

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.

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| 1. Agency/Sub agency Originating Request: U.S. Department of Housing and Urban Development Office of Public and Indian Housing (PIH) Management and Occupancy Division (MOD) | 2. OMB Control Number: a. 2577-0230 b. None |
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| 3. Type of information collection: (check one) a. <input type="checkbox"/> New Collection b. <input checked="" 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 from approval date b. <input type="checkbox"/> Other (specify) |
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7. Title:
Public Housing Reform Act: Changes to Admission and Occupancy Requirements

8. Agency form number(s): (if applicable)
This information collection does not apply to form(s).

9. Keywords:
Reform, public housing program, housing choice voucher program, admission and occupancy, minimum rents, income targeting, income changes, community service and self-sufficiency requirement (CSSR), family choice and cooperative agreements with welfare agencies.

10. Abstract: Information collection on admission and occupancy requirements under the Quality Housing and Work Responsibility Act (QHWRA) and Public Housing Reform Act.

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| 11. Affected public: (mark primary with "P" and all others that apply with "X") a. Individuals or households e. Farms b. Business or other for-profit f. Federal Government c. Not-for-profit institutions g. P State, Local or Tribal Government | 12. Obligation to respond: (mark primary with "P" and all others that apply with "X") a. Voluntary b. P Required to obtain or retain benefits c. Mandatory |
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| 13. Annual reporting and recordkeeping hour burden: a. Number of respondent 4,058 b. Total annual response 4,058 Percentage of these responses collected electronically 90% c. Total annual hours requested 97,392 d. Current OMB inventory 79,200 e. Difference (+,-) +18,192 f. Explanation of difference: 1. Program change 2. Adjustment: calculation correction +18,192 | 14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) a. Total annualized capital/startup costs b. Total annual costs (O&M) c. Total annualized cost requested d. Total annual cost requested 0 e. Current OMB inventory 0 f. Explanation of difference: 1. Program change: 2. Adjustment: calculation correction 0 |
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| 15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. X Application for benefits e. Program planning or management b. Program evaluation f. Research c. General purpose statistics g. P Regulatory or compliance d. Audit | 16. Frequency of recordkeeping or reporting: (check all that apply) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input checked="" type="checkbox"/> Reporting: 1. <input checked="" 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 type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input checked="" type="checkbox"/> Other (describe) Per applicant. |
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| 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: Monica Shepherd Phone: (202) 402-5687 |
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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:

Date:

X
Shauna Sorrells Director, Office of Public Housing

Signature of Senior Officer or Designee:

Date:

X
Colette Pollard, Departmental Records Management Officer
Office of Chief Information Officer

Supporting Statement OMB 2577-0230
Public Housing Reform Act: Changes to Admission and Occupancy Requirements

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

The purpose of this information collection is to *revise* a currently approved collection for admission and occupancy policy requirements in public housing and Section 8(o) assisted housing programs. This requirement is established by the Quality Housing and Work Responsibility Act (QHWRA) of 1998 (Title V of the FY 1999 HUD Appropriations Act, Public Law 105-276, 112 Stat. 2518) which amended the United States Housing Act of 1937 (42 U.S.C. 1437, et seq., “the 1937 Act”). The statutory requirement is also codified at 24 CFR § 960.

This information collection does not impose new requirements. The requirement to make admissions and occupancy policies available for both public and HUD review for public housing agencies (PHAs) has been in place since 1998 under QHWRA. Specifically, the content of such policies are generally incorporated into the PHA Plan which are also required to be made available for both public and HUD review under 42 U.S.C. 1437c-1(d), 42 U.S.C. 1437c-1(i)(1) and 42 U.S.C. 1437c-1(i)(5). Policies with respect to admissions and occupancy establish how PHAs determine initial and continued eligibility, rent determinations, preferences, waiting list practices and hardship policies. The statutory requirements provide PHAs with flexibility as to how admissions and continued occupancy policies are structured, with the exception of those policies that are prescriptive in nature, such as rent determination. Admission and occupancy policies for public housing and Section 8(o) assistance programs under **QHWRA** are as follows:

- 1. Minimum Rents** -- This provision requires that residents pay a monthly minimum rental amount between \$0 and \$50, with exceptions for families unable to pay because of financial hardship.
- 2. Income Targeting** – Provides that at least 40% of newly-available public housing units and 40% of newly-available units in a Section 8(o) house families with incomes less than 30% of area median income. For Tenant-Based Section 8(o), not less than 75% of the new families must have incomes at or below 30% of the area median income.
- 3. Earned Income Disregard or Individual Savings Account** – Prohibits public housing tenant rent increases due to employment during the 12-month period beginning on the date the employment began for a family member who (1) was unemployed for at least 12 months, (2) is participating in a self-sufficiency program or job training, or (3) was receiving welfare in the past 6 months. During the subsequent 12 month period, a phase-in of not more than 50 percent of the amount of the total rent increase that otherwise would have been applicable is permissible. In lieu of the earned income disregard and upon a qualified family’s request, a PHA may establish an individual savings account for the purpose of purchasing a home, paying education costs, moving out of public housing, or other activities promoting self-sufficiency.
- 4. Income Changes Resulting from Noncompliance with Welfare Program Requirements** – Provides that a family’s rent will not be decreased when income reductions result from welfare agency sanctions.

5. **Family Choice of Rent in Public Housing** – Offers families an annual choice of paying either an income-based rent (generally up to 30% of adjusted income) or a flat rent based on rental value.
6. **Community Service and Self-sufficiency Requirements for Public Housing** – This provision requires that every adult resident of public housing perform eight hours of community service each month, or participate in a self-sufficiency program for at least eight hours every month. Elderly persons, disabled persons, persons already working, persons exempted from work requirements under state welfare to work programs, or persons receiving assistance under a state welfare program that have not been found in noncompliance with such program.
7. **Cooperative Agreements for Economic Self Sufficiency Activities** – This provision requires PHAs to seek cooperative agreements with other agencies in order to facilitate assistance in verifying resident compliance with a number of requirements of QHWRA, and to establish services targeting the needs of assisted families.
8. **Preferences** – PHAs are authorized to develop locally-based preferences based upon local housing needs and priorities, using accepted data sources, including public comments from the PHA plan and data from the consolidated plan process. Preferences may not violate local, state or federal fair housing laws.
9. **Site-based Waiting Lists** – PHAs can establish site-based waiting lists for admissions to public housing projects. Site-based waiting lists allow applicants to apply directly at or otherwise designate the project(s) in which they seek to reside.
10. **Ineligibility of applicants for admission, and evictions and terminations from federally assisted housing for criminal activity and drug or alcohol abuse** – Prohibits the admission of families to federally assisted housing for three years from the date of eviction from such housing for drug-related criminal activity. Also prohibits the admission of dangerous sex offenders. PHAs and owners of federally assisted housing can prohibit households with a member who illegally uses drugs or abuses alcohol. Authorizes the denial of admission of criminal offenders who engaged in any drug-related, violent or other criminal activity during a reasonable time prior to applying for admission.
11. **Pet Ownership** – Residents of public housing are allowed to own or have present in a dwelling unit one or more household pets, subject to reasonable requirements of the PHA.
12. **Occupancy by police officers and over-income families** – A PHA may allow a police officer, who otherwise would not be eligible for public housing, to reside in a public housing unit for the purposes of increasing security for the residents of the public housing projects. Also, a PHA that owns or operates less than 250 units may lease a public housing unit to an over-income family on a month-to-month basis, but only if there are no eligible families applying for housing assistance for that month.

HUD is mandated to verify that PHAs establish admissions and occupancy policies/procedures in compliance with the applicable statutory and regulatory requirements. PHAs must supply documentation when HUD conducts on-site monitoring visits and ensure that admissions and occupancy policies are available to the public. HUD may request information in order to respond to Congressional inquiries or respond to public requests under the Freedom of Information Act. For instance, HUD may receive inquiries from applicants about how a PHA's waiting list is structured and why they have not been selected from the waiting list.

PHAs must establish written policies on admission and occupancy policies, such as how waiting lists are structured and be able to answer questions on the *status* of applicant requests. PHAs have discretion,

with some limitations, to set admissions and occupancy policies under QHWRA, therefore PHA policies/procedures vary from one PHA to another.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information from the current collection.

