

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.

<p>1. Agency/Subagency Originating Request: U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity</p>	<p>2. OMB Control Number: a. 2529-0005 b. <input type="checkbox"/> None</p>
<p>3. Type of information collection: (check one)</p> <ul style="list-style-type: none"> 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. 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 <p>For b-f, note item A2 of Supporting Statement instructions.</p>	<p>4. Type of review requested: (check one)</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by c. <input type="checkbox"/> Delegated <p>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</p> <p>6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other (specify)</p>
<p>7. Title: Certification and Funding of State and Local Fair Housing Enforcement Agencies</p>	
<p>8. Agency form number(s): (if applicable) None Required</p>	
<p>9. Keywords: Housing, Fair Housing, Discrimination in Housing</p>	
<p>10. Abstract: State and local government agencies apply for certification of substantial equivalency with the Fair Housing Act. Once determined to be substantially equivalent, HUD enters into a cooperative agreement with such an agency through which funding is provided in support of fair housing enforcement.</p>	
<p>11. Affected public: (mark primary with "P" and all others that apply with "X")</p> <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> Individuals or households b. <input type="checkbox"/> Business or other for-profit c. <input type="checkbox"/> Not-for-profit institutions e. <input type="checkbox"/> Farms f. <input type="checkbox"/> Federal Government g. <input checked="" type="checkbox"/> State, Local or Tribal Government 	<p>12. Obligation to respond: (mark primary with "P" and all others that apply with "X")</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Voluntary b. <input checked="" type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
<p>13. Annual reporting and recordkeeping hour burden:</p> <ul style="list-style-type: none"> a. Number of respondents 146 b. Total annual responses 3,658 Percentage of these responses collected electronically 97% c. Total annual hours requested 71,560 d. Current OMB inventory 18,760 e. Difference (+,-) +52,800 f. Explanation of difference: <ul style="list-style-type: none"> 1. Program change: 2. Adjustment: +52,800 	<p>14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) Do not include costs based on the hours in item 13.</p> <ul style="list-style-type: none"> a. Total annualized capital/startup costs 0 b. Total annual costs (O&M) 0 c. Total annualized cost requested 0 d. Current OMB inventory 0 e. Difference 0 f. Explanation of difference: <ul style="list-style-type: none"> 1. Program change: 0 2. Adjustment: 0
<p>15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X")</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Application for benefits b. <input type="checkbox"/> Program evaluation c. <input type="checkbox"/> General purpose statistics d. <input type="checkbox"/> Audit e. <input type="checkbox"/> Program planning or management f. <input type="checkbox"/> Research g. <input checked="" type="checkbox"/> Regulatory or compliance 	<p>16. Frequency of recordkeeping or reporting: (check all that apply)</p> <ul style="list-style-type: none"> a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting: <ul style="list-style-type: none"> 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 type="checkbox"/> Annually 7. <input checked="" type="checkbox"/> Biannually 8. <input type="checkbox"/> Other (describe)
<p>17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Kenneth J. Carroll, Director, FHAP Division Phone: 202-402-7044</p>

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.

Signature of Program Official:

X

Date:

Signature of Senior Officer or Designee:

X
Wayne Eddins, Departmental Paperwork Reduction Act Officer,
Office of the Chief Information Officer

Date:

Supporting Statement for Paperwork Reduction Act Submissions

Justification

1. Circumstances Making Information Collection Necessary

Substantial equivalence certification occurs when the U.S. Department of Housing and Urban Development (HUD) determines that a State or local law, both “on its face” and “in operation”, provides rights, procedures, remedies, and the availability of judicial review that are substantially equivalent to the federal Fair Housing Act (the Act). Substantial equivalence certification is authorized by the Act at Section 810(f). The regulation governing substantial equivalence is located at 24 CFR 115, Subpart B.

Agencies that receive certification as substantially equivalent are eligible to participate in the Fair Housing Assistance Program (FHAP), whereby HUD provides funding to agencies on a non-competitive basis for fair housing complaint processing, administrative costs, training, and building the capacity necessary to administer a substantially equivalent fair housing law. The regulation governing FHAP is located at 24 C.F.R. Part 115, Subpart C.

Agencies seeking to participate in the FHAP provide HUD with copies of the jurisdiction’s fair housing law so that HUD may make a determination of substantial equivalence. Once agencies are participating in the FHAP, HUD collects sufficient information to monitor the agencies in order to ensure that the State or local law, both “on its face” and “in operation,” continues to be substantially equivalent and therefore eligible to participate in the FHAP.

2. How and By Whom the Data will be Used

Eligible State and local government agencies submit to the Assistant Secretary a request for substantial equivalence certification. With the request, the agency submits a copy of the State or local fair housing law, the law creating and empowering the agency, all laws referenced in the jurisdiction’s fair housing law, any regulations and directives issued under the law, and any formal opinions of the State Attorney General or the chief legal officer of the jurisdiction that pertain to the jurisdiction’s fair housing law. These submissions are reviewed by HUD (Office of Fair Housing and Equal Opportunity, and Office of General Counsel) to determine whether the jurisdiction administers a law that is substantially equivalent to the Act.

Once the State or local law is deemed substantially equivalent, then HUD and the agency enter into an Agreement for the Interim Referral of Complaints and Other Utilization of Services (interim agreement). HUD and the agency also enter into a cooperative agreement. Initially, under the cooperative agreement, the agency receives a flat amount of funding to build the agency’s capacity to enforce and administer its substantially equivalent law. Following the capacity building phase, the agency will receive funding on a per complaint basis. The interim agreement is in effect for three years, after which HUD and the agency may enter into a Memorandum of Understanding, which sets forth the relationship between HUD and the agency during the period of certification. During all of these periods, HUD will gather sufficient information to monitor performance of the agency to ensure continued substantial equivalence, in accordance with FHAP performance standards set forth at 24 CFR § 115.206.

