

10. Testimony by Stephen Stefano, Vice President and General Manager, Health Management Division, Glaxo Wellcome, at FDA public hearing, October 19, 1995, p. 22; and complaints directed to DDMAC by other drug sponsors.

11. Brown, J. G., "Experiences of Health Maintenance Organizations with Pharmacy Benefit Management Companies," Department of Health and Human Services Office of Inspector General, Office of Evaluation and Inspections, Boston Regional Office; OEI-01-95-00110; April 1997.

12. See *Pfizer, Inc. v. PCS Health Sys., Inc.*, No. 126154/95 (N.Y. Sup. Ct. October 27, 1995) (Pfizer Complaint).

13. See *Pfizer, Inc. v. PCS Health Sys., Inc.*, No. 126154/95, at 5-11 (N.Y. Sup. Ct. November 21, 1995) (Pfizer's supplemental memorandum).

14. Brown, J. G., "Experiences of Health Maintenance Organizations with Pharmacy Benefit Management Companies," Department of Health and Human Services Office of Inspector General, Office of Evaluation and Inspections, Boston Regional Office; OEI-01-95-00110; April 1997.

15. Testimony by Stephen Stefano, Vice President and General Manager, Health Management Division, Glaxo Wellcome, at FDA public hearing, October 19, 1995, p. 21-22; and a complaint directed to DDMAC by another pharmaceutical sponsor.

## V. Comments

Interested persons may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 29, 1997.

**William B. Schultz,**

*Deputy Commissioner for Policy.*

[FR Doc. 98-85 Filed 1-2-98; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4263-N-66]

### Notice of Proposed Information Collection for Public Comment

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice

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

**DATES:** Comments due: March 6, 1998.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, S.W., Room 4238, Washington, DC 20420-5000.

**FOR FURTHER INFORMATION CONTACT:** Mildred M. Hamman, (202) 708-3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to 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.

This Notice also lists the following information:

*Title of Proposal:* Demolition/Disposition Application.

*OMB Control Number:* 2577-0075.

*Description of the need for the information and proposed use:* Housing Agencies (HAs) are required to submit this information to HUD to request permission to demolish or sell all or a portion of a development (i.e., dwelling units, non-dwelling property or vacant land) owned and operated by a HA. The specific information requested in the application is based on requirements of the statute, Section 18 of the United States Housing Act of 1937, as amended, and specifically identified in 24 CFR Part 970 of the regulation. The Department uses the information submitted to determine whether, and under what circumstances, to permit a HA to demolish or sell all or a portion of a public housing development. Since there is no handbook on demolition/disposition of public housing, in the past, the only resource available to HAs for guidance on preparation of the application has been the regulation.

*Agency form numbers, if applicable:* HUD-52860.

*Members of affected public:* State, Local Government.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* 120 respondents, on occasion, 16 hours average per response, 1,920 total reporting burden hours.

*Status of the proposed information collection:* Revision, new format.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: December 24, 1997.

**Elinor Bacon,**

*Deputy Assistant Secretary for Public Housing Investments.*

BILLING CODE 4210-33-M

# Demolition / Disposition Application

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-YYYY (exp. mm/dd/yy)

Public reporting burden for this collection of information is estimated to average x.xx hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Do not send this form to the above address.

(NB: The new Paperwork Reduction Act requires additional information to be included here. Please see Gloria Diggs or Kay Weaver for details.)

# Draft

## Section 1: General Information

1. Name of PHA:		2. Date of Application: (mm/dd/yyyy)	
3. Address of PHA No. & Street:		City:	State: Zip code:
4. Phone No. of PHA:	Fax No:	E:mail Address:	
5. Executive Director's Name:			
Phone No:	Fax No:	E:mail Address:	
6. Primary Contact's Name:			
Phone No:	Fax No:	E:mail Address:	

## Section 2: Long-Term Possible Impact of Proposed Action

### Performance Funding Subsidy (PFS)

In FY \_\_\_\_\_, this HA received \$ \_\_\_\_\_ per unit in PFS funds.

