

# Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 Seventeenth St. NW, Washington, DC 20503.

1. Agency/Subagency Originating Request:

**U.S. Department of Housing and Urban Development**  
Office of Single Family Housing – Office of Single Family Asset Management

2. OMB Control Number:

a. **2502-0268**      b. None

3. Type of information collection: (check one)

- a.  New Collection
- b.  Revision of a currently approved collection
- c.  Extension of a currently approved collection
- d.  Reinstatement, **without change**, of previously approved collection for which approval has expired
- e.  Reinstatement, **with change**, of previously approved collection for which approval has expired
- f.  Existing collection in use without an OMB control number

For b-f, note item A2 of Supporting Statement instructions.

4. Type of review requested: (check one)

- a.  Regular
- b.  Emergency - Approval requested by
- c.  Delegated

5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities?

- Yes  No

6. Requested expiration date:

- a.  Three years from approval date      b.  Other (specify)

7. Title:

**Request for Occupied Conveyance**

8. Agency form number(s): (if applicable)

HUD Form 9539

9. Keywords:

Housing, Property Disposition, Occupied Conveyance

10. Abstract:

Prior to acquisition, the mortgagee/loan servicer must provide a notice of acquisition and form HUD-9539 to any occupant of the property. The occupants may submit the form, which provides information on occupation, income, and obligations to HUD requesting to remain in the property. HUD uses the information to determine whether the occupant qualifies, to maintain rental accounts, and to facilitate collection of overdue rents. HUD may provide pertinent information to a local real estate broker who manages the property. Occupants who are accepted must execute a month-to-month lease.

11. Affected public: (mark primary with "P" and all others that apply with "X")

- a. **P** Individuals or households
- b. **X** Business or other for-profit
- c. Not-for-profit institutions
- e. Farms
- f. Federal Government
- g. State, Local or Tribal Government

12. Obligation to respond: (mark primary with "P" and all others that apply with "X")

- a. Voluntary
- b. **P** Required to obtain or retain benefits
- c. Mandatory

13. Annual reporting and recordkeeping hour burden:

- a. Number of respondents      10,015
- b. Total annual responses      74,750
- Percentage of these responses collected electronically      0%
- c. Total annual hours requested      21,125
- d. Current OMB inventory      21,125
- e. Difference (+,-)      0
- f. Explanation of difference:
  - 1. Program change:
  - 2. Adjustment:

14. Annual reporting and recordkeeping cost burden: (in thousands of dollars)

- Do not include costs based on the hours in item 13.
- a. Total annualized capital/startup costs      \$0.00
  - b. Total annual costs (O&M)      \$0.00
  - c. Total annualized cost requested      \$0.00
  - d. Total annual cost requested      \$0.00
  - e. Current OMB inventory      \$0.00
  - f. Explanation of difference:
    - 1. Program change:
    - 2. Adjustment:

15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X")

- a. **P** Application for benefits
- b. Program evaluation
- c. General purpose statistics
- d. **X** Audit
- e. **X** Program planning or management
- f. Research
- g. **X** Regulatory or compliance

16. Frequency of recordkeeping or reporting: (check all that apply)

- a.  Recordkeeping
- b.  Third party disclosure
- c.  Reporting:
  - 1.  On occasion
  - 2.  Weekly
  - 3.  Monthly
  - 4.  Quarterly
  - 5.  Semi-annually
  - 6.  Annually
  - 7.  Biennially
  - 8.  Other (describe)

17. Statistical methods:

Does this information collection employ statistical methods?  
 Yes  No

18. Agency contact: (person who can best answer questions regarding the content of this submission)

Name: Norm Jezzeny  
Phone: 202-708-1672 ext. 5545

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## 19. Certification for Paperwork Reduction Act Submissions

On behalf of the U.S. Department of Housing and Urban Development, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

**Note:** The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3) appears at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
  - (i) Why the information is being collected;
  - (ii) Use of the information;
  - (iii) Burden estimate;
  - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
  - (v) Nature and extent of confidentiality; and
  - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
  - (i) It uses effective and efficient statistical survey methodology; and
  - (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

Signature of Program Official:  X Kevin B. Perkins, Director, Organizational Policy, Planning and Analysis Division, HROA	Date:
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Signature of Senior Officer or Designee:  X Lillian Deitzer, Departmental Reports Management Officer, Office of the Chief Information Officer	Date:
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# Supporting Statement for Paperwork Reduction Act Submissions

## Request for Occupied Conveyance OMB Control Number 2502-0268 (Form HUD-9539)

### A. Justification

1. Regulations at 24 CFR 203.670-681 outline the circumstances under which HUD will accept conveyance of title to property acquired by mortgagee/loan servicers. HUD will accept conveyance of occupied property if an individual residing in the property suffers from an illness or injury that would be aggravated by moving, if state or local law prohibits eviction, or if it is in the Secretary's best interest to accept the property, the property is habitable, and the occupants meet eligibility criteria. Collection of occupants' Social Security Numbers is authorized by 42 USC 3543.
2. At least 60 days but not more than 90 days before the date on which the mortgagee/loan servicer expects to acquire title to the property; the mortgagee/loan servicer shall notify the mortgagor and each head of household who is occupying a unit of its potential acquisition by HUD. A sample notification letter is attached. In its first notice to the occupant, the mortgagee/loan servicer informs the occupant of his/her rights and includes the conditions for continued occupancy; the Form HUD-9539, Request for Occupied Conveyance; a form to request verification of employment; and a statement outlining the nature of temporary occupancy.

