

Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 Seventeenth St. NW, Washington, DC 20503.

1. Agency/Subagency Originating Request: U.S. Department of Housing and Urban Development Office of Public and Indian Housing		2. OMB Control Number: a. New b. <input checked="" type="checkbox"/> None	
3. Type of information collection: (check one) a. <input checked="" type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change , of previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change , of previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note item A2 of Supporting Statement instructions.		4. Type of review requested: (check one) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by c. <input type="checkbox"/> Delegated 5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years form approval date b. <input type="checkbox"/> Other (specify)	
7. Title: Public Housing Authority Executive Compensation Information			
8. Agency form number(s): (if applicable) HUD 52723, Compensation Collection Form - (Pending form number)			
9. Keywords: Housing, public housing, executive compensation			
10. Abstract: HUD will collect and make transparent information on the five highest compensated employees at public housing agencies (PHAs)			
11. Affected public: (mark primary with "P" and all others that apply with "X") a. <input checked="" type="checkbox"/> Individuals or households e. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit f. <input checked="" type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions g. <input checked="" type="checkbox"/> State, Local or Tribal Government		12. Obligation to respond: (mark primary with "P" and all others that apply with "X") a. <input checked="" type="checkbox"/> Voluntary b. <input checked="" type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory	
13. Annual reporting and recordkeeping hour burden: a. Number of respondents 4116 b. Total annual responses 4116 Percentage of these responses collected electronically 100% c. Total annual hours requested 1372 d. Current OMB inventory N/A e. Difference (+,-) N/A f. Explanation of difference: 1. Program change: 0 2. Adjustment: 0		14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) a. Total annualized capital/startup costs \$0.00 b. Total annual costs (O&M) \$0.00 c. Total annualized cost requested \$0.00 d. Total annual cost requested \$0.00 e. Current OMB inventory 0 f. Explanation of difference: 1. Program change: 0 2. Adjustment: 0	
15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. <input checked="" type="checkbox"/> Application for benefits e. <input checked="" type="checkbox"/> Program planning or management b. <input checked="" type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input checked="" type="checkbox"/> Regulatory or compliance d. <input checked="" type="checkbox"/> Audit		16. Frequency of recordkeeping or reporting: (check all that apply) a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure b. <input checked="" type="checkbox"/> Reporting: 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input checked="" type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe)	
17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Donald J. Lavoy Phone: 202 - 402-6296	

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, 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 Deborah A. Hernandez, General Deputy Assistant Secretary for Public and Indian Housing	Date:
Signature of Senior Officer or Designee: X Colette Pollard, Departmental Reports Management Officer Office of the Chief Information Officer	Date:

Supporting Statement for Paperwork Reduction Act Submissions

A. Justification

1. What information is being collected, from whom, and why is it needed? Explain what the information is and why it's necessary. Identify any legal or administrative requirements that necessitate the collection.

Under current law, non-profit organizations receiving federal tax exemptions are required to report to the IRS annually the names and compensation of their five current highest compensated employees. Public housing authorities (PHAs) receive significant direct federal funds, and to promote similar public transparency and to enhance oversight by HUD and by state and local authorities, the same information should be collected and made available as to public housing authorities. After collecting this compensation information and deleting individual names, HUD plans to make it available on a publicly accessible website. Information will be retained for approximately one year, until it is replaced by more current information.

This collection is also important because of Congressional oversight. The Chairman and staff of the House Appropriations Subcommittee on the Departments of Transportation and HUD have specifically communicated to HUD that, especially in light of recent publicized instances concerning high salaries paid to some PHA directors, it is very important that HUD collect, review, and make compensation information publicly available. When HUD recently reported to the Subcommittee at a hearing that it had initiated a 60-day notice with respect to the collection of this information, the Chairman praised the action and emphasized the importance of HUD carrying it out expeditiously.

The collection is authorized pursuant to HUD's specific oversight of the public housing operating fund that is found in the U.S. Housing Act of 1937 as amended, 42 U.S.C. 1437 *et seq.*, particularly 42 U.S.C. 1437c(a)(1) and (f) and 42 U.S.C. 1437f(b)(1). Authority is also found in the Department of Housing and Urban Development Act (42 U.S.C. 3531 *et seq.*) (Department of HUD Act). Under the Department of HUD Act, HUD is provided general oversight and monetary authority over its funded programs. In particular, section 7(r)(1) of the Department of HUD Act (42 USC 3535(r)(1)) authorizes the Secretary to expend funds "for evaluating and monitoring" housing programs, including public housing and all other programs authorized under the U.S. Housing Act of 1937 and other HUD statutes, and for "collecting and maintaining data for such purposes."

