



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

FEB 01 2012

Mr. Ross Rutledge
OMB Desk Officer
Office of Management and Budget
New Executive Office Building
Washington, DC 20503

Dear Mr. Rutledge:

The Department is seeking emergency review of the Paperwork Reduction Act requirements contained in the "Emergency Solutions Grants Program" (Request). The Notice of Paperwork Submission (copy enclosed), proposed for immediate *Federal Register* publication, explains the burden of the collection requirements and invites public comments on them.

This program is supported by the information collection for the Emergency Solutions Grants (ESG) Program under OMB Control Number 2506-0089. Due to an increase in ESG entitlement jurisdictions since HUD last requested approval, as well as new statutory provisions required by the Homeless Emergency and Rapid Transition to Housing (HEARTH) Act that increased programmatic requirements for ESG recipients, the revised information collection will increase the burden of ESG recipients and subrecipients.

HUD generally publishes its rules for advance public comment in accordance with regulations at 24 CFR Part 10. Notice and public procedures may be omitted, however, if HUD determines that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." (See 24 CFR 10.1.) In this case, HUD has determined that it would be contrary to the public interest to delay promulgation of the reporting requirements for the ESG program because Congress has provided funding for this new program in the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10, approved April 15, 2011) (FY2011 Appropriations Act). Section 2241 of the FY2011 Appropriations Act contains \$1,905,000,000 for homeless assistance grants, with the requirement that at least \$225,000,000 be set aside for the ESG program. HUD interprets Congress' funding decision as its recognition of the significant unmet needs of America's homeless population and the immediate impact this program can have on helping those who are homeless and at risk of homelessness.

Given what HUD viewed as a congressional charge to move expediently, the ESG Interim Rule was submitted to OMB and approved on October 4, 2011. The accompanying homeless definition was later approved on October 14, 2011, the interim rule and definition were published in the *Federal Register* on December 5, 2011, and became effective on January 4, 2012. HUD waited on final approval by OMB of the programmatic requirements proposed in the interim rule prior to finalizing these Paperwork Reduction Act requirements.

The program requirements herein, including the recordkeeping requirements, are a vital and necessary component of the ESG program and must also be implemented to meet the aforementioned congressional charge. HUD recipients are already familiar with the program requirements, as they build on the requirements of the Emergency Shelter Grants program and the Homelessness Prevention and Rapid Re-Housing Program (HPRP), authorized and funded by the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111-5, approved February 17, 2009). HUD relied substantially on its experience in administering the Emergency Shelter Grants program and HPRP as well as the experience of its recipients in developing the program requirements for the ESG program. In fact, the Recovery Act language that authorized HPRP was directly drawn from the HEARTH Act.

Because HPRP-initiated activities will continue under ESG, the interim rule and the accompanying reporting requirements were developed to ensure continuity between HPRP and ESG. The interim rule PRA submission provided HPRP program recipients with an opportunity to comment on the policies implemented under HPRP and continued under the ESG program. The interim rule also coordinates requirements for other HUD programs designed to prevent and end homelessness to reduce the administrative burden on recipients and subrecipients.

Based on the above, HUD is submitting these requirements to take immediate effect. HUD welcomes all comments on these requirements and all comments will be taken into consideration before issuance of the Final Rule.

In compliance with the requirements of 5 CFR 1320.13, this letter requests emergency processing by February 3, 2012. The ESG Interim Rule was effective January 4, 2012, and recipients could begin operating under its requirements within the next 45 days. Approval of these requirements through the Paperwork Reduction Act is necessary to allow recipients to begin operating their programs under the revised regulation. This emergency processing is essential to provide much needed funding for projects serving America's most vulnerable population.

Thank you for your consideration and assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mercedes Márquez".

Mercedes Márquez
Assistant Secretary

Enclosures