3. What extent is information automated

The FHAP regulation, at 24 CFR 115.307(a)(3), requires agencies participating in the FHAP to use HUD’s official complaint data information system. The regulation requires agencies to input all relevant complaint data and information into the system in a timely manner. The complaint data information system that is utilized by HUD and agencies participating in the FHAP is called the Title Eight Automated Paperless Tracking System (TEAPOTS).

4. Efforts to Identify Duplication

Information submitted with requests for substantial equivalency certification only include new or amended fair housing laws that HUD has not yet reviewed. Therefore, there is no duplication of effort. TEAPOTS is used to review agency performance and ensures there is no duplication of effort because when the agency inputs information into TEAPOTS, the system will store the information, and not require inputs of that information again. HUD has access to TEAPOTS, and can review all information the agency has put in TEAPOTS.

5. **Impact on Small Businesses**

The information being collected has no significant impact on small businesses or other small entities.

6. **Consequences of Less Frequent Data Collection**

Without the benefit of the information currently obtained for substantial equivalence certification and agency performance, HUD has no means for determining if State or local fair housing laws on “their face” and “in operation” provide substantive rights, procedures, remedies, and judicial review procedures for alleged discriminatory housing practices that are substantially equivalent to the Act.

7. **Circumstances Requiring Deviation from Guidelines of 5 CFR 1320.6**

There are no circumstances requiring deviation from guidelines of 5 CFR 1320.6

8. **Federal Register Publication**

On February 8, 2008, a notice was published in the Federal Register (at page 7576) soliciting public comment on a proposed Paperwork Reduction Act submission related to FHAP. The comment period on the notice expired on April 8, 2008. HUD received one comment. The comment concerned the performance of the FHAP agency in enforcing a substantially equivalent fair housing law, and was therefore unrelated to the Paperwork Reduction Act. HUD responded to the comment.

9. **Incentive Payments and Gifts**

This information collection does not involve any payment or gift to respondents, other than re-enumeration of contractors or grantees.

10. **Arrangements and Assurances Regarding Confidentiality**

HUD assures confidentiality for open cases handled by FHAP agencies in accordance with the Fair Housing Act at 42 U.S.C 3610(d). HUD assures confidentiality for closed cases handled by FHAP agencies to the extent required under the Privacy Act of 1974 (5 U.S.C. 552a).

11. **Sensitive Questions**

This information collection does not contain requests for information of a sensitive nature.

12. **Estimate of Recordkeeping and Reporting Hour Burden on Respondents**

The Department estimates that the request for substantial equivalency and reporting information related to agency performance will have the following reporting burdens:

Reference	Number of Respondents	Frequency of Response	Annual Responses	Est. Avg. Response Time	Est. Annual Burden	Average Hrly Cost	Total Annual Cost
Request for Substantial Equivalence	40	4	160	10	1,600	\$55	\$88,000
Reporting information related to agency performance	106	33	3,498	20	69,960	\$18	\$1,259,280
Totals	146	37	3,658		71,560		\$1,347,280

The Department estimates the burden for substantial equivalence submission is based upon the following:

- Number of Respondents (40): In FY 2007 the Assistant Secretary received approximately 40 requests for substantial equivalency from State and local agencies around the country.
- Frequency of Response (4) : The estimated average number of times an agency submits its statute or ordinance for review and analysis by HUD.

- **Estimated Average Response Time (10):** The number of hours that an agency spends putting together a package requesting substantial equivalence, as well as reviewing and signing the interim agreement, cooperative agreement, and MOU.

The Department estimates that reporting information related to agency performance is based upon the following:

- **Number of Respondents:** There are currently a total of 106 State and or local FHAP agencies that have been deemed substantially equivalent.
- **Frequency of Response:** This number is estimated based upon the total number of complaints in the FHAP inventory as of December 31, 2007 (3,459) divided by the number of FHAP agencies (106), which provides an average for the frequency of response.
- **Estimated Average Response Time:** Each FHAP agency is required to utilize TEAPOTS. The system is designed to track the number complaints filed and the investigative activities of the complaints. It is estimated that each FHAP agency spends 20 hours inputting information on a complaint.

The estimated hourly cost for submitting request for substantial equivalence is \$56.16 per hour, which includes time spent by senior level staff preparing and reviewing the request package. The estimated hourly cost for submitting information related to agency performance is \$24, which includes time spent by clerical staff putting information in TEAPOTS.

13. Estimated Total Annual Cost Burden

There will be no additional costs to respondents. Respondents receive reimbursements for recordkeeping, reporting and investigations of fair housing complaints through a cooperative agreement that provides administrative and case processing costs. The agency may receive up to \$2,400 per investigated case, plus an additional \$500 for “charged” cases.

14. Estimated Cost to the Federal Government

There will not be any additional cost to the Federal Government as a result of this information collection beyond the usual personnel costs to review state and local fair housing laws to determine substantial equivalency.

15. Reasons for Change in Burden

This information collection is being submitted as an extension of a collection for which approval will expire July 2008. There have been adjustments. Adjustments occur as the number of agencies participating in the program increase/decrease, and hourly rates have been increased to reflect inflation/cost of living. In addition, the estimated average response time has been changed to more accurately reflect the information collection hours required.

16. Plans for Tabulation, Analysis, and Publication

There are no plans for tabulation, analysis and publication.

17. Reasons for Not Displaying the OMB Exploration Date

There is no request seeking approval to not display the expiration date for OMB approval of the information collection.

18. Exceptions to the certification statement identified in Item 19

There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-1.

PART B - EMPLOYMENT OF STATISTICAL METHODS

Statistical methods are not employed.