

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 Policy Development & Research		2. OMB Control Number: a. 2528-0165 b. None	
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)	
7. Title: Low Income Housing Tax Credit Tenant Database			
8. Agency form number(s): (if applicable) OMB Approval No. 2528-0165 (Exp. 05/31/2013)			
9. Keywords: Housing, real estate development, tax credits, rental housing, low income			
10. Abstract: The Housing and Economic Recovery Act (HERA) of 2008 requires each state agency administering low-income housing tax credits (LIHTCs) to furnish HUD information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits. This data collection complies with this mandate.			
11. Affected public: (mark primary with "P" and all others that apply with "X") a. Individuals or households b. Business or other for-profit c. Not-for-profit institutions e. Farms f. Federal Government 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. Required to obtain or retain benefits c. X Mandatory	
13. Annual reporting and recordkeeping hour burden: a. Number of respondents 60 b. Total annual responses 60 Percentage of these responses collected electronically 100% c. Total annual hours requested 2,880 d. Current OMB inventory 1,416 e. Difference (+,-) 1,464 f. Explanation of difference: 1. Program change: 96 2. Adjustment: 1,368		14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) Do not include costs based on the hours in item 13. a. Total annualized capital/startup costs \$0.00 b. Total annual costs (O&M) \$0.00 c. Total annualized cost requested \$0.00 d. Current OMB inventory \$0.00 e. Difference f. Explanation of difference: 1. Program change: 2. Adjustment:	
15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. Application for benefits b. X Program evaluation c. X General purpose statistics d. Audit e. Program planning or management f. X Research g. P Regulatory or compliance		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 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: Michael Hollar Phone: 202-402-5878	

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) appears 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 Jean Lin Pao, General Deputy Assistant Secretary for Policy Development and Research

Signature of Senior Officer or Designee:

Date:

X
Lillian Dietzer, Departmental Reports Management Officer,
Office of the Chief Information Officer

Supporting Statement for Paperwork Reduction Act Submissions

A. Justification

1. **Why is this 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/authorizing the collection of information.**

HUD currently collects data on Low-Income Housing Tax Credit (LIHTC) properties placed into service. A change in this data collection effort however is necessitated by Section 2835(d) of HERA (Public Law 110-289, approved July 30, 2008) which amends Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act). This statute added a new section 36 (codified as 42 U.S.C. 1437z-8) that requires each state agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (low-income housing tax credits or LIHTC) to furnish HUD, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency. New section 36 of the 1937 Act further provides that to the extent feasible, each agency collect such information through existing reporting processes and in a manner that minimizes burden on property owners. The collection of social security numbers by HUD is permitted for this purpose through 42 U.S.C. Section 3543 and 3544. The information collected on these forms is protected by the Privacy Act of 1974, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and the Fair Housing Act (42 U.S.C. 3601-19).

New section 36 requires HUD to establish standards and definitions for the information to be collected by state agencies and to provide states with technical assistance in establishing systems to compile and submit such information and, in coordination with other federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs.

The congressional intent of this data collection is to provide basic information on the Low-Income Housing Tax Credit (LIHTC) program and the population it serves. The LIHTC program uses benefits available through the tax code as an incentive to produce qualified low-income housing units. The program is administered by 59 (predominantly state-level) allocating agencies. While the IRS has responsibility for issuing LIHTC regulations and ensuring compliance with the code for individual taxpayers, states administer the program and are also responsible for monitoring compliance at the project level.

2. **How is this information to be used?**

The information to be collected in the LIHTC database will be used by HUD to comply with the reporting requirements of HERA, which involves compiling the data for Congress and the public. HUD will develop descriptive statistics about the current tax credit projects and tenants and conduct an analysis of the locations of units produced in recent years.

HUD also, as required by HERA, intends to make the database available to other federal and private researchers who may use the database to support sample-based studies of tax credit projects. HUD intends to support future research studies into selected aspects of the credit, such as an analysis of whom the program serves (tenant characteristics) and an analysis of the financing and subsidy characteristics of tax credit units.

The information will be collected annually and submitted by the state housing finance agencies (HFAs) that administer the program to HUD through a secure portal on HUDUser.org. Information must be submitted using XML standards defined by HUD. This is an ongoing collection. The collection requirements have remained unchanged since the collection began in 2010.

3. **Describe whether, and to what extent, the collection of information is automated (item 13b1 of OMB form 83-i). Also describe any consideration of using information technology to reduce burden.**

This data collection is fully automated. Information is only accepted as an XML