

Supporting Statement A

Introduction

This submission is to request a reinstatement with revisions of an expired information collection for the reporting burden associated with program and recordkeeping requirements that Emergency Solutions Grants (ESG) program recipients will be expected to implement and retain. This submission is limited to the reporting burden under the ESG entitlement program, which is covered by OMB control number 2506-0089. The data collection package is titled Emergency Shelter Grants Program; however, the HEARTH Act changed the name of the program and HUD is changing the name of the data collection package to match the new program name.

A1 Need and Legal Basis

Why is this information necessary? Identify any legal or administrative requirements that necessitate the collection.

On May 20, 2009, Congress passed the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act). The HEARTH Act revises the Emergency Shelter Grants program and renames the program the Emergency Solutions Grants program. The change in the program's name reflects the change in the program's focus from addressing the needs of homeless people in emergency or transitional shelters to assisting people in quickly regaining stability in permanent housing after experiencing a housing crisis and/or homelessness. The key changes that reflect this new emphasis are the expansion of the homelessness prevention component of the program and the addition of new rapid re-housing assistance components.

The statute and implementing regulations reflect this new emphasis by placing a cap on street outreach and emergency shelter activities (§576.100). The cap is the greater of 60 percent of the recipient's fiscal year grant or the amount of FY2010 funds committed for homeless assistance activities. Determining the amount of FY2010 funds committed to homeless assistance activities places an initial documentation requirement on recipients; however, once established it will never change.

The statutory provisions and the implementing interim regulations found at 24 CFR 576 that govern the program establish new program and recordkeeping requirements.

The Emergency Solutions Grants program places an increased emphasis on targeted and coordinated use of local resources. The implementing interim regulations require that ESG recipients consult with local Continuums of Care within their geographic areas (§576.400(a)) and requires recipients and subrecipients to coordinate ESG assistance to program participants with other targeted homeless services (§576.400(b)) and other mainstream resources available within the community (§576.400(c)).

The implementing regulations for the ESG program require recipients to develop written standards to determine the amount and type of assistance each eligible individual or family may receive when they present for assistance (§576.400(d)). All recipients and subrecipients must then evaluate individuals and families who present for assistance initially (§576.401(a)) to determine eligibility and to determine the amount and type of assistance they may receive using the written standards, and then recertify each program participant every 3 months for homelessness prevention assistance and annually for rapid re-housing assistance (§576.401(b)).

Once an individual or family becomes a program participant, the ESG recipient or subrecipient must connect the program participant to other mainstream resources to help the individual or family obtain and maintain housing stability (§576.401(d)), develop a housing retention plan (§576.401(e)), and ensure that the individual or family is residing in a unit or shelter that meets habitability standards (§576.401(d)).

The recipient must establish and follow termination of assistance procedures before terminating assistance to any program participant receiving ESG assistance (§576.402).

To ensure that projects carried out with ESG funds meet the needs of homeless persons and persons at risk of homelessness within the geographic area, recipients and subrecipients, not including States, of ESG funds must have a homeless or formerly homeless person serve on the board or other decision making body (§576.405).

The recipient and subrecipient must keep records verifying that all of the program requirements have been met (§576.500) and ensure that these records are maintained in a secure and confidential manner. Recipients must monitor subrecipients to ensure that program requirements are being met and take sanctions against subrecipients if the requirements are not being met (§576.501(c)).

The recipient and subrecipient must supply HUD with the information necessary for HUD to complete the environmental review (§576.407). The HEARTH Act repealed Section 443 of the McKinney-Vento Act, which allowed HUD to apply the environmental regulations in 24 CFR Part 58 to ESG activities. Instead, activities are subject to environmental review by HUD under 24 CFR Part 50. To collect the information needed to complete a review, HUD has developed the form HUD-4150. HUD is currently pursuing a technical fix to allow HUD to use 24 CFR Part 58. If this technical fix is passed then HUD-4150 will not be used.

A2 Information Users

How is the information collected and how is the information to be used?