If the occupant desires to remain in occupancy, the occupant must complete the subject form, HUD-9539 and submit it, along with a completed form to request verification of employment and any information relating to illness or injury, to the local HUD office within 20 days after the date of the mortgagee/loan servicer's notice. The information is necessary for HUD to determine if the occupant is financially able to pay the fair market rent; and/or whether a member of the immediate family residing in the residence suffers from a temporary, permanent, or long-term illness or injury which would be aggravated by the process of moving from the property. The Department uses the information in making its determination as to whether to approve or disapprove the occupant's request for occupied conveyance. An occupant who is accepted must execute a month-to-month lease, a copy of which is attached. HUD may provide pertinent information to a local real estate broker who manages the property. The information may also be used to collect past-due rents.

3. This information is not collected electronically. Mortgagee/loan servicers are required to provide a notice of acquisition to mortgagors and to any occupant of the property. Mortgagee/loan servicers must also provide any occupant a copy of the form HUD-9539 for possible submission to HUD to request occupied conveyance. HUD does not have the capability to accept this information electronically from individuals requesting occupied conveyance, and automating the low number of responses would not be cost-effective.
4. The Single Family Property Disposition Sales Program/Real Estate Owned (REO) is the only program office at HUD that permits occupants to request continued occupancy of a single-family property (1 to 4 units) after HUD acquires title. Therefore, the information collection is unique to this program.
5. The information being collected does not involve small businesses or other small entities.
6. If the information were not collected, the Department would not be in a position to determine whether the occupant desires and deserves to remain living in the property when HUD becomes the owner.
7. At least 60 days but not more than 90 days before the date on which the mortgagee/loan servicer expects to acquire title to the property; the mortgagee/loan servicer shall notify the mortgagor and each head of household who is occupying a unit of its potential acquisition by HUD.

Respondents are required to complete and submit the HUD-9539 to the local HUD office within 20 days of the date of the mortgagee/loan servicer's notice to the occupant, so that HUD has adequate time to review the occupant's request and determine whether the conditions for continued occupancy have been met prior to the foreclosure. This requirement is outlined in the regulation, 24 CFR 203.674, Eligibility for continued occupancy.

8. The agency notice soliciting comments on the information collection for OMB #2502-0268 was published in the *Federal Register* on August 18, 2006 (Vol. 71, Number 160, pages 47822-47823). A copy of the notice is attached. No comments were received.
9. There will be no payments or gifts given to respondents.
10. Form HUD-9539 comes under the Privacy Act of 1974 (P.L. 93-579). The information collection takes into consideration the need to assure data confidentiality and provides the Privacy Act Statement on the form.
11. There are no questions of a sensitive nature.
12. Estimates of Burden and Respondents Costs:
  - Mortgagee/loan servicer Burden: HUD anticipates acquiring approximately 65,000 foreclosed properties per year for the next three years. We estimate that 265 mortgagee/loan servicers will send out notices to the mortgagors (and any tenants) of those 65,000 properties
  - Occupant burden is also calculated from past experience/statistics. HUD estimates that 15% of the occupants of the 65,000 acquisition properties will submit a request for occupied conveyance to the local HUD offices. This represents 9,750 occupants.

	Number of Respondents	Frequency of Response (avg)	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost	Annual Cost
Notice of acquisition and HUD-9539	265	Varies	65,000	.25	16,250	\$18.29	\$297,213
Letter to HUD and HUD-9539	9,750	1.0	9,750	.50	4,875	\$6.15	29,981
<b>Totals</b>	<b>10,015</b>		<b>74,750</b>		<b>21,125</b>		<b>\$327,194</b>

Hourly rate for mortgagee/servicer is based on an estimate of servicer personnel annual salary of \$38,000.  
 Hourly rate for occupants is based on minimum wage plus \$1 for mailing.

13. There are no additional costs to the respondents.
14. Estimated annualized cost to the Federal Government:

	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost	Annual Cost
Letter to HUD and HUD-9539	9,750	.25	2,438	\$18.29	\$44,591

The hourly rate is based upon the annual salary of a Realty Specialty, GS-9, Step 1.

15. This is an extension of a currently approved collection. There is a decrease in the number of respondents because most mortgagees use loan servicers to service loans. The number of loan servicers has decreased due to consolidations in the industry. Not-for-profit institutions and State/local/tribal governments were incorrectly noted as respondents in the previous request. The number of occupied acquisition properties, and the number of occupants requesting to remain in the properties has not substantially changed since the last submission.
16. This collection of information does not include results that will be published.
17. HUD is not seeking approval to avoid displaying the expiration date of the OMB approval.
18. There are no exceptions to the certification statement.

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## B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.

