

Supporting Statement for Paperwork Reduction Act Submissions

Green Retrofit Program of Title XII of the American Recovery and Reinvestment Act of 2009, P. L. 111-5 (the “Recovery Act”), OMB Control Number 2502-0588

1) Circumstances that make the collection of information necessary.

OAHF is seeking OMB approval of the Retrofit Funding Agreement- Green Retrofit Program (“RFA”). Title XII of the American Recovery and Reinvestment Act of 2009, P. L. 111-5 (the “Recovery Act”), in the section titled “Assisted Housing Stability and Energy and Green Retrofit Investments” under “Housing Programs”, includes authority for HUD to make loans, make grants, and take a variety of other actions to facilitate utility-saving investments and other investments that produce environmental benefits, in certain existing HUD-assisted multifamily housing, subject to agreement between HUD and the Owner.

The RFA collects information regarding:

- Green Retrofits, invoices and inspections
- Davis-Bacon Act reporting
- Recovery Act reporting

The collection of information regarding the green retrofits and collection of invoices and inspection reports is necessary to ensure compliance with the requirement that the loans and grants be provided under such terms and conditions as will ensure the maintenance and preservation of the property, the continued operation and maintenance of energy efficiency technologies, and the timely expenditure of funds. Davis-Bacon Act reporting is necessary to ensure compliance with the requirement that projects funded with grants or loans provided under this heading of the Recovery Act comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code (more commonly known as the “Davis-Bacon Act”). Recovery Act reporting is necessary to ensure compliance with the requirement for transparency and accountability in the use of Recovery Act funding. Two specific provisions in the Recovery Act require quarterly reporting on the part of agencies and grantees. First, section 1512 requires recipients and sub-recipients to report on the nature of projects and numbers of jobs created and retained. This information must be reported to FederalReporting.gov, a system created and managed by the Office of Management and Budget (OMB) and the Recovery Accountability and Transparency Board (RATB). Second, section 1609 requires agencies to report on the status of compliance with the National Environmental Policy Act (NEPA) for all Recovery Act-funded projects and activities. In order to provide this information to the Council on Environmental Quality (CEQ), environmental reviews will be performed by HUD staff according to Part 50, and HUD will report the necessary data directly. For more information, review Section 1609.

2) How, by whom, and for what purpose the information will be used.

The information being collected in accordance with the RFA regarding the green retrofits and the invoices and inspection reports will be used by the Office of Affordable Housing Preservation (“OAHF”) to facilitate and account for utility-saving investments and other investments that produce environmental benefits. The information contained in Davis-Bacon reporting will be used by HUD and the Department of Labor to ensure prevailing wages (as defined under the Davis-Bacon Act) are paid to workers performing labor on green retrofit projects. The information collected by Recovery Act reporting will be collected by HUD and OMB to ensure transparency and accountability in the use of Recovery Act funding.

The respondents for these data collections will be owners who have received loans and grants, or grants only, under the Green Retrofit Program. Owners are required to submit acceptable invoices, lien releases from contractors, and certifications regarding the status of repairs and workmanship in order to receive releases of GRP funds. These will be collected by the Retrofit Administrators (“RA”). The invoices and lien releases will be provided by parties supplying goods and/or services under the RFA. The inspection reports will be provided by inspectors hired by the RA. The RA will review the invoices and inspection reports to confirm that the work for which payment is being sought has been completed in conformance with the approved bids. The Davis-Bacon information collection will be made in conformance with Department of Labor requirements; similarly, Recovery Act reporting is made in conformance with OPM requirements. There have been no changes in the burden, forms or laws regulating this collection since the initial approval by OMB.

3) 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.

The RFA collects information in three basic categories:

- Green Retrofits, including invoices and inspections of completed retrofits
- Davis-Bacon Act / prevailing wage reporting
- Recovery Act reporting

Owners are required to submit acceptable invoices, lien releases from contractors, and certifications regarding the status of repairs and workmanship in order to receive releases of GRP funds. Originals of these documents must be collected by the owner, contractor or inspector, and transmitted to the Retrofit Administrator by fax, email of scanned documents, or mail. There is currently no process by which any of these documents can be submitted with electronic signatures.

Davis Bacon Act reporting for recipients of GRP funds is identical to that of any other recipient of federal grants/loans. Owners collect information from their contractor(s) documenting pay rates for individuals performing green retrofit work, and submit it to the local representative of the Department of Labor (“DOL”) for confirmation of compliance with Davis Bacon. Records will be submitted according to established DOL practices, which may include on-line submission, email, or mail.

Recovery Act reporting, as mandated in the Recovery Act, will be done on-line at a HUD-Administered website specifically dedicated to the purpose.

4) Describe efforts to identify duplication.

There will be no duplication of information submission. Davis-Bacon information will only be collected once, through HUD’s established procedures within the Department of Housing. Recovery Act information will also only be collected once through HUD’s website. There is no similar information already available which could be used or modified for the purposes described in item 2 above.

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.

The collection does not have a significant impact on a substantial number of small entities. Roughly 200 projects will be funded and many of those will be owned by entities which are not small entities.

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.

