will pursue obtaining its own OMB approved form.” The staff person also indicated an internal process for obtaining OMB approval had already begun.

NAHMA's position

NAHMA believes collecting the required information from individual tenants with an official appropriately designed HUD form is a far more preferable alternative to the unofficial "format." An official HUD form gives owners / managers credibility with tenants who fear this information collection will be used for discrimination, and it clarifies that collection of this information is the result of actual, existing HUD policy.

It is NAHMA's position that HUD should issue an official, OMB-approved form to collect this information on individual tenants. Although we continue to believe this data collection is bad public policy, an official OMB-approved form would give legitimacy to the collection. This form should also include an option in which the *tenant*, rather than the owner / agent, could indicate his or her refusal to self-certify the requested ethnic and racial information. Furthermore, we believe this official form should be applicable to all housing programs to minimize the administrative burden on managers with mixed-subsidy properties.

We welcome the Office of Housing's indications that they will seek approval for an official form. NAHMA will continue to follow-up on this matter until it is resolved with a real, usable form. Additionally, we will continue working to address other important concerns such as TRACS capability.