Additionally, the governmentwide regulations governing grants and cooperative agreements to state, local, and federally recognized Indian tribal governments, which for HUD are found in 24 CFR part 85, provide in 24 CFR 85.42(e) as follows: "(e) Access to records —(1) Records of grantees and subgrantees. The awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and subgrantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts."

These statutory and regulatory authorities together form the basis for the information collection proposed by HUD. As explained in the 83i and elsewhere, the executive compensation collection is designed to help HUD monitor and conduct oversight of public housing, section 8 vouchers, and other housing programs operated by PHAs.

2. What's it for; and for whom? What information is collected and how is it collected. Explain how the information is to be used; for what purpose and by whom.

The information that will be collected annually from PHAs will be similar to that required by the IRS from all non-profit organizations receiving federal tax exemptions. The collection will include the PHA name, identifying PHA code, and the following information for each of the PHA's five most highly compensated employees: Name, title, and compensation (including reportable compensation from the PHA and related organizations, contributions to employee benefits plans and deferred compensation from the PHA and related organizations, and other compensation or allowances). The executive compensation collection instrument will be an attachment to the existing and approved HUD-52723 form, which most PHAs are required to annually complete and submit.

The information will be used for several purposes. Initially, the information will be used by HUD officials as part of their oversight and review of PHAs. One of the important factors that HUD officials consider with respect to PHAs is how they handle administrative and related expenses. Having data available on the five highest compensated employees of all PHAs will allow HUD officials to review this aspect of PHA administrative expenses and compare such expenses across the range of all PHAs. This will

be particularly useful in evaluating PHAs that are considered troubled because of administrative or other problems. It is anticipated that state and local authorities, which also oversee PHAs and often appoint their boards of directors, will also find this information useful for oversight purposes. (A relatively small number of PHAs do not administer public housing units, administer only housing choice vouchers, and are state and local governmental units that perform other functions and receive less than 50% of the funding for employees from HUD; employee compensation from these agencies will be requested but not required in the collection).

In addition, the information will be used to promote transparency. HUD intends to publish on its website the job title and total compensation paid to the five highest compensated employees of each PHA, just as such information is available for tax-exempt organizations, federal employees, and many private corporations. As HUD Secretary Donovan has stated, this will further enhance HUD's efforts to promote transparency concerning the use of federal funds. The information will thus be available to the public across the country.

3. Is the information submitted electronically? Will it ultimately reside in an automated system? Describe whether, and to what extent, the collection of information is automated (item 13b1 of OMB form 83-i). Under the Government Paperwork Elimination Act (GPEA), the public must be provided with the option of responding electronically. If that is not feasible, explain why. This must be addressed.

Yes. The collection of information will be accomplished through a template form that PHAs will complete and submit electronically. PHAs will download the collection form from HUD's website, complete it, and return it to their local field office, in most cases along with HUD form 52723. The information collection responses will be consolidated at HUD headquarters and reside in an automated system under HUD control.

4. Is this information collected elsewhere? Also, review current information collection packages for potential consolidation.

Similar information is collected by the Internal Revenue Service from all entities required to file Form 990s, which may include some PHAs or their affiliates. Similar information is or will be collected by the General Services Administration from many federal grantees, including many PHAs, under the American Recovery and Reinvestment Act of 2009 and the Federal Funding Accountability and Transparency Act of 2006. As discussed above, this information collection will be consolidated with information collection under HUD form 52723 in order to promote efficiency.

5. Does the collection of information impact small business or small entities (item 5 of OMB form 83-I)? Describe any methods used to minimize burden.

Some small entities (i.e. small PHAs) will be affected by the information collection requirement. Methods have been adopted to minimize the burden on these and other entities by consolidating the collection with the annual collection of information under HUD form 52723, limiting the information collected to the same information collected by the IRS and other entities that collect similar information, and thus limiting the amount of time that the collection will take to approximately 20 minutes per PHA. There is no significant economic impact on a substantial number of entities within the meaning of the Regulatory Flexibility Act.

6. Why can't the information be collected less frequently – or not at all?

The information is collected only once per year. Less frequent collection would make the information significantly less useful for the intended purposes, since compensation information often changes on an annual basis. Not collecting the information at all would completely preclude the intended purposes of providing increased oversight and transparency concerning the administrative functions and expenses of PHAs, which receive significant direct federal funding.

7. Explain any special circumstance requiring:

- respondents to report information more than quarterly;
- a written response in fewer than 30 days;
- more than an original and two copies of any document;
- respondents to retain records other than health, medical government contract, grant-in-aid, or tax records for more than three years.
- a statistical survey not designed to produce results that can be generalized to the universe of study;
- the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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 data with other agencies for compatible confidential use; or
- respondents to submit proprietary trade secret, or other confidential information.

There are no special circumstances that would cause information collection to be conducted in a manner as described above.