The information collection cannot be conducted less frequently. The RFA requires collection of three categories of information. First, it requires collection of information regarding the green retrofits, including invoices and inspections. This information is necessary in order for HUD to assess the status of completion of the retrofit work prior to approving invoices for payment. Since the main purpose of the Recovery Act is

to provide economic stimulus, it is critically important that contractors performing work and companies supplying materials for the green retrofits be paid timely. Second, the RFA requires submission of information regarding compliance with Davis-Bacon wage rates; this information must be collected in accordance with previously established statutory and regulatory requirements. Third, the RFA requires compliance with Recovery Act reporting requirements, which only require reports be filed quarterly.

7) Explain any special circumstances that would cause an information collection to be conducted in a manner inconsistent with 5CFR 1320.8(d):

There are no special circumstances that require the collection to be conducted in a manner inconsistent with these guidelines. Green Retrofits – reporting from owners is required each time funds are to be released to pay for Retrofit work, but no more often than monthly. The timing of such requests is at the discretion of individual owners. An arbitrary limitation to the frequency of such reporting would work to the detriment of the owner, the project, HUD, the contractors performing the work, and to OAHP’s ability to achieve its GRP mission, by denying the owner timely access to grant/loan funds needed to pay contractors for work performed. However, the information required from owners is acquired in the normal course of business or requires execution of simple forms for certifications, none of which places an undue burden on the respondent. This reporting does not require multiple copies of any document.

Davis Bacon reporting – this reporting is required pursuant to the terms of the Recovery Act, to be carried out as prescribed in the Davis Bacon Act. The information cannot be collected less frequently than required by law.

Recovery Act Reporting – quarterly reports are required by the Act itself. A HUD-maintained website has been created to facilitate the reporting for HUD clients.

8) 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.

In accordance with 5 CFR 1320.8(d), this information collection soliciting public comments was announced in the *Federal Register* on April 22, 2010, Vol. 75, No. 77 Page 21016. No comments were received.

OAHP consulted with four individuals representing three of the main parties that prepare and use the Retrofit Funding Agreement. They were:

Representing Retrofit Administrators: Sue Pogozelski, Vice President, CreditVest, Inc.

Pittsburgh, PA

Representing attorneys: Charles LeClair, Esquire, LeClaire Griewahn & Scott LLC,

Pittsburgh, PA

And attorney Christopher Barhorst, Esquire, Swanson Midgeley, LLC, Kansas City,

Missouri

Representing the Rehabilitation Escrow Administration Manager: Richard Daugherty,

Rehabilitation Escrow Manager, Office of Portfolio Management, New York, NY

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

There will be no payments or other gifts to respondents other than the grants or loans that are the subject of the program.

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

No assurance of confidentiality has been provided.

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.

No sensitive information will be collected.

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.
- If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- ❖ 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.

FY 2010/2011	Type of Reporting	Number of Respondents	Freq. of Response	Total Annual Responses	Hours Per Response	Total Annual Hours
	Green Retrofits	225	6	1,350	2	2,700
	Davis Bacon	225	52	11,700	.5	5,850
	Recovery Act	225	4	900	.5	450
TOTAL HRS		225		13,950		9,000

Consideration in arriving at the totals are:

- Green Retrofits – 6 reports – one per each draw.
- Davis Bacon – 52 reports – one per week refers to weekly wage certifications from contractors (using WH-347). required, probably works.
- Recovery Act – 4 reports – owners quarterly reports.

The burden for green retrofits was estimated based on experience with the Green Initiative of the Mark to Market program administered by OAHP over the last 2 years, extrapolated for an expected average of six withdrawal requests per year per GRP transaction. The burden for Davis Bacon reporting was based on the requirement for weekly wage statements under the law, and an estimate of the minimal time required for the owner to forward the contractor wage statements to the local DOL representative. Recovery Act reporting burden estimate was based on the statutory requirement for quarterly reporting, of data the owners will have readily at hand at all times during their participation in the GRP.

13) Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information.

No additional burdens over and above those outlined 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.

The green retrofit reporting is required whenever funds must be released from the GRP grant/loans. The cost of evaluating this reporting is already encompassed in OAHP's budget and staffing costs, and all those who will read/evaluate the reporting must do so in order to carry out their regularly assigned duties.

Davis Bacon – the DOL maintains personnel who evaluate this type of reporting as part of their regularly assigned duties. Overall the GRP is expected to comprise approximately 200 properties, and owners will send weekly Davis Bacon reports to the local DOL representative.

Recovery Act reporting – HUD will maintain a reporting website to receive the incoming data from owners. This automated reporting system will in turn feed into other similar systems from other agencies for collective data on the entire Recovery Act spending, of which the GRP is a nominal amount. The cost to the Federal Government cannot be evaluated within this document.

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

This is an extension of a currently approved collection. There are no program changes, however, the number responses and burden hours have been adjusted to reflect accurate system data.

16) For collections of information whose results will be published, outline plans for tabulation and publication.

With the exception of the Recovery Act reporting, which will be available to the public on the Recovery.gov web site, this information 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.

We are not seeking such approval.

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 of OMB form 83-I.