

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 Housing, Office of Multifamily Housing Programs, Office of Housing Assistance and Grant Administration		2. OMB Control Number: a. 2502-0086 b. <input type="checkbox"/> None	
3. Type of information collection: (check one) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change , of previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change , of previously approved collection for which approval has expired f. <input type="checkbox"/> 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. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by c. <input type="checkbox"/> Delegated 5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other (specify)	
7. Title: Monthly Report of Excess Income and Annual Report of Uses of Excess Income			
8. Agency form number(s): (if applicable) HUD-93104			
9. Keywords: Housing, Low and Moderate Income Housing			
10. Abstract: Project owners are permitted to retain Excess Income for projects under terms and conditions established by HUD. Owners must submit a written request to retain some or all of their Excess Income. The request must be submitted at least 90 days before the beginning of each fiscal year, or 90 days before any other time during a fiscal year that the owner plans to begin retaining excess income for that fiscal year. HUD uses the information to ensure that required excess rents are remitted to the Department and/or retained by the owner.			
11. Affected public: (mark primary with "P" and all others that apply with "X") a. Individuals or households b. P 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 3,000 b. Total annual responses 40,050 Percentage of these responses collected electronically 50% c. Total annual hours requested 3,983 d. Current OMB inventory 3,464 e. Difference (+,-) +519 f. Explanation of difference: 1. Program change: 2. Adjustment: +519		14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) a. Total annualized capital/startup costs b. Total annual costs (O&M) c. Total annualized cost requested d. Total annual cost requested e. Current OMB inventory 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. X 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. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure b. <input checked="" type="checkbox"/> Reporting: 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input checked="" type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually 7. <input type="checkbox"/> Biannually 8. <input type="checkbox"/> Other (describe)	
17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Dewayne Kimbrough or Stan Houle Phone: 202-708-2866 ext. 4160 or ext. 2572	

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, 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 Michael E. Winiarski, Acting Director, Organizational Policy, Planning and Analysis Division, HROA	Date:
Signature of Senior Officer or Designee: X Lillian Deitzer, Departmental Reports Management Officer Office of Investment Strategies, Policy, and Management, Office of the Chief Information Officer	Date:

Supporting Statement for Paperwork Reduction Act Submissions

**MONTHLY REPORT OF EXCESS INCOME AND
ANNUAL REPORT OF USES OF EXCESS INCOME
OMB Control Number 2502-0086
(Form HUD-93104)**

A. JUSTIFICATION

1. The Secretary of the Department of Housing and Urban Development is authorized to make periodic interest reduction payments on behalf of owners of rental housing projects (12 U.S.C. 715z-1). A project owner may retain some or all of excess charges for project use if authorized by the Secretary (12 U.S.C. 1715z-1(g)). The Housing and Community Development Act of 1987 authorizes HUD to collect Employer Identification Numbers (EINs) (42 U.S.C. 3543). HUD regulations at 24 C.F.R. 236 establish regulations for recordkeeping and reporting of excess income.
2. The owners/management agents of Section 236-assisted projects complete form HUD-93104, Monthly Report of Excess Income, to compute any excess rents that are payable to HUD and to report Excess Income that is retained by them with HUD's prior approval. Approximately 3,000 owners submit the form HUD-93104 and required remittance to HUD no later than the tenth day of each month. The project-based calculations performed on the HUD-93104 are derived from the unit-by-unit basis calculations performed by the owner and/or management agent. The owner/management agent must be able to provide ancillary information to support the calculations on a unit-by-unit basis to HUD, upon request, for possible HUD or GAO audit. HUD monitors owner submission requirements and checks to assure that required excess rents are remitted to the Department and/or retained by the owner.

Approximately 2,100 owners authorized to retain Excess Income for project use provide to the local HUD Office, on an annual basis, two copies of a brief narrative description of the amount of Excess Income retained during the prior Fiscal Year of the project and the uses made of that retained Excess Income. Without the annual descriptions, the local HUD Offices would not be able to ascertain general compliance by the owner regarding the owner's intended uses of Excess Income.