HUD requires recipients of ESG funds to carry out certain program requirements and maintain records that the program requirements were carried out. HUD field offices, HUD Headquarters, and ESG recipients use this information to track compliance with the statutory and regulatory provisions. If HUD determines that the recipient has not been meeting the requirements of this program, it may take the remedial actions set forth in §576.501(b).

A3 Improved Information Technologies

Describe whether, and to what extent, the collection of information is automated (item 13b1 of OMB form 83-i). If it is not automated, explain why not. Also describe any other efforts to reduce burden.

HUD does not require the use of any form to document compliance with program regulations; however, the implementing interim regulation allows communities to maintain documentation by microfilming, photocopying, or other similar methods, including electronic. HUD expects that some communities will maintain paper records, while others will maintain electronic records.

A4 Duplication of Similar Information

Is this information collected elsewhere? If so, why cannot any similar information already available be used or modified?

No similar information exists. The program and recordkeeping requirements are unique to the ESG program. The planning and reporting requirements for this program are already covered in the Consolidated Plan & Annual Performance Report for Grantees, which is covered by OMB control number 2506-0117.

A5 Small Businesses

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

There is no burden on small businesses or other small entities.

A6 Less Frequent Data Collection

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.

If no records are collected on this aspect of the program, HUD will not be able to determine program regulatory compliance. The information is collected on a project-by-project basis to permit ESG recipients to draw down ESG funds from the U.S. Treasury and to ensure ESG funds are used for eligible purposes. It is not possible to collect the information less frequently.

A7 Special Circumstances

Explain any special circumstances that would cause an information collection to be conducted in a manner that would impose additional workload burden on recipients (see eight items listed in OMB guidance).

There are no special circumstances that would cause this information collection to be conducted in a manner that would impose one or more of the additional requirements identified under this item.

A8 Federal Register Notice/Outside Consultation

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.

In accordance with the Paperwork Reduction Act of 1995, the Department of Housing and Urban Development published a notice in the Federal Register on February 23, 2012 (77 FR 5523, page 5523) announcing the agency's intention to request an OMB review of data collection activities for the ESG. The notice provided a 7-day period for public comments and no comments were received. A copy of the Notice is in attached.

No comments were received.

A9 Payment/Gift to Respondents

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

Not applicable. No payment or gifts are provided to any respondents for any information.

A10 Confidentiality

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

Section 576.500(w) of the interim ESG regulations states that recipients and subrecipient must develop and implement procedures to ensure that all records containing personally identifying information will be kept secure and confidential; the address or location of any domestic violence, dating violence, sexual assault, or stalking shelter project will not be made public, except with written authorization of the person responsible for the operation of shelter; and the address or location of any housing of a program participant will not be made public, except as provided under a preexisting privacy policy of the recipient or subrecipient and consistent with state and local laws regarding privacy and obligations of confidentiality..

A11 Sensitive Questions

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

Not applicable. The information collection request does not include any sensitive questions.

A12 Burden Estimate (Total Hours and Wages)

Estimate public burden: number of respondents, frequency of response, annual hour burden. Explain how the burden was estimated.

Exhibit A-1 below demonstrates how the public burden for ESG Data Collection was calculated based on estimated time and expenditures required to complete the collection. The total burden for data collection from all recipients and subrecipients is estimated at 367,441 hours. The table estimates the amount of time required for each individual data collection activity including the number of times the activity is carried out during the year and the number of responses expected per activity.

Exhibit A-1: Estimated Annual Burden Hours for ESG Data Collection

A	B	C	D	E	F
Information Collection	Number of Respondents	Response Frequency (average)	Total Annual Responses	Burden Hours Per Response	Total Annual Hours
576.100(b)(2) Emergency Shelter and Street Outreach Cap Records showing the percent of total ESG funds spent on Emergency Shelter and Street Outreach and that the regulatory Cap has not been exceeded.	360	1	360	1.0	360
576.400(a) Consultation with Continuums of Care Records of the required consultation with the local Continuums of Care.	360	1	360	6.0	2,160
576.400(b) Coordination with other Targeted Homeless Services	2,360	1	2,360	8.0	18,880
576.400(c) System and Program Coordination with Mainstream Resources Records of the required coordination and integration of ESG funded-activities with applicable mainstream services.	2,360	1	2,360	16.0	37,760
576.400(d) Centralized or Coordinated Assessment Records of participation in the CoC developed Centralized of Coordinated Assessment system.	2,000	1	2,000	3.0	6,000
576.400(e) Written Standards for Determining the Amount of Assistance	808	1	808	5.0	4,040
576.400(f) Participation in HMIS Records showing that data on	78,000	1	78,000	0.5	39,000

