

# 1 PAPERWORK REDUCTION ACT SUBMISSION

## Supporting Statement

**Agency:** U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section

**Title:** Title III of the Americans with Disabilities Act, Certification of State and Local Government Accessibility Requirements

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### A. Justification

- 1. Circumstances Of Information Collection:** Pursuant to title III of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12181 *et seq.*, and its implementing regulations, 28 C.F.R. part 36, on the application of a State or local government, the Assistant Attorney General for Civil Rights (or his or her designee) may certify that a State or local building code or similar ordinance that establishes accessibility requirements (Code) meets or exceeds the minimum requirements of the ADA for accessibility and usability of "places of public accommodation" and "commercial facilities," as defined in 28 C.F.R. § 36.104.

A form has been developed that will allow the officials submitting a Code for certification to place each of the Code's accessibility provisions directly adjacent to the comparable provision of the ADA Standards for Accessible Design.

- 2. Purpose And Use Of Information:** The information to be collected in the form submitted for Office of Management and Budget (OMB) approval is necessary to enable the Department to determine whether a Code submitted by a State or local government applying for certification meets or exceeds the minimum requirements of the ADA Standards for Accessible Design of places of public accommodation and commercial facilities as required by statutory mandate. The use of this collection instrument will facilitate this process by assisting applicants to identify and provide the information necessary for the certification review.
- 3. Use Of Information Technology:** The use of this form provides the most efficient means of collecting the required data. No electronic collection techniques are required. However, the form is available on our website ([www.ada.gov](http://www.ada.gov)) in Word, WordPerfect, and PDF. Respondents may download the form and view, save, or print the form.
- 4. Efforts To Identify Duplication:** Similar information has not been collected.
- 5. Involvement Of Small Entities:** This collection of information does not impact small businesses or other small entities.

6. **Consequences If Information Collection Is Not Conducted Or Is Collected Less Frequently:** If this information were not obtained, the Department would be unable to process and certify Codes as required by its statutory mandate.
7. **Explanation of Special Circumstances:** None of the listed special circumstances are applicable to this information collection.
8. **Consultations Outside The Agency:** The Department has published a notice in the Federal Register on March 2, 2010 at 75 Fed. Reg. 9434, allowing for a 60-day comment period. No comments have been received to date.
9. **Payment To Respondents:** The Department does not provide payments or gifts to respondents in exchange for a benefit sought.
10. **Assurance Of Confidentiality:** There is no assurance of confidentiality.
11. **Questions Of A Sensitive Nature:** This section is not applicable. This collection does not request information that is sensitive in nature.
12. **Estimates Of Hour Burden:**

a.	Number of respondents	5
b.	Number of responses per each respondent	1
c.	Total annual responses	5
d.	Number of hours per response	<u>64 hours</u>
e.	Total annual reporting burden	320 hours
13. **Estimate Of Annualized Cost Burden To Respondents:** There is no capital or start-up cost associated with this information collection. There is no fee charged to State and local governments requesting certification. The cost to such entities is estimated at \$10 per hour times 320 burden hours, for a total burden cost of \$3,200.
14. **Estimate Of Annualized Cost To The Federal Government:** There is no capital or start-up cost associated with this information collection. The estimated total cost to the Federal government is based on the following:
  - a. Printing cost equals the number of respondents times cost per form:  
 $\text{Printing cost} = 5 \times \$10 \text{ (100 pages @ } \$0.10) = \$50$
  - b. Collection and processing cost equals the number of respondents times time for collection and processing times average hourly rate for clerical and professional time (e.g., the average hourly rate is based on the 2010 GS Salary Table for GS11, Step 1; GS12, Step 2;... to GS15, Step 5):  
 $\text{Collection and processing cost} = 5 \times 960 \times \$47 = \$225,600$
  - c. Cost of holding hearings equals the number of hearings times cost per hearing:

Cost of holding hearings = 3 x \$6900 = \$20,700

d. Total estimated cost to the Federal government = \$246,350

15. **Changes In Burden:** This is an extension of a previously approved information collection whose OMB approval will expire on May 31, 2010. The adjustment amount of \$57,600 in Item 14 reflects the increase in the average hourly rate for clerical and professional time.
16. **Time Schedule, Publication And Analysis Plans:** The Department does not intend to use statistics or the publication thereof for this collection of information.
17. **Display of Expiration Date:** The Department is seeking approval to **not display** the expiration date for OMB approval of this information collection. The display of the expiration date would require the Department to pull and destroy current forms in its own inventory. This would become cumbersome and costly to the Department to print and distribute this form.
18. **Exceptions to Certification Statement:** The Department does not request an exception to the certification of this information collection.

B. **Collection Of Information Employing Statistical Methods**

This section is not applicable.