Annually, about 1,050 project owners submit a request to retain excess income for project use. Another 900 submit a request to retain income for non-project use.

3. Approximately 50% of management agents now use privately developed software packages that:
 - (a) Automate the project rent roll or the tenant accounts receivable subsidiary ledger,
 - (b) Quickly calculate the amounts of Excess Income generated, and
 - (c) Create the completed HUD 93104.

HUD is currently considering moving Departmental Accounts Receivable Tracking/Collection System (DARTS) to a new A-21 Northridge Loan System (NLS) in Fiscal 2007. HUD is considering including as one of the components of that system to be an ability to submit the monthly Excess Income HUD 93104 electronically.

4. The information collection is not duplicated by requirements imposed by other regulatory or State and Local governments.
5. This information collection does not involve a significant impact on small businesses or other small entities.

6. Tenant rent collection and occupancy data is the responsibility of the owner/management agent and are not available to HUD from any other sources. The information must be available from the project books and records kept by the owner or agent. HUD could not ensure statutory compliance if the information is not collected.
7. Both HUD regulations and the project regulatory agreement signed by the project owner require monthly submissions of Excess Income reports. HUD would be unable to assure that all excess rents due the Department were properly remitted if information collection were conducted less frequently.
8. HUD published the Notice of Proposed Information Collection in the Federal Register on October 25, 2006. The public comment period for the October 25, 2006 Notice closed on December 26, 2006. HUD received no comments from the public.
9. No payments or gifts of any kind are provided to respondents.
10. Assurance of confidentiality is provided to respondents under the Privacy Act of 1974. A Privacy Act Statement is printed on each HUD Form-93104.
11. Although no questions of a sensitive nature were asked, the EIN is collected. The collection of EINs is essential to the effective monitoring of project owners/management agents excess income remittances and potential offsets, and recovery and enforcement actions.

12. Estimates of the hour burden of the collection of information.

Information Collection	Number of Respondents	Frequency of Response	Responses per Annum	Burden Hour Per Response	Total Annual Burden Hours	Hourly Cost	Total Annual Cost
HUD-93104	3,000	12	36,000	.08	2,880	\$15	\$43,200
Excess Income for Project Use	1,050	1	1,050	.25	263	15	3,945
Excess Income for Non-Project Use	900	1	900	.25	225	15	3,375
Narrative Report	2,100	1	2,100	.25	525	15	7,875
Totals	3,000		40,050		3,983		\$58,395

Hour rate is based on an estimate of the annual salary of owner clerical staff of about \$30,000.

13. There are no other costs other than those in item 12.

14. Annualized cost to the Federal Government.

Information Collection	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost	Annual Cost
HUD-93104	36,000	.16	5,760	\$35	\$201,600
Excess Income for Project Use	1,050	.25	263	\$35	9,205
Excess Income for Non-Project Use	900	.25	225	\$35	7,875
Narrative Report	2,100	.25	525	\$35	18,375
Totals	40,050		6,773		\$237,055

Hour rate is based on an estimate of the annual salary of owner clerical staff of about \$30,000.

15. This is a request for an extension of a currently approved collection. The numbers of respondents and responses is based on actual results for 2005. On September 1, 2004, the Department issued regulations for retention of Excess Income. Section 236.60 (e)(2) waives the requirement that owners submit an annual request to HUD if the owner intends to use Excess Income for an ongoing previously approved purpose. There was no significant impact on the number of responses.

16. The results of this information collection will not be published.

17. The OMB expiration date will continue to be displayed on the form HUD-93104.

18. There are no exceptions to the certification statement in item 19 of the OMB 83-I.

B. Collection of Information Employing Statistical Methods.

There are no plans to employ statistical methods for this collection of information.