



HUD-NPMA-99A & HUD-NPMA-99B Reauthorization

Objective

To provide guidance to lenders, borrowers, construction companies, the structural pest management industry and to any other affected stakeholders concerning the validity of HUD-NPMA-99A and HUD-NPMA-99B after May 30, 2018.

HUD-NPMA-99A and HUD-NPMA-99B will remain valid for up to one year after the stated expiration date, or until the Office of Management and Budget (OMB) reissues the forms with a new expiration date.

Background

The Department of Housing and Urban Development (HUD) requires all HUD insured new structures to be free of termite hazards¹. To ensure compliance, HUD requires the completion of HUD-NPMA-99A by the builder and HUD-NPMA-99B by a licensed pest management professional detailing proper treatment.

Due to a May 30, 2018 expiration date, HUD-NPMA-99A and HUD-NPMA-99B are required to go through reauthorization through the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995.²

On April 18, 2018 HUD issued a [60-Day Notice of Proposed Information Collection](#) in the Federal Register in advance of the forms May 30, 2018 expiration date. During this time interested parties are given an opportunity to comment on the value and uses of HUD-NPMA-99A and HUD-NPMA-99B. The Proposed Information Collection will be submitted to OMB for final review.

To date, OMB has not reauthorized or rejected HUD-NPMA-99A or HUD-NPMA-99B.

Regulatory Process and Continued Validity

The Paper Work Reduction Act of 1995 is the controlling U.S. code with regard to the information collection process for federal agencies, like HUD. HUD notice in the Federal Register complied with the Act and indicates that HUD will submit HUD-NPMA-99A and HUD-NPMA-99B to the OMB, and then the Director of the OMB is required to act. The Paper Work Reduction Act states:

¹ [24 CFR 200.926d\(b\)\(3\)](#) "Construction Requirements"

² [44 U.S.C. Chapter 35, as amended](#)

“44 U.S.C. § 3507 (c)

(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

(A) the approval may be inferred;

(B) a control number shall be assigned without further delay; and

(C) the agency may collect the information for not more than 1 year.”

With regard to the reauthorization of HUD-NPMA-99A and HUD-NPMA-99B the Director of OMB has failed to notify HUD of a denial or approval within 60 days prescribed by the code. Therefore, the approval may be inferred, the original OMB Approval No. 2502-0525 remain active, and both HUD-NPMA-99A and HUD-NPMA-99B remain valid for up to one year, or until OMB reauthorizes a new expiration date.

This same scenario played out in 2015 and 2016. Both HUD-NPMA-99A and HUD-NPMA-99B were set to expire in April of 2015, and HUD had similarly issued a Notice of Proposed Information Collection in the Federal Register prior to the expiration date of the forms. OMB failed to reissue the forms until the following year in April of 2016. During this time period the forms that appeared to have expired, had not expired and remained in effect.

Similarly, to 2015 and 2016, both HUD-NPMA-99A and HUD-NPMA-99B remain valid and required forms regardless of the May 30, 2018 expiration date. HUD is waiting for OMB to act and OMB issued number remains valid pursuant to 44 U.S.C. § 3507 (c) of the Paperwork Reduction Act of 1995. Furthermore, the information collected on the forms remain a federal requirement to ensure that new structures are free of termite hazards³.

If you have any further questions or concerns, please contact Andrew Bray abray@pestworld.org or 1 (800) 678-6722.

³ [24 CFR 200.926d\(b\)\(3\)](#) “Construction Requirements”