

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.

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| 1. Agency/Subagency Originating Request: U.S. Department of Housing and Urban Development Office of the Secretary | 2. OMB Control Number: a. 2501-0014 b. <input type="checkbox"/> None |
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| 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) |
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7. Title:
Restriction on Assistance to Noncitizens

8. Agency form number(s): (if applicable)
HUD-9886, HUD-9887

9. Keywords:
Housing, Aliens, Housing assistance, Noncitizens, Restrictions

10. Abstract:
Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits HUD from making financial assistance available for noncitizens, unless they meet one of the categories of eligible immigration status specified in Section 214. Prior to being admitted, all eligible noncitizens younger than age 62 must sign a declaration of their status and a verification consent form and provide their original Immigration and Naturalization Service (INS) documentation.

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| 11. Affected public: (mark primary with "P" and all others that apply with "X") a. P Individuals or households e. Farms b. X Business or other for-profit f. Federal Government c. Not-for-profit institutions g. X State, Local or Tribal Government | 12. Obligation to respond: (mark primary with "P" and all others that apply with "X") a. Voluntary b. X Required to obtain or retain benefits c. Mandatory |
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| 13. Annual reporting and recordkeeping hour burden: a. Number of respondents 2,886,392 b. Total annual responses 10,794,339 Percentage of these responses collected electronically 50% c. Total annual hours requested 360,214 d. Current OMB inventory 360,214 e. Difference (+,-) 0 f. Explanation of difference: 1. Program change: 2. Adjustment: 0 | 14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) a. Total annualized capital/startup costs \$0.00 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: |
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| 15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. X Application for benefits e. Program planning or management b. Program evaluation f. Research c. General purpose statistics g. P Regulatory or compliance d. Audit | 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 checked="" type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) |
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| 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: Melosan Bell (PIH) or Voneka Bennet (HSG) Phone: (202) 402-4021 (202) 402-2055 |
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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), appear 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.

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| Signature of Program Official: X | Date: |
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| Signature of Senior Officer or Designee: X Lillian L. Deitzer, Departmental Reports Management Officer, Office of the Chief Information Officer | Date: |
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Supporting Statement for Paperwork Reduction Act Submissions

A. Justification

1. To ensure that federal financial assistance is directed to those legally eligible to receive such assistance, Section 214(d) of the Housing and Community Development Act of 1980 require written declaration of citizenship or of eligible immigration status. When an individual declares they are eligible immigrants, they must provide 1) the original alien registration documents and submission of a 2) verification consent form. The majority of the information collection requirements contained in HUD's regulations in 24 CFR part 5, subpart E (Restrictions on Assistance to Noncitizens) flow directly from Section 214. The regulation is attached.

The Secretary of HUD is prohibited from making financial assistance available to persons other than United States citizens, nationals or certain categories of eligible non-citizens in Public Housing, certain Multifamily Housing programs, Section 8 housing assistance payments program, the Housing Development Grants program, the Section 236 interest reduction and rental assistance program, the Rent Supplement program, and the Project-Based Certificate program.

2. The statute specifies that each individual family member shall submit a declaration, and that alien registration documentation must be submitted for those individuals that indicate legal immigration status. Additionally, the statute provides for certain procedures such as a Department of Homeland Security (DHS) formal Immigration and Naturalization Service (INS) appeal process, a hearing process provided by the owner or housing authority that necessitates appropriate notices to the individual advising of the availability of these processes. The statute also provides for certain actions to occur if immigration status is not confirmed (i.e., denial or termination of assistance) which also, for due process considerations, necessitates certain notices to provide fair notice of the possibility of these occurrences.

Applicants and tenants will sign Authorization for Release of Information/Privacy Notice for Public and Indian Housing (HUD 9886) and Multifamily Programs (HUD-9887). No other HUD-approved forms are used for notification, verification and termination under the non-citizens rule. HUD does however provide a model declaration form in the multifamily occupancy handbook.

The submission of the written declaration of citizenship, written declaration of eligible immigration status, alien registration documents, and verification consent form to the housing authority (HA)(HUD 9886), and multifamily property owner (HUD 9887) is necessary so that HAs and owners can carry out the requirements of Section 214, to ensure that only citizens and legal residents are the recipients of public benefits. The documents, once submitted to the HAs and owners, will be verified and retained on file as evidence that the restrictions on financial assistance are met.

3. The collection of information required does not permit electronic submission. The collection requires the actual presentation of alien registration documents and a written declaration of citizenship; eligible immigration status and verification consent form. The public housing residents and multifamily residents are the parties required to make the submissions. The verification of the legal resident alien status is done electronically through the Systematic Alien Verification Entitlement (SAVE) Verification Information System (VIS). The DHS SAVE VIS can be accessed through a Web-based application. This technology allows the housing authority or project owner to confirm the immigration status of an individual without the necessity for substantial paperwork.
4. No similar information concerning citizenship or eligible immigration status is required under other programs that are already available to HUD, HAs and property owners. Please note, however, that evidence of citizenship or age is required only once, thus avoiding duplication; but evidence of eligible immigration status is to be submitted every year during the annual recertification of tenants. This is required to insure continued eligibility status for financial assistance.