The HA realizes that after this activity takes place, PFS will decrease by \$ \_\_\_\_\_ /year. (number of units proposed X subsidy per unit)

### Comprehensive Grant Program (CGP)

In FY \_\_\_\_\_, this HA received \$ \_\_\_\_\_ per unit in CGP funds.

The HA realizes that after this activity takes place, CGP funding will decrease approximately by \$ \_\_\_\_\_ /year.

## Section 3: Board Resolution and Environmental Review 24 CFR 970

- Has the board approved the submission of this application?  Yes  No If "no," attach explanation and reference it as Section 2, line 1.
- If "yes," the board resolution number  3. Date of the board resolution
- Has the HA contacted the HUD Field Office to initiate the environmental review?  Yes  No If "no," why not?

5. I certify that all information contained in the application is true as for the date of this application.

Name of Executive Director \_\_\_\_\_

Signature X \_\_\_\_\_

Date \_\_\_\_\_



Section 4 thru 9 must be completed for each development in the application. If more than one development is included in the application, reproduce these pages for each development and provide a summary in the table provided on page 2.

Development Number:

Section 4: Description of Property 24 CFR 970.8

1. Name of the Development \_\_\_\_\_ 2. Development Number \_\_\_\_\_

3. Date of Full Availability (mm/dd/yyyy) \_\_\_\_\_ 4. No. of Residential Buildings \_\_\_\_\_ No. of Non-Residential Buildings \_\_\_\_\_

6. Development Type  
 Scattered Site  Contiguous Site

7. Number of Building Types  
 Single Family Houses \_\_\_\_\_ Duplexes \_\_\_\_\_ 3-Plexes \_\_\_\_\_ 4-Plexes \_\_\_\_\_ Other (explain) \_\_\_\_\_

8. Number of Types of Structures  
 Row House Units \_\_\_\_\_ Walk-Up Units \_\_\_\_\_ High Rise Units \_\_\_\_\_

9. Existing Unit Distribution

	Family Units	Elderly Units	Total Units Being Used for Non-Dwelling Purposes	Total Units in Development
0 Bdrm				
1 Bdrm				
2 Bdrms				
3 Bdrms				
4 or more Bdrms				
Total *				

10. Total Acres of the Development \_\_\_\_\_

\* Enter in Section 6, line 4c.

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Section 5: Description of Proposed Action by Project 24 CFR 970.8

1. Check one

- Complete Demolition  Partial Demolition  Disposition Only  Demolition and Disposition

2. By Unit Type	Units to be Demolished Only	Units to be Disposed of Only
0 Bdrm Elderly		
0 Bdrm Family		
1 Bdrm Elderly		
1 Bdrm Family		
2 Bdrms Elderly		
2 Bdrms Family		
3 Bdrms Family		
4 or more Bdrms Family		
Totals *		

3. By Building Type	Buildings to be Demolished Only	Buildings to be Disposed of Only
Residential Buildings		
Non-Residential Buildings		
Total Buildings		

4. Acres included in Proposed Disposition \_\_\_\_\_

5. Site Map (provide an attachment and reference it as Section 5, line 5)

6. If this is a Disposition Application, estimate of Project Debt \$ \_\_\_\_\_

\* Enter in Section 6, line 4a or b.

7. If application is a partial demolition/disposition of the development, provide the address, building numbers, and name of each building to be demolished or disposed of (provide an attachment and reference it as Section 5, line 7).

8. In the case of disposition of vacant land, provide the legal description of each parcel of land (provide an attachment and reference it as Section 5, line 8).

9. If disposition, what is the appraised value determined by an independent appraisal? (include a copy of the appraisal and reference it as Section 5, line 9) \$ \_\_\_\_\_

10. Which of the following describe the proposed disposition? (check all that apply)

- A.  Disposition at Fair Market Value via Public Sale B.  Negotiated Sale C.  Sale at Less than Fair Market Value

If B and/or C are checked, provide a justification and reference it as Section 5, line 10. (see instructions).

