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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 Deitzer, Departmental Paperwork Reduction Act Officer,  
Office of the Chief Information Officer

Date:

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## Supporting Statement for Paperwork Reduction Act Submissions

### 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.**

Public Housing Agencies (PHAs) that administer the public housing and Section 8 programs are authorized under 42 USC 1437d(q) to obtain criminal conviction records from law enforcement agencies to prevent admission of criminals to public housing and Section 8 and to assist in lease enforcement and eviction of those individuals in the public housing and Section 8 programs, who engage in criminal activity.

The aforementioned statutory authority is codified at 24 CFR 960.204 and 24 CFR 982.553, for the public housing and Section 8 programs, respectively. It should be noted that under the public housing program, the PHA **must** establish standards to prohibit the admission of an applicant to the PHA's public housing program if the PHA determines that any household member is currently engaging in illegal use of a drug or believes such illegal use or pattern of illegal drug use may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; and if any member of the household is subject to a lifetime registration requirement under a State sex offender registration program. The PHA must also establish standards that permanently prohibit admission to the PHA's public housing program if any household member has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing.

Under the Section 8 program (42 USC 1437f(6)(B)), as codified at 24 CFR 982.307, the responsibility of tenant screening and selection rests with the owner of the unit the prospective tenant will occupy. The PHA may elect to screen applicants for family behavior or suitability for tenancy in accordance with policies stated in the PHA administrative plan. It should be noted that under the Section 8 program, the PHA **may** at any time, deny assistance to an applicant or terminate assistance to a participant family if any member of the family commits a drug-related criminal activity or violent criminal activity within one year prior to the date that the PHA provides notice to the family of the PHA determination to deny or terminate assistance. (24 CFR 982.553(a)(1)(2) and 25 CFR 982.553(b))

The collection of criminal conviction records of applicant and participant families of the public housing and Section 8 programs is necessary to prevent admission of criminals to these programs and assist in the lease enforcement and evictions. This requirement emphasizes the importance of promoting safe and decent communities, as well improving program integrity by ensuring that limited affordable rental housing is provided to families who will comply with lease requirements.

**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 received from the current collection.**

PHAs will obtain criminal record information either manually or electronically through web-based applications (where available) prior to admission of an applicant family (only adult household members age 18 and over) to the public housing or Section 8 program. (One time for applicant families).

PHAs may obtain criminal record information either manually or electronically through web-based applications (where available) for any household member age 18 and over, at any time during the participant family's tenancy when there is an allegation of a lease violation related to criminal activity.

**Note:** That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial or program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.

**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 information to be collected by PHAs is available via the National Criminal Information Center (NCIC) system, an automated and electronic database owned and managed by the Federal Bureau of Investigation (FBI). The FBI is authorized to acquire, collect, classify and preserve identification, criminal identification, crime, and other records and to exchange such information with authorized entities.

NCIC is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons). It is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year. Data contained in NCIC is provided by the FBI, federal, state, local and foreign criminal justice agencies, and authorized courts. The most recent iteration of NCIC became operational on July 11, 1999 at the FBI's Criminal Justice Information Services Division in Clarksburg, West Virginia.

Many PHAs work through their local law enforcement agencies to obtain criminal records electronically from the NCIC system of applicant and participants in the public housing and Section 8 programs.

**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.**

Screening and eviction procedures are applicant/participant-specific as it relates to the admission to and eviction from public housing and Section 8 programs. The collection of criminal records only occurs at the time of eviction or when necessary to initiate termination or eviction action due to family's noncompliance with the lease. It should be noted that once the purpose of the criminal record use has been obtained, the record must be destroyed as prescribed by HUD requirements. As such, criminal records are not maintained for extended periods of time. Thus there is no duplication of information collection related to criminal records.

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

This collection of information does not impact small businesses or other small entities. However, it should be noted that the PHA's burden in collecting criminal records is minimized through electronic and automated collection of the information as described in item 3 above.

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

If criminal records are not collected by the PHA, it is possible that the PHA may admit a non-permissible criminal into the public housing or Section 8 program or continue to allow a criminal to illegally occupy a unit subsidized by the Federal government. This will result in program non-compliance, decreased program integrity; decrease the availability of rental assistance to a needy and eligible low-income family, and misuse of Federal funds.