5. Some small HAs or multifamily property owners are affected by the information collection requirements. The information collection requirements are those that are required by the statute. HUD has not imposed requirements, beyond those required by the statute. Given the statutory requirements, there are no alternatives for submission of the required information. Again, electronic verification through the SAVE VIS minimizes burden.
6. The statute dictates information collection for the purpose of determining whether applicants applying for or tenants receiving housing subsidy under HUD assistance programs are eligible for such assistance. The collection conducted is the minimum necessary.
7. Document retention. The responsible entity shall retain for a minimum of 5 years certain documents and photocopies of any original documents submitted.
8. This information collection was announced in the Federal Register January 30, 2007, on page 4288. A copy of the Federal Register is attached. Comments were due to HUD by April 2, 2007. No comments were received from the public. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.
9. No gifts or payments are made to the respondents.
10. The Secretary shall, in the obtaining of alien registration information, protect the individual's privacy to the maximum degree possible. Evidence of eligible immigration status shall only be released to the DHS for purposes of establishing eligibility for financial assistance and not for any other purposes. Section 404 of the Welfare Reform Act requires HUD to report to DHS, at least 4 times a year those individuals who HUD know are in the U.S. unlawfully. Additionally, DHS's SAVE VIS 2 carries its own protective measures.
11. The only information required of a sensitive nature is citizenship/immigration status.

12. Estimated public burden: number of respondents, frequency of responses, annual hour.

| Tabulation of Annual Reporting Burden Noncitizens Rule – Restriction on Assistance to Noncitizens | | | | | | |
|--|----------------------------|--------------------|---------------------------------|------------------------|--------------------|--------------------|
| Description of Information Collection | Section of 24 CFR | No. of Respondents | No. of Responses per Respondent | Total Annual Responses | Hours Per Response | Total Annual Hours |
| Notification to tenants & applicants in Public and Indian Housing & Multifamily Housing* | 5.508(f) 5.518(b)(4)(5) | 3,300 | 700 | 2,310,000 | 0.01 | 23,100 |
| Denials, Terminations Extensions, Deferrals | 5.514 5.508(h) | 3,300 | 19 | 62,700 | 0.01 | 627 |
| Notification and Verification, Denial, Termination in Section 8** | 5.508 5.512 5.514 | 2,470,777 | 1 | 2,470,777 | 0.05 | 123,539 |
| Notification and Verification, Denial, Termination in FHA Subsidized** | 5.508 5.512 5.514 | 412,315 | 1 | 412,315 | 0.05 | 20,616 |
| Extensions*** | 5.508 | 144,155 | 1 | 144,155 | 0.16 | 23,065 |
| Recordkeeping – Public & Indian Housing & Multifamily Housing | 5.514(h) | 3,300 | 761 | 2,511,300 | 0.01 | 25,113 |
| Recordkeeping in Section 8 | 5.514(h) | 2,470,777 | 1 | 2,470,777 | 0.05 | 123,539 |
| Recordkeeping in FHA Subsidized | 5.24(h) | 412,315 | 1 | 412,315 | 0.05 | 20,616 |
| Total Annual Burden | | 2,886,392 | | 10,794,339 | | 360,214 |

* HAs and multifamily property owners must give notification at the time of application for assistance and at time of reexamination of tenant income.

** Submission of evidence of citizenship or eligible immigration status by tenants.

*** The responsible entity shall extend the time, to submit evidence of eligible immigration status.

Applicants and tenants will sign Authorization for Release of Information/Privacy Notice for Public and Indian Housing (HUD 9886) and Multifamily Programs (HUD-9887). No other HUD-approved forms are used for notification, verification and termination under the non-citizens rule.

Cost to the respondents (public housing agencies (PHAs) and HAs) is estimated at \$30.00 per hour, which includes overhead, staff preparation, time, etc. Burden for these respondents, is \$30.00 x 360,214 for a total of \$10,806,420. The burden for tenants to complete either a HUD-9886 or HUD-9887 is minimal (.01 hours). The hours associated with the notification, verification and termination are small. For a citizen only a declaration is required. For noncitizens with eligible immigration status, such noncitizens should have with them their evidence of eligible immigration status.

13. There are no additional costs to respondents.

14. Estimate annualized costs to the Federal government.

| Total Annual Burden Hours | Hourly Rate | Total |
|---------------------------|-------------|--------------|
| 360,214 | \$30.00 | \$10,806,420 |

15. This is an extension of a currently approved collection. No changes or adjustments were made to Item 13 or 14 or the OMB 83-I.

16. Information will not be published.
17. There is no request to not display the expiration date.
18. No exception to the “Certification for Paperwork Act Submissions.”