

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Date: May 13, 2011
OMB Cont.: #0937-0191
Title: Application Packets for Public Health Purposes
Program: DHHS/ASA/PSC/AOS/DPM/Real Property Branch
Contact: Theresa Ritta, Chief, Real Property Branch
301-443-6672

A. Justification

1. Need and Legal Basis

The Office of Assistant Secretary for Administration, Program Support Center, Federal Property Assistance Program requesting an approval by OMB on a reinstatement without change. The Federal Property and Administrative Services Act of 1949 (P.L. 81-152), as amended (**Attachment A**), provides authority to the Secretary of Health and Human Services to convey or lease surplus real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations.

The Stewart B. McKinney-Vento Homeless Assistance Act, Section 501 in Title V, (McKinney Act) (**Attachment B**) directs that assistance to the homeless be included as a permissible use in the protection of public health within the meaning of section 203(k) of the Federal Property and Administrative Services Act of 1949.

In accordance with a permanent injunction issued by the U.S. District Court for the District of Columbia on December 12, 1988, National Coalition for the Homeless et al v. Veterans Administration, et al., (**Attachment C**) all excess/surplus properties in the General Services Administration's inventory must be considered for facilities to assist the homeless before other disposal actions can be taken. On May 22, 1989, a Court Order was issued in this same suit which requires HHS to accept and process applications for all property determined suitable for use by the homeless by the Department of Housing and Urban Development including unutilized and underutilized, as well as properties reported as excess/surplus.

The National Environmental Policy Act, (42 USC Sections 4321-4370a), P.L. 91-190 (**Attachment D**).

Implementing Authority (Regulation)

Applicable provisions of the Federal Property and Administrative Services Act of 1949, as amended, and the McKinney Act, have been implemented by the Department in its regulations under Title 45, Subtitle A, Parts 12 and 12a (**Attachments E and F**).

Applicable provisions of the National Environmental Policy Act have been implemented by the Council on Environmental Quality Regulations, 40 CFR 1500-1508 (**Attachment G**); and by the Department in General Administration Manual Chapter 30, published in 47 FR 2414, dated January 15, 1982, (**Attachment H**).

Program Authority (Delegations)

Authority for administering the Federal Property Assistance Program has been delegated, to the Director, Division of Property Management/Program Support Center.

2. Information Users

An eligible institution must complete an application (which includes environmental information) to obtain all or a portion of a property and establish that the property is needed for health and/or homeless assistance purposes. There are four types of applications: (1) an Application for Purchase of Real Property at Public Benefit Allowance for Public Health Purposes (**Attachment I**); (2) an Application for Purchase of Real Property at Public Benefit Allowance for Homeless Purposes (**Attachment L**); (3) an Application for Use of Real Property at Public Benefit Allowance for Homeless Purposes (**Attachment J**); and (4) an Application for Purchase of Real Property at Public Benefit Allowance for Off-Site (**Attachment K**).

The application must establish eligibility of the institution/organization, assure that it is a health and/or homeless program within the language of the Law, and that the proposed use will carry out program requirements. In addition, it must contain all information to show organizational and financial ability to acquire the property and carry out the proposed program. It must also include an assurance that in carrying out the program there will be no discrimination because of race, color, sex, handicap, age, religion, or national origin in the use of the property. Environmental information, including historic preservation, must also be provided to enable the Department to carry out its responsibilities under the National Environmental Policy Act. These applications are reviewed for completeness of information and evaluated by the appropriate staff. Subsequently, a report and recommendation is provided to the Chief, Real Property Branch/Division of Property Management/Administrative Operations Service/Program Support Center who makes the final decision to approve or disapprove the application. The application is the only source of information available from an applicant and the program could not function without it.

3. Improved Information Technology

Priority mail, overnight mailing, facsimile equipment, and a computer generated tracking system and inventory are used to facilitate the exchange of information. In addition, we

have added an email address. As technology improves the sending and receiving of information, the time required for transfer of the real property may be shortened. Data collection through the above-means, including e-mail submission, is acceptable provided that hardcopies of documents requiring original signatures are also submitted for real property records purposes. A website, <http://www.psc.gov/administrative/federalprop/index.html> is also maintained to provide program information to the public.

4. Duplication of Similar Information

The majority of the information (environmental information being excluded) requested in the applications is not duplicative of another information collection. The program, the only of its kind in the Federal government, is specific to the acquisition and use of surplus Federal real property for public health or homeless purposes.

HHS is required to include environmental consideration in its decision making activities, and therefore, requires pertinent environmental information from applicants. If an environmental assessment has been prepared on the proposed project for another local, State, or Federal agency which addresses all of the information required, it may be included in the application.

5. Small Businesses

The following actions have been taken to minimize the impact in the collection of information by small businesses or other small entities: The applications provide step-by-step instructions for responding to each question, as well as a format for the resolution, and a perforated sheet that may be certified and returned with the application. Technical assistance is provided to eligible organizations. Applicants can phone or send e-mail for clarification on any part of the application. In some cases, staff can refer applicants to potential sources of information from other government agencies.

6. Less Frequent Collection

The application is only required as necessary/occasionally; that is, if an applicant wishes to acquire surplus/excess or underutilized/unutilized Federal property for public health or homeless purposes. We know of no legal or technical obstacles to reducing the burden.

7. Special Circumstances

There are no special circumstances that would cause an information collection to be conducted in a manner that is inconsistent with the eight situations listed in this item.

8. Federal Register Notice/Outside Consultation

A 60-day Federal Register Notice was published in the *Federal Register* on March 28, 2011, Vol. 76, No. 59, pages 17127-17128. (**See Attachment M**). There were no public comments.