**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 often than quarterly;**

Respondents are not required to report criminal records to the HUD. The PHA uses this information only for screening and eviction purposes.

**\* Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**

Respondents are not required to prepare a written response related to the collection of criminal records. The PHA uses this information only for screening and eviction purposes.

**\* Requiring respondents to submit more than an original and two copies of any document;**

Respondents are not required to submit original or copies of the information collected. The PHA uses this information only for screening and eviction purposes.

**\* Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**

Respondents are not required to maintain the criminal 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;**

This collection of information is not in connection with a statistical survey.

**\* Requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**

This collection of information does not require 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**

A pledge of confidentiality is supported by the statutory authority established at 42 USC 1437d(q)(5) .

**\* 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.**

PHAs are not required to submit proprietary trade secrets or other confidential information.

**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.**

The Federal Register (page #14148) notifying the public of the intent to extend the currently approved information collection was published on March 30, 2009.

**Specifically address comments received on cost and hour burden.**

The only comments submitted to date by the public are requests for copies of the documents to extend the collection of information for the screening and eviction of public housing and Section 8 tenants.

**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.**

The documents that are currently being prepared to extend the Screening and Eviction information of collection will be published so that persons outside the agency can provide their views on the availability of data, frequency of collections, clarity of instructions, etc.

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

No payment or gift will be provided to respondents.

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

Respondents are not required to provide HUD with the collected information. As such, there is no assurance of confidentiality provided or required.

**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, and any steps to be taken to obtain their consent.**

HUD does not require the asking of private or sensitive questions of the respondents or third parties.

**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, and 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.**

**Burden Hours for Screening and Eviction of Public Housing Participants:**

Number of Public Housing Annual New Admits.	Hours per Response	Total Burden Hours
97,656	1	97,656

No. of Public Housing Participants	No. of Adults + 50% of Children <18 yrs	Number of PH Evictions-Annually	Hours per Response	Total Burden Hours
2,158,778	1,745,975	69,839	9	626,551

**Methodology for Calculations:**

Screening of New Admissions, Public Housing (PH) Program = 97,656 (new admits) x 1 = **97,656** (burden hours)

Evictions of Public Housing participants = 1,745,975 (adults +50% children evicted) x .04 (per cent evicted) = 69,839 (annual evictions) x 9 (hrs. per response) = **626,551** burden hours

Total Burden Hours for screening & eviction of PH participants = 97,656 (screening new PH admissions) + 626,551 (eviction of PH participants) = **724,207 hours**

**Calculation of Annualized Costs to Respondents for Cost of Burden Hours:** 724,207 total hours x \$17.11 per hour = \$12,391,182. The hourly rate represents an average rate of pay earned by a housing specialist in a PHA responsible for collecting criminal information records as part of applicant screenings, activities associated with tenant evictions, etc.

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

There are no other costs associated with this collection of information 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 used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense 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 is no additional cost to HUD for the collection of this information.

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

The original burden estimate that was submitted in 2006 contained inaccurate information and underestimated the number of burden hours. The “new” burden hour estimates correct the underestimated burden hours submitted in 2006. The “new” estimate accounts for the number of hours required for the PHA to screen applicants prior to admission to the public housing program and to collect criminal record information either

manually or electronically through a web-based application so as not to admit ineligible persons. Also, the “new” estimate not only accounts for the collection of criminal records to screen new admissions to the public housing program, but also to collect criminal records for a household member 18 years and older, at any time during the public housing or the Section 8 family’s tenancy when there is an allegation of a lease violation related to criminal activity.

**16. For collections 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 of information, completion of report, publication dates, and other actions.**

The information collected by PHAs 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.**

PHAs will obtain criminal records from law enforcement agencies. The collection of information will not be recorded on any HUD form. As such, it is not necessary to display the assigned OMB number and expiration date.

**18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

There are no exceptions to the certification statement.

## **B. Collections of Information Employing Statistical Methods - [NOT APPLICABLE]**

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

**1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.**

**2. Describe the procedures for the collection of information including:**

- \* Statistical methodology for stratification and sample selection,**
- \* Estimation procedure,**
- \* Degree of accuracy needed for the purpose described in the justification,**
- \* Unusual problems requiring specialized sampling procedures, and**
- \* Any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

**3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based**



**on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.**

**4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of test may be submitted for approval separately or in combination with the main collection of information.**

**5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**