

**Supporting Statement for Paperwork Reduction Act Submissions
(Request of 2008)**

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any *legal* or *administrative* requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Circumstances that Make the Collection of Information Necessary:

The subject information collection is used by HUD staff to *monitor* a public housing agency's (PHA) compliance with the Department's *admission* and *occupancy* requirements; to compare/contrast a PHA's *practices* to its *written* policies/procedures to determine whether or not consistency is achieved in the implementation of its public housing program; and to monitor a PHA's implementation of the statutory/regulatory requirements that cover *admission* of an applicant and the processes that apply when an applicant become a tenant.

PHAs are not required to update their admissions and continued occupancy policies (ACOP) on an annual basis. However, it would be a *typical* practice for PHAs to review and update their policies/procedures as a result of Departmental regulations, notices, or other guidance issued.

If the PHA does not collect this information, the PHA will not be in compliance with the statutory requirements (Section 3 and Section 5 of the U.S. Housing Act of 1937), and the regulatory requirements (24 CFR 960) that govern admission and occupancy. Furthermore, if the PHA does not collect this information, the Department will not be able to monitor the PHA's compliance with statutory/regulatory requirements and other Departmental guidance (e.g. notices).

Legal or Administrative Requirements that Necessitate the Collection:

The *statutory/regulatory* authorities that support a PHA's collection of admissions and occupancy information are described below:

- **Section (5) of the U.S. Housing Act** authorizes the Secretary to make annual contributions to assist PHAs in achieving/maintaining the low income character of their projects. The Terms and Conditions, Constituting Part A of a Consolidated Annual Contributions Contract (ACC) Between Housing Authority and the

Unites States of America, and Additional Terms and Conditions Constituting Part B of a Consolidated Annual Contributions Contract Between Housing Authority and the United States of America not only lay out the mission of HUD (e.g., administration of the public housing program) in accordance with all applicable statutes, executive orders, and regulations), but also the PHA's responsibilities under the ACC.

- **Section 6(c)(2) of the U.S. Housing Act of 1937** indicates that every contract for contributions that the PHA shall determine, and so certify to the Secretary that, that each family in the project was admitted in accordance with the duly adopted regulations and approved income limits; and the public housing agency shall review the incomes of families living in the project no less frequently than annually.
- **Section 6(c)(3) of the U.S. Housing Act of 1937** requires that the PHA shall promptly (i) notify any applicant determined to be ineligible for admission to the project of the basis for such determination and provide the applicant in within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination, and (ii) any applicant determined to be eligible for admission to the project of the approximate date of occupancy insofar as the date can be reasonably determined.
- **Section 6(c)(4) of the U.S. Housing Act of 1937**, requires the PHA to comply with procedures and requirements, as the Secretary prescribes, to assure that sound management practices will be followed in the operation of a project, including requirements set forth in the two sections – 6(c)(4)(A) and 6(c)(4)(B) – below.
- **Section 6(c)(4)(A) of the U.S. Housing Act** requires the PHA to comply with requirements pertaining to the establishment of a system for making dwelling units available that provides preference for such occupancy to families having certain characteristics. Each system of preferences established pursuant to this subparagraph shall be based upon local housing needs and priorities as determined by the PHA using generally accepted data sources, etc.
- **Section 3 of the U.S. Housing Act of 1937** sets forth a myriad of definitions, policies/procedures, and exclusions that govern what occurs from the time of application for public housing through continued occupancy, as described in the four sections below -- Sections 3(1), 3(2)(A) and 3(2)(B), and 3(4)(A).

- **Section 3(1)** requires that a family shall pay as rent for a dwelling unit assisted under this Act the highest of the following amounts, rounded to the nearest dollar: (A) 30 percent of the family's monthly adjusted income; 10 percent of the family's monthly income; or if the family is receiving payments for welfare assistance from a welfare agency and a part of such payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of such payments which is so designated.
- **Sections 3(2)(A) and 3(2)(B)** provide the authority for a family residing in public housing to pay as monthly rent for the unit the amount determined under clause (i) which describes allowable flat rent structures or under clause (ii) which describes income-based rents.
- **Section (3)(4)(A) of the United States Housing Act of 1937** provides the authority for a PHA to allow police officers to reside in public housing, and **Section 3(B)(5)(A)** provides the PHA with the authority to house over-income families in certain public housing (e.g., 250 units or less).
- The regulations at **24 CFR 960 (Admission To, And Occupancy of, Public Housing)** establish the Department's admissions and occupancy policies/procedures wherever the Secretary has been given discretionary authority to so in the statutes. This set of regulations sets forth PHA requirements from admission through continued occupancy.
- The regulations at **24 CFR 960, Subpart B -- Admissions**, includes a discussion on eligibility, tenant selection policies, denial of admission for criminal activity or drug abuse by household members, the waiting list and the use of local preferences, etc.
- The regulations at **24 CFR 960, Subpart C – Rent and Reexamination**, includes a discussion of self-sufficiency incentives – Disallowance of increase in annual income, choice of rent, family income and composition: regular and interim reexaminations, family information and verification, etc.
- **Note:** For a full discussion of the applicable statutes and regulatory requirements that govern admission to and occupancy of public housing units refer to the attachments that have been

previously provided for this Supporting Statement for Paperwork Reduction.

- 2. Indicate, how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information made from the collection.**

How is the Information Collection to Be Used?

The information (e.g., admissions and occupancy policies and procedures) is generated by a PHA to establish occupancy policies and procedures for its public housing program, and is used by a PHA in its day-to-day operation of its public housing program (e.g., decisions regarding both applicants and residents).