8. Identify the date and page number of the *Federal Register* notice (and provide a copy) soliciting comments on the information. Summarize public comments and describe actions taken by the agency in response to these comments. Describe all efforts to consult with persons outside the agency to obtain their input.

This information collection was announced in the *Federal Register* April 26, 2011 on page 23330 of Volume 76. A copy of the *Federal Register* notice is attached. Comments were due to HUD by June 27, 2011. Thirteen public comments were received, most of which appear to have come from executive directors, other employees, or representatives of PHAs. In addition, HUD officials informally solicited input through telephone and other discussions with representatives of associations of PHAs.

Three public comments indicated that the information could be helpful or in any event would not raise objections, except for a privacy concern about posting employees' names on a website online. In response, HUD will make clear in its 30-day notice that it does not intend to post employees' names, but will post only the name of the pha, the position title, and the compensation level. One comment suggested that PHA and HUD salaries are too high and should be reduced, while another suggested the possibility of reinstating a requirement that PHA executive salaries be comparable to other local employee salaries in order to deal with complaints that some PHA employees are overpaid. In fact, separately from this collection, HUD is considering requiring PHA boards to conduct comparability analyses in determining Executive Director compensation. The other eight comments objected to the collection and posting for a variety of reasons, including the claim that there is already sufficient transparency, that the "exact work load" of each executive and size and scope of each PHA should also be posted so the information is not misleading, that HUD will not be able to post the information sufficiently promptly to be useful and does not have direct input on PHA compensation, that such information is not posted for other federal grantees, that the notice does not define compensation, that publication of the information could result in inflation of PHA compensation, that small PHAs should be exempt, that PHA employees should not be "confronted at any time about what kind of salaries that we may be drawing," and that HUD employee compensation information should also be publicly available.

HUD has carefully considered these comments and concluded that the proposed information collection and information posting would significantly increase transparency and improve oversight for PHAs of all sizes, as to which PHA executive compensation is very relevant, that transparency is more likely to deter or help remedy excessive compensation than to encourage it, that the deletion of names from the information posted should help avoid any improper personal confrontation, that compensation information for HUD and other federal employees is generally available, and that it would be overly burdensome to collect and post information on specific employees' workloads. In addition, HUD expects to publish the information in a useful and timely fashion, HUD will define compensation similarly to the IRS definition in materials to be sent to PHAs in connection with the collection of the information, HUD's website includes size, scope, and other information about PHAs, and HUD understands that similar information about many other federal grantees is or will be available via the General Services Administration under the American Recovery and Reinvestment Act of 2009 and the Federal Funding Accountability and Transparency Act of 2006.

9. Explain any payments or gifts to respondents, other than remuneration of contractors or grantees.

Not applicable to this information collection requirement.

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

Not applicable to this information collection requirement.

11. Justify any questions of a sensitive nature, such as sexual, religious beliefs, and other matters that are commonly considered private.

No such sensitive information is sought through this information collection requirements.

12. Estimate public burden: number of respondents, frequency of responses, annual hour burden. Read the complete instruction form 83i. Explain how the burden was estimated. Generally estimates should not include burden hours for customary and usual business practices;

- If this collection uses more than one form, provide separate estimates for each form and aggregate the hour burdens in item 13 of OMB Form 83i; and
- 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 and paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.

There are 4,116 PHAs and thus 4,116 respondents, each of which will be called upon to respond annually. It is estimated that the burden hour per response would be 20 minutes or less, based upon the ready availability of the relatively little amount of employee information requested to each respondent. The total annual hour burden for all respondents collectively is thus 1,372 burden hours. This collection does not use more than one form.

13. Estimate of the annual cost to respondents or recordkeepers (do not include the cost of hour burden shown in Item 12 and 14). Read the complete instructions on the form 83i.

There will be no change in cost to respondents or recordkeepers and thus no additional costs to respondents.

14. Estimate annualized costs to the Federal government.

<u>Number of Respondents</u>	<u>Total Burden Hours</u>	<u>Hourly Rate</u>	<u>Annualized Cost</u>
4,116	1,372	\$18.45	\$26,313

The estimated annualized costs to the federal government is based on the FY 2011 general pay schedule for a GS-7, Step 5 (an average salary for an Administrative Assistant) at a per hour rate. It is estimated that it will take approximately 20 minutes to complete the collection instrument.

15. Explain any program changes or adjustments reported in items 13 and 14 of the OMB Form 83i.

No changes.

16. If the information will be published, outline plans for tabulation and publication.

HUD will consolidate all responses and publish the information on its website. For publication purposes, information will be tabulated into three categories: PHA name/code, title, and total compensation and benefits. HUD does not intend to publish the names of those holding the reported positions.

17. Explain any request to not display the expiration date.

Not applicable to this request.

18. Explain each exception to the certification statement identified in item 19.

There is no exception to the "Certification for Paperwork Act Submissions" for this request.