all persons served and all activities assisted under ESG are entered into the applicable community-wide HMIS					
576.401(a) Initial Evaluation Records showing an initial evaluation to determine the eligibility of each individual or family's eligibility for ESG assistance and the amount and types of assistance the individual or family needs to regain stability in permanent housing	50,000	1	30,000	1.0	30,000
576.401(b) Recertification	20,000	2	40,000	0.5	20,000
576.401 (d) Connecting Program Participants to Mainstream and Other Resources Records showing evidence of these connections from both recipients and subrecipients	78,000	3	234,000	0.25	58,500
576.401(e) Housing retention plan	50,000	1	50,000	.75	37,500
576.402 Terminating Assistance Written notice, decision review, prompt written notice of final decision,	808	1	808	4.0	3,232
576.403 Habitability review Records showing that buildings/units meet federal, state, and local housing and shelter requirements	52,000	1	52,000	0.6	31,200
576.405 Homeless Participation Records of the participation of homeless or formerly homeless individuals on ESG policy and decision making bodies.	2,360	12	28,320	1.0	28,320
576.500 Recordkeeping Requirements Records regarding the	2,360	1	2,360	12.75	30,009

<p>following: Homeless status; At-risk of homelessness status; Determination of ineligibility; Annual income; Participant records; Centralized or coordinated assessment systems and procedures; Rental assistance agreements and payments; Utility allowance; Shelter and housing standards; Emergency shelter facilities; Services and assistance provided; Coordination with Continuum(s) of Care and other programs; HMIS; Matching; Conflicts of interest; Homeless participation; Faith-based activities; Compliance with other Federal requirements; Participant relocation; Financial records; Subrecipients and contractors Other records specified by HUD; Participant confidentiality; Reporting into IDIS;</p>					
576.501(b) Remedial Actions Records of any remedial actions to recapture or reprogram ESG funds	20	1	20	8	160
576.501(c) Recipient Sanctions Records of the recipient's implemented sanction process for non-compliance with ESG	360	1	360	12	4,320
576.501(c) Subrecipient Response Records of the subrecipient's response to the implemented sanction process for non-compliance with ESG	2,000	1	2,000	8	16,000
Total					367,441

A13 Capital Costs

Estimate the annual capital cost to respondents or record keepers.

There are no additional costs to the respondents (other than the cost shown in item 12 above).

A14 Cost to the Federal Government

Estimate annualized costs to the Federal government.

The cost to the government to review the records and compliance with program requirements (but not including the cost of reviewing the reports, follow-up management, or technical assistance) is estimated at \$82,128:

HUD monitoring: 118 recipients per year x 24 hours per recipient x \$29*

Total cost to the Federal Government: \$82,128

*this figure is based on a GS-12 salary

A15 Program or Burden Changes

Explain any program changes or adjustments in burden.

The increase in respondents reflects the increase in ESG entitlement jurisdictions (recipients) over the years.

In addition to increased ESG entitlement jurisdictions, the statutory provisions required by the HEARTH Act increased programmatic requirements, and thus burden, on these recipients and subrecipients. In creating the regulatory provisions to implement the statutory requirements, HUD relied heavily on its administration of the previous Emergency Shelter Grants program and the Homelessness Prevention and Rapid Re-Housing Program. HUD implemented regulatory requirements that HUD has determined are necessary to prevent fraud, ensure that program participants receive appropriate housing and services, and ensure that the rights of program participants are protected.

A16 Publication and Tabulation Dates

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

HUD does not intend to publish any information as a result of this collection.

A17 Expiration Date

Explain any request to not display the expiration date.

HUD is not seeking approval to not display the expiration date for OMB approval of the information collection.

A18 Certification Statement

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

There are no exceptions to the signed certification.