The information collected is also used by HUD staff, at both the Headquarters (HQ) and field office (FO) levels, to monitor the PHA's compliance with statutes, regulatory requirements, and other Departmental guidance.

Who Collects the Information?

PHAs collect the information and subsequently develop written policies and procedures regarding admissions and occupancy policies which are reflected in their Admissions and Occupancy Policies (ACOPs).

For What Purpose is the Information Collection Used?

In turn, this information collection is also used by HUD staff, at both the HQ and FO levels, in the conduct of on-site monitoring reviews (e.g. Rental Integrity Monitoring Reviews conducted by FOs, testing of the accuracy of rental subsidies conducted by the Office of the Chief Financial Officer, etc.)

Indicate the Actual Use the Agency Has Made of this Information

Refer to the response provided under the question "For What Purpose is the Information Collection Used?"

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.**

The collection of this information does not involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information is not duplicated as each PHA is required to establish written policies and procedures that govern decisions are made regarding admission (e.g. management of the waiting list) and occupancy (e.g. annual reexaminations vs. both annual and interim reexaminations of income). Also, each ACOP is *unique* to the locality in which the PHA manages its public housing program. Thus, this information is not collected elsewhere.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize the burden.

The collection of this information does not impact small businesses or other small entities.

6. Describe the consequence to Federal Program or policy activities of the collection is not conducted or is conducted less frequently, as well as any other technical or legal obstacles to reducing burden.

If the information is not collected, the Department will not have the authority to *monitor* a PHA's implementation/compliance with its ACC, with 24 CFR 960, and with the U.S. Housing Act of 1937, etc. If the information is not collected, PHAs will not be in compliance with either the U.S. Housing Act of 1937 or 24 CFR 960 (*Admission To, And Occupancy of, Public Housing*).

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract,**

- grant-in-aid, or tax records, for more than three years;
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

Respondents are occasionally required to report the information to the Department. The agency does not require PHAs to prepare a written response to information collection requirements in fewer than 30 days of receipt or to submit more than an original and two copies of any document. The agency does not require PHAs to retain admission and occupancy documents for more than a *three* year period. This information collection requirement does not involve statistical surveys or use of a statistical data classification. A pledge of confidentiality is not a requirement of this information collection requirement, and PHAs are not required to submit trade secrets.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection; the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. 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.

This information collection requirement was published in the Federal Register on March 10, 2008, and begins on page #12751. The public comment period ended on May 10, 2008. “No comments have been received from the public.”

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There is no decision to provide any payment or gift to PHAs (e.g., respondents).

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Assurance of confidentiality is neither provided nor needed.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, any steps to be taken to obtain their consent.

This information collection does not involve questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, an explanation of how the burden was estimated. Unless directed to do so agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not**

include burden hours for customary and usual business practices.

- **If the request for approval covers more than one form, provide separate burden hour estimates for each form and aggregate the hour burdens in item 13 of OMB 83-1.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in item 13.**

Estimates of operational expenses such as equipment or printing are not applicable to this information collection, and other types of expenses have not been incurred as a result of this information collection. The annual hours/burden estimate is proportional to the increase in the number of PHAs. Given that the process for the PHAs to collect the information has not changed, the Department has utilized base data submitted in the *previous* information collection submission to the Office of Management and Budget (OMB).

The *revised annual* estimate of the public burden is reflected in the table below:

No. of Respondents (i.e., PHAs)	Responses Annually*	Hrs. per Response	Tot. Annual Burden Hrs.	Cost per Hr.	Tot. Annual Cost
3,278	1	60	196,680	\$18.30	\$3,599,244

* PHAs are not required to update their admissions and continued occupancy policies on an annual basis. However, it would be a typical *practice for* PHAs to review their policies as a result of Departmental notices, regulations or other guidance issued. The PHA maintains this information in its ACOP for records-keeping purposes in the event that the Department makes a request. Thus, PHAs collect this information on an occasional basis, with *one* exception. This information collection requirement applies annually to approximately 90 – 100 extra large PHAs that have been identified in the Office of Public and Indian Housing’s FO Management Plans, for RIM reviews

(i.e. on-site PHA reviews to determine whether or not income/rent has been computed correctly). This is a direct result of the General Accounting Office (GAO) mandate that the Department monitor, at least once, in 5 subsequent fiscal years the extra large PHAs. The Department is now in its 3rd fiscal year of complying with this GAO mandate.

The total number of PHAs (e.g., respondents) is 3,278; the frequency of response is *occasionally* as the PHA updates its admissions and occupancy policies as necessitated by local conditions or by notices, regulations, etc., issued by the Department. However, PHAs are not required to review their admissions and occupancy policies/procedures annually. The number of annual burden hours, per response, is **60**.

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection. (Do not include the cost of any hour burden shown in items 12 and 14).

- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of the methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with sample respondents (fewer than 10), utilize a 60-day pre-OMB submission public comment process and use existing economic or regulatory**

impact analysis associated with the rulemaking contain the information collection, as appropriate.

- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no additional costs to respondents other than what is reported in item #12 above.

14. Provide estimates of annualized costs to the Federal government.

Also, provide a description of the method use to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from items 12, 13, and 14 in a single table.

There are no additional costs to the federal government.

15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.

For item #13a of the 83-I (Paperwork Reduction Act Submission), the number of PHAs (e.g., respondents) has increased to **3,278**. For item #14a of the 83-I, the increase in the dollar amount of the annualized cost is directly proportional to the increase in the number of respondents.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

This item does not apply as the results of the information collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The Department is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in item 19, “Certification for Paperwork Reduction Act Submissions,” of OMB Form 83-1.

There are no exceptions to the certification.

B. Collection of Information Employing Statistical Methods

Section B is not applicable since statistical methods are not used.