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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.

Signature of Program Official:  X Milan M. Ozdinec	Date:
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Signature of Senior Officer or Designee:  X Leroy McKinney, Jr., Departmental Reports Management Officer, Office of the Chief Information Officer	Date:
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## Supporting Statement for Paperwork Reduction Act Submissions

### A. Justification

1. To ensure that federal financial assistance is directed to those legally eligible to receive such assistance, 24 CFR Part 5, Subpart E-Restrictions on Assistance to Noncitizens, requires written declaration of U.S. citizenship or U.S. nationality. For U.S. citizens or U.S. nationals, each family member, regardless of age, must submit a signed declaration of U.S. citizenship or U.S. nationality. For noncitizens who are 62 years of age or older and receiving assistance or applying for assistance, they must provide a signed declaration of eligible immigration status and proof of age document. For all other noncitizens, they are required to submit (1) a signed declaration of eligible immigration status; (2) the original of a document designated by the Bureau of Citizenship and Immigration Services (BCIS) as acceptable evidence of immigration status, and (3) a signed verification consent form. The regulation is attached.
2. In verifying information provided by the applicant/tenant, public housing agencies (PHAs) must obtain consent from the applicant/tenant using form HUD-9886 to verify eligibility and income information provided through computer matching or by obtaining information directly from the third party source. PHAs are required to verify citizenship or eligible immigration status of individuals and family members, regardless of age, applying for or currently receiving assisted housing in accordance with Section 214. 24 CFR 5.512, requires PHAs to use the BCIS Systematic Alien Verification Entitlements (SAVE) Program as the primary source for the verification of (1) immigration status, (2) nonimmigrant status and (3) naturalized and derived U.S. citizenship of individuals applying for assistance under various housing programs. The data is stored in BCIS' secured online Verification Information System (VIS) database and checks the immigration status of applicants/tenants against Department of Homeland Security (DHS) database records.

Additionally, to determine eligibility and to assist HUD in managing and monitoring HUD-assisted housing programs, applicants and tenants receiving assistance in public housing programs are required to sign the Authorization for the Release of Information/Privacy Act Notice - (Public and Indian Housing form HUD-9886). The form is also available in Arabic, Cambodian, Mandarin, Creole, French, Hmong, Korean, Russian, Spanish, and Vietnamese.

The submission of the written declaration of citizenship, written declaration of eligible immigration status, alien registration documents, and verification consent form to the PHA (form HUD-9886) is necessary so that PHAs can carry out the requirements of Section 214, to ensure that only citizens and legal residents are the recipients of public benefits. The documents, once submitted to the PHAs, will be verified and retained on file as evidence that the restrictions on financial assistance are met.

3. The collection of information required does not permit electronic submission. The regulations at 24 CFR 5.08 require the presentation of actual alien registration documents and a written declaration of citizenship; eligible immigration status, and verification consent forms.

The verification of current immigration status can be done by paper or electronically through the Systematic Alien Verification Entitlement (SAVE) Verification Information System (VIS) database. The DHS SAVE VIS can be accessed through a Web-based application. This technology allows PHAs to confirm the immigration status of an individual without the necessity for substantial paperwork.

4. No similar information concerning citizenship or eligible immigration status is required under other programs that are already available to HUD or PHAs. Although evidence of citizenship or age is required only once to avoid duplication, evidence of an individual's eligible immigration status is to be submitted every year during the annual recertification of tenants. This is required to ensure continued eligibility status for financial assistance.
5. Some small PHAs are affected by the information collection requirements. The information collection requirements are those that are required by the statute. HUD has not imposed additional information collection requirements beyond those defined by the statute. Given the statutory requirements, there are no alternatives for submission of the required information. Again, electronic verification through the SAVE VIS minimizes burden.

6. The statute dictates information collection for the purpose of determining whether applicants applying for or tenants receiving housing subsidy under HUD assistance programs are eligible for such assistance. The collection conducted is the minimum necessary.
7. The entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status under the Public Housing or Section 8 programs shall retain for a minimum of 5 years certain documents and photocopies of any original documents submitted.
8. This information collection was announced in the *Federal Register*, Volume 75, Page 54898, on September 9, 2010. In response to the 60-day Notice of Proposed Information Collection, comments were received and are attached.
9. No payments are made to the respondents.
10. HUD shall comply with the Privacy Act of 1974 (5 U.S.C., § 552a) requirements in the conduct of the verification procedures, as well as in the safeguarding, maintenance, and disposition of any information used for determining the citizenship or eligible immigration status of individuals and family members applying for or currently receiving housing assistance and not for any other purpose. Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires HUD (with respect to Public and Assisted Housing Programs provided under the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq.) and any PHA that enters into a contract for assistance under section 6 or 8 of Title I of the U. S. Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq.) to report to the BCIS, at least 4 times a year those individuals who HUD has verified are in the U.S. unlawfully. Additionally, the secured SAVE VIS database carries its own protective measures by assigning identification and passwords to authorized users.
11. The only information required of a sensitive nature is citizenship/immigration status.
12. Estimated public burden: number of respondents, frequency of responses, annual hour.

Description of Information Collection	Tabulation of Annual Reporting Burden Restriction on Assistance to Noncitizens			
	No. of Respondents (PHAs)	Total Annual Responses*	Hours Per Response	Total Annual Hours
New tenant admissions in Public & Indian Housing and Section 8 Programs**	4,414	1,036,463	0.16	165,834
Annual recertification of tenants' eligible immigration status in Public & Indian Housing and Section 8 Programs**	4,414	286,288	0.08	22,903
<b>Total Annual Burden</b>	<b>4,414</b>	<b>1,322,751</b>		<b>188,737</b>

Data is from HUD's Public & Indian Housing Information Center (PIC).

\*Averages were taken from calendar years 2007-2009.

\*\*New tenants that are citizens or have permanent eligible immigration status must submit this form only once. Others must submit this form annually during recertification.

13. There are no additional costs to respondents.
14. Cost to the respondents (PHAs) is estimated at \$30.00 per hour, which includes overhead, staff preparation, time, etc. Burden for these respondents, is \$30.00 x 188,737 for a total of \$5,662,110. The hours associated with the notification, verification, and termination are small. For a citizen, only one declaration is required. For noncitizens with eligible immigration status, they should have with them their evidence of eligible immigration status.
15. This is a revision of a currently approved collection. Changes and adjustments made to Items 13 or 14 of the OMB 83-I result from this PRA now applying only to public housing programs, not multifamily programs. The previous PRA

covered both programs, however last year the Multifamily form (HUD-9887) was removed from this PRA and submitted under a separate PRA. The last PRA had also estimated the hours per response at 0.1 hours. A more accurate estimate of how long it would take an applicant to read and fill out the form is 10 minutes (approximately 0.16 hours).

16. Information collected will not be published.
  17. HUD will display the OMB control number and expiration date on the form.
  18. There are no exceptions to the certification statement.
- B. This collection of information does not employ statistical methods.