11. Calculation of Net Proceeds:

Estimated Sales Price	minus	Debt	minus	Cost & Fees	equals	Estimate Net Proceeds
\$ _____	-	\$ _____	-	\$ _____	=	\$ _____

12. How will the Net Proceeds be used? (provide an attachment and reference it as Section 5, line 11)

13. When will a contract for Disposition be executed? By \_\_\_\_\_ (mm/yyyy) Or \_\_\_\_\_ (number of months) after HUD approval

14. If **Demolition**, what is the estimated cost of demolition? (Include professional fees, hazardous waste removal, building and site improvement, demolition, and seeding and sodding of land. Do not include relocation costs or site improvements such as landscaping, playground, retaining walls, streets, sidewalks, etc.) \$

15. When will a contract for Demolition be executed? By \_\_\_\_\_ (mm/yyyy) Or \_\_\_\_\_ (number of months) after HUD approval

16. Calendar year of Demolition/Disposition if doing in one year:

17. If Demolition/Disposition is phased, complete a Time Table for each year. If more than four years are proposed, **provide an attachment and reference to Section 5, line 17.**

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Phase	Calendar Year of Contract		Year of Years	
Elderly Units No.	Family Units No.	Totals		
0 Bdrm	0 Bdrm			
1 Bdrm	1 Bdrm			
2 Bdrms	2 Bdrms			
	3 Bdrms			
	4 or more Bdrms			

Phase	Calendar Year of Contract		Year of Years	
Elderly Units No.	Family Units No.	Totals		
0 Bdrm	0 Bdrm			
1 Bdrm	1 Bdrm			
2 Bdrms	2 Bdrms			
	3 Bdrms			
	4 or more Bdrms			

Phase	Calendar Year of Contract		Year of Years	
Elderly Units No.	Family Units No.	Totals		
0 Bdrm	0 Bdrm			
1 Bdrm	1 Bdrm			
2 Bdrms	2 Bdrms			
	3 Bdrms			
	4 or more Bdrms			

Phase	Calendar Year of Contract		Year of Years	
Elderly Units No.	Family Units No.	Totals		
0 Bdrm	0 Bdrm			
1 Bdrm	1 Bdrm			
2 Bdrms	2 Bdrms			
	3 Bdrms			
	4 or more Bdrms			

**Section 6: Justification for Demolition and/or Disposition 24 CFR 970**

1. Check all that apply and **provide an attachment and reference it as Section 6, line 1** to support all applicable conditions.

**Demolition**

- 970.6(a) In the case of demolition of all or a portion of project, the project, or portion of the project, is obsolete as to physical condition, location, or other factors, making it unusable for housing purposes and no reasonable program of modifications, is feasible to return the project or portion of the project to useful life. The Department generally shall not consider a program of modifications to be reasonable if the costs of such program exceed 90 percent of total development cost (TDC). Major problems indicative of obsolescence are:
- 970.6(a)(1) As to physical condition: Structural deficiencies (e.g., settlement of earth below the building caused by inadequate structural fills, faulty structural design, or settlement of floors), substantial deterioration (e.g., severe termite damage or damage caused by extreme weather conditions), or other design or site problems (e.g., severe erosion or flooding);
- 970.6(a)(2) As to location: physical deterioration of the neighborhood; change from residential to industrial or commercial development; or environmental conditions as determined by HUD environmental review in accord with part 50 of this title, which jeopardize the suitability of the site or a portion of the site and its housing structures for residential use;
- 970.6(a)(3) Other factors which have seriously affected the marketability, usefulness, or management of the property.
- 970.6(b) In the case of demolition of only a portion of a project, the demolition will help to assure the useful life of the remaining portion of the project (e.g., to reduce project density to permit better access by emergency, fire, or rescue services).