The basic application packet has been in use for many years. It is not possible to determine if consultation with persons outside the agency was conducted at the time of its inception. The instructions have been slightly modified in the past for McKinney Act requirements. The Law Center for Homelessness and Poverty provided input, specific to homeless programs, on previous revisions to the application.

Several staff members participated in the Department of Defense Outreach Seminars where major base closures were impacting on communities, in homeless workshops around the country, and in meetings with providers and various government agency staffs to resolve issues relating to particular properties. These interactions provided opportunities to stress and clarify the need for the information required by a particular application. For example, providers questioned the time limitations on when use of the property must take place.

Generally, an excess/surplus property must be put into use within 12 months after the date of the deed or lease, and within 36 months where construction or major renovation is contemplated.

Providers questioned when the property will be conveyed or permitted for use after the application has been approved.

For excess/surplus property, assignment must be received from the disposal agency and negotiation of the use or deed document must be completed before the property can be conveyed. In addition, sometimes a property may require that environmental concerns are remedied before transfer.

For underutilized property, the landholding agency negotiates directly with the provider on terms and conditions of the occupancy document.

9. Payment/Gift to Respondents

No payments or gifts are provided to respondents.

10. Confidentially

The applications do not request a significant amount of information containing personal identifiers. It requests such information as applicant contact information, evidence of tax-exemption, and financial information. Information is not provided to third parties without first obtaining approval from the applicant or without processing requests for information through the Freedom of Information Office.

11. Sensitive Questions

The application requires certain information regarding an applicant's financial ability to maintain the real property it is requesting, to fund any construction or rehabilitation of that property, and to assure that funds are available to operate the proposed program. This may be considered sensitive information; however, it is necessary in order to determine an applicant's eligibility, to evaluate the potential for a successful program, and to ensure the protection of the real estate.

An applicant is required to provide its tax status, either tax-supported or tax-exempt under section 501(c)(3) of the IRS code of 1986 throughout the period of restrictions, in order to determine eligibility.

12. Burden Estimate (Total Hours & Wages)

Type of Respondent	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
State, instrumentalities of the state, units of local gov't, nonprofit organizations	20	1	200	4000
Total	20	1	200	4000

We estimate 20 applicants per year who prepare one application for each property requested. The burden per response was based on previous conversations with people who filled out applications and who indicated a range of 20 to 1000 hours. The average of this estimate is 200 hours to complete an application. Therefore, the annualized hour burden is 20 applicants x 200 hours = 4,000 burden hours.

This request covers four types of applications. However, the information contained in the applications is very similar; therefore, no separate hour burden estimates are provided. The aggregate hour burdens are provided in item 13 of OMB Form 83-1.

Type of Respondent	Number of Respondents	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
State, instrumentalities of the state,	20	4000	\$35.00	\$140,000.00

units of local gov't, nonprofit organizations				
Total				\$140,000.00

We estimate the annualized cost to respondents for the hour burdens for collections of information to be between \$20-\$80 per hour burden which averages out to approximately \$35 per hour burden times 200 hours x 20 = \$140,000.

13. Capital Costs (Maintenance of Capital Costs)

An applicant may contract for environmental expertise in completing the environmental questionnaire portion of the application. We estimate the cost of contracting to be approximately \$75 to \$90 for 1 to 2 hours. This averages out to \$3,600.

14. Cost to Federal Government

We estimate 20 applications received annually requiring 1,000 hours of review and evaluation by staff ranging from GS 11 through GS 14 totaling approximately \$36,000, including mailing and miscellaneous expenses. Approximately 50 hours of professional staff time by realty specialists are required to process each application. At an average of \$36 per hour, the cost to the Federal Government of processing 20 applications is \$36,000.

15. Program or Burden Changes

Burden Changes - No change since last submittal.

Program Changes – No change to applications since last submittal.

16. Publication and Tabulation Dates

There is no possibility that these information collection requirements will be published, tabulated or manipulated.

17. Expiration Date

Not applicable.

18. Certification Statement

There are no exceptions to the certification.

B. Collection of Information Employing Statistical Methods.

Not applicable.

Attachments to the Supporting Statement

- A. The Federal Property and Administrative Services Act of 1949, Section 203(k)(1) and (4)
- B. The Stewart B. McKinney-Vento Homeless Assistance Act, Section 501
- C. Court Injunction issued by the U.S. District Court for the District of Columbia on December 12, 1988, National Coalition for the Homeless et al v. Veterans Administration, et al.
- D. The National Environmental Policy Act
- E. Applicable provisions of the Federal Property and Administrative Services Act of 1949, implemented by HHS in its regulations under Title 45, Subtitle A, Part 12.
- F. Applicable provisions of the Federal Property and Administrative Services Act of 1949, implemented by HHS in its regulations under Title 45, Subtitle A, Part 12a.
- G. Applicable provisions of the National Environmental Policy Act implemented by the Council on Environmental Quality Regulations, 40 CFR 1500-1508.
- H. Applicable provisions of the National Environmental Policy Act implemented by the Department of Health and Human Services in General Administration Manual Chapter 30, published in 47 FR 2414, January 15, 1982.
- I. Application Packet for Purchase of Real Property at Public Benefit Allowance for Public Health Purposes
- J. Application Packet for Use of Real Property at Public Benefit Allowance for Homeless Purposes
- K. Application for Purchase of Real Property at Public Benefit Allowance for Off-Site
- L. Application Packet for Purchase of Real Property at Public Benefit Allowance for Homeless Purposes
- M. *Federal Register*, July 10, 2007. Final Notice. Program Support Center: Use of Federal Real Property to Assist the Homeless.