The information collected under this request requires PHAs to make available its admission and occupancy policies to HUD and the public upon request. Public housing authorities must have on hand and available for inspection policies related to admission and continued occupancy, so as to respond to inquiries from tenants, legal-aid services, HUD, and other interested parties informally or through the Freedom of Information Act. Written documentation of policies relating to public housing and Section 8(o) assistance programs implemented under the Quality Housing and Work Responsibility Act of 1998, such as eligibility for admission and continued occupancy, local preferences, and rent determination, must be maintained and made available by public housing authorities.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

The collection of information does not require the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. PHAs are simply required to make available a written copy of its admission and occupancy policies upon request from HUD or members of the public. Also, it is strongly encouraged that PHAs post these documents on its agency website for easy access to the public.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

This information collection does duplicate information under any other approved HUD information collections.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

Small entities are not unduly impacted by this information collection; no collection exceeds statutory requirements; no alternatives for submission exist; and there are no significant economic impacts on a substantial number of entities. Furthermore, under the Housing and Economic Recovery Act of 2008, qualified PHAs are exempt from the PHA plan requirement that incorporates many of the admissions and occupancy policies. Qualified PHAs are those housing authorities (1) with a combined unit total of 550 or less public housing units and section 8 vouchers; (2) not designated troubled under section 6(j)(2) of the 1937 Act, the Public Housing Assessment System (PHAS), during the prior 12 months; and (3) not having a failing score under the Section 8 Management Assessment Program (SEMAP) during the prior 12 months. Despite the exemption status, qualified PHAs must still adhere to the annual requirements of holding public hearings regarding changes to the PHA's goals, objectives, and policies; and submitting civil rights certifications.

6. 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.

Any reduction to this collection requirement would violate QHWRA and weaken a PHA's ability to withstand legal challenges, including fair housing issues, with respect to their admissions and occupancy policies and procedures. Furthermore, reduction of this collection requirement would reduce the public's access to information directly related to the access and procurement of public benefits

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to HUD more than quarterly;**

PHAs are not required to report this information more than quarterly.

- **requiring respondents to prepare a written response to a collection of information fewer than 30 days after receipt of it;**

Respondents are not required to prepare a written response related to the collection fewer than 30 days after receipt.

- **requiring respondents to submit more than an original and two copies of any documents;**

Respondents are not required to submit either original documents or copies of the originals.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three (3) years.**

Respondents are not required to maintain records related to admissions and occupancy for more than three years.

- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; Requiring the use of a statistical data classification that has not been reviewed and approved by OMB:**

This collection of information is not a statistical survey.

- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulations, 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**

A pledge of confidentiality is supported by the statutory authority established at 42 USC 1437d(q) (5).

- **Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

PHAs are not required to submit proprietary trade secrets or other confidential information.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB.

This information collection was announced in the *Federal Register*, Volume 77, Page 76064, on 12/26/2012. In response to the 60-day Notice, of Proposed Information Collection, HUD received submissions from Housing Authority of Fort Fairfield and New York City Housing Authority. Comments and Response attached.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There are no payments or gifts provided to respondents.

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

There are no assurances of confidentiality provided or needed for this collection.

11. Provide additional justification for any questions of a sensitive nature, such as behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

The collection does not involve any questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information:

The average number of hours per year to complete this information is 24 hours. Larger PHAs will spend more hours and smaller PHAs will spend less. This estimate is based on a reasonable amount of time for reviewing admissions and occupancy policies in compliance with QHWRA.

| Number of PHAs | X | Frequency of Response | Total Responses | X | Estimated Hours | = | Total Annual Burden Hours |
|----------------|---|-----------------------|-----------------|---|-----------------|---|---------------------------|
| 4,058 | | 1 | 4,058 | | 24 | | \$97,392 |

13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection of information.

There are no other costs associated with this collection of information other than what is reported in Item 12 above.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operations expenses (such as equipment, overhead, printing, and support staff), and any other expense that

would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

There is no additional cost to HUD for the collection of this information.

15. Explain the reasons for any program changes or adjustments reported in Items 13 and 14 of the OMB Form 83-I.

The adjustment reflects calculations based on the total number of current, active public housing agencies (PHAs) to date. The number of active public housing agencies has changed since the last approved information collection. The number of PHAs can fluctuate due to a number of factors, including but not limited to the merging of two or more PHAs or the termination of the public housing and/or voucher programs.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.

The information collected by PHAs will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The collection of information will not be recorded on any HUD form. As such, it is not necessary to display the assigned OMB number and expiration date.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions, “of OMB Form 83-I.

There are no exceptions to the certification statement.

B. Collections of Information employing Statistical Methods.

Not applicable.