**Disposition**

- 970.7(a) Retention is not in the best interests of the tenants and the PHA because at least one to the following criteria is met:
- 970.7(a)(1) Developmental changes in the area surrounding the project (e.g., density, or industrial or commercial development) adversely affect the health or safety of the tenants or the feasible operation of the project by the PHA;
- 970.7(a)(2) Disposition will allow the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as lower income housing projects, and that will preserve the total amount of lower income housing stock available to the community. A PHA must be able to demonstrate to the satisfaction of HUD that the additional units are being provided in connection with the disposition of the property;
- 970.7(a)(3) there are other factors justifying disposition that HUD determines are consistent with the best interests of the tenants and the PHA and that are not inconsistent with other provisions of the Act. As an example, if the property meets any of the criteria for demolition under 970.6, it may be disposed of under this criterion (970.7(a)(3)), subject to conditions that HUD may impose (e.g., demolition to follow disposition in order to ensure abatement of a threat to safety or health).
- 970.7(b) In the case of disposition of property other than dwelling units (1) the property is determined by HUD to be excess to the needs of the project (after EIOP), or (2) the disposition of the property is incidental to, or does not interfere with, continued operation of the remaining portion of the project

2. Total Development Cost (TDC) Calculation

Based on HUD Notice \_\_\_\_\_ For Locality \_\_\_\_\_

If justification is based upon obsolescence of the units/buildings, complete the applicable calculation below for the unit proposed for demolition for each project.

	No. of Units	times	TDC per Unit	equals	TDC
0 - Bdrm Detached & SemiDetached		x		=	
0 - Bdrm Row Delling		x		=	
0 - Bdrm Walk-Up		x		=	
0 - Bdrm Elevator		x		=	
1 - Bdrm Detached & SemiDetached		x		=	
1 - Bdrm Row Delling		x		=	
1 - Bdrm Walk-Up		x		=	
1 - Bdrm Elevator		x		=	
2 - Bdrms Detached & SemiDetached		x		=	
2 - Bdrms Row Dwelling		x		=	
2 - Bdrms Walk-Up		x		=	
2 - Bdrms Elevator		x		=	
3 - Bdrms Detached & SemiDetached		x		=	
3 - Bdrms Row Delling		x		=	
3 - Bdrms Walk-Up		x		=	
3 - Bdrms Elevator		x		=	
4 - Bdrms Detached & SemiDetached		x		=	
4 - Bdrms Row Delling		x		=	
4 - Bdrms Walk-Up		x		=	
4 - Bdrms Elevator		x		=	
5 - Bdrms Detached & SemiDetached		x		=	
5 - Bdrms Row Delling		x		=	
5 - Bdrms Walk-Up		x		=	
5 - Bdrms Elevator		x		=	
6 - Bdrms Detached & SemiDetached		x		=	
6 - Bdrms Row Delling		x		=	
6 - Bdrms Walk-Up		x		=	
6 - Bdrms Elevator		x		=	
Total				=	\$

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3. Estimated Cost of Rehabilitation.

Provide an attachment showing cost breakdown and reference it as Section 6, line 3. \$ \_\_\_\_\_

4. How many of the following units are occupied at the time of application submission?

- a. Units proposed for **demolition** \_\_\_\_\_ (No.) of the \_\_\_\_\_ units (copy number from Section 5, line 2) designated for demolition are occupied.
- b. Units proposed for **disposition** \_\_\_\_\_ (No.) of the \_\_\_\_\_ units (copy number from Section 5, line 2) designated for disposition are occupied.
- c. Units **remaining** after demolition/disposition \_\_\_\_\_ (total existing units; copy from Section 4, line 9) minus \_\_\_\_\_ (from 4a.) minus \_\_\_\_\_ (from 4b.) = \_\_\_\_\_ remaining units.

How many of the remaining units are occupied? \_\_\_\_\_

If any occupied units are listed in a or b, complete Section 7, line 1.

Occupancy

5. Occupancy Information as of the date of the application.

	Occupied Units	Units Vacant for less than 12 months	Units Vacant for 12 or more months	Total Vacant Units	Total Units Occupied and Vacant
0 - Bdrm					
1 - Bdrm					
2 - Bdrms					
3 - Bdrms					
4 - Bdrms					
5 - Bdrms					
6 - Bdrms					
Totals					

**Section 7: Relocation 24 CFR 970**

1. How many **individuals** will be effected by this action?
2. How will counseling and advisory services be provided? **Provide an attachment explaining and reference it as Section 7, line 2 .**
3. What housing resources are expected to be used for relocation?
  - Other Public Housing
  - Section 8
  - Other (**Provide an attachment explaining and reference it as Section 7, line 3 .**)

	Per Unit Cost	x	No. of Units	=	Total
4. Estimated cost of counseling and advisory services	\$			=	
5. Estimated cost of moving expenses	\$			=	
6. Total cost of relocation expenses				=	\$

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7. What sources of funding will be used to pay relocation purposes?
  - Operating Funds
  - Comp Grant
  - CIAP
  - HOPE VI
  - Other (**Provide an attachment explaining and reference it as Section 7, line 7 .**)
8. Has the HA provided residents with a **general information notice** advising them of the possible affects of proposed action?  
**Provide an attachment explaining and reference it as Section 7, line 8 .**
9. How days in advance of actual relocation will the HA issue a **notice of eligibility** to each family to be affected by the relocation?
10. Does the HA ensure that no demolition will take place before residents are relocated from those units being demolished?  
**Provide an attachment explaining and reference it as Section 7, line 10 .**
11. Has the executive director provided a certification of compliance with Uniform Relocation Act?  
**Provide an attachment explaining and reference it as Section 7, line 11 .**

**Section 8: Resident Consultation 24 CFR 970**

1. Is there a resident organization at the development?  Yes  No  
**Provide an attachment explaining and reference it as Section 8, line 1 .**
2. Is there a PHA-wide resident organization?  Yes  No  
**Provide an attachment explaining and reference it as Section 8, line 2 .**
3. Were written comments received from any resident or resident organization?  Yes  No  
**Provide an attachment explaining the HA's response/evaluation to each and reference it as Section 8, line 3 .**

**Section 9: Section 412 Offer of Sale 24 CFR 970**

1. Did the HA provide an offer of sale to the resident organization(s) at the developments?  Yes  No  
**If "yes," provide documentation of offer and response or certification of non-response and reference it as Section 9, line 1 .**
2. If no organization existed, did the HA provide opportunity to form a resident organization?  Yes  No  
**If "no," provide an explanation and reference it as Section 9, line 2 .**
3. Is the HA exercising any of the exceptions to the offer of sale requirement permitted by 24 CFR 970.13(a)(2)?  Yes  No  
**If "yes," which of the following exceptions apply? Check all that apply and provide an attachment explaining and reference it as Section 9, line 3 .**
  - 970.13(a)(2) (i) The PHA has determined that the property proposed for demolition is an imminent threat to the health and safety of residents.
  - 970.13(a)(2) (ii) The local government has condemned the property proposed for demolition.
  - 970.13(a)(2) (iii) A local government agency has determined and notified the PHA that units must be demolished to allow access to fire and emergency equipment.
  - 970.13(a)(2) (iv) The PHA has determined that the demolition of selected portions of the development in order to reduce density is essential to ensure the long term viability of the development or the PHA (but in no case should this be used cumulatively to avoid Section 412 requirements).
  - 970.13(a)(2) (v) A public body has requested to acquire vacant land that is less than two acres in order to build or expand its services (e.g., a local government wishes to use the land to build or establish a police substation).
  - 970.13(a)(2) (vi) PHA seeks disposition outside the public housing program to privately finance or otherwise develop a facility to benefit low-income families (e.g., day care center, administrative building, other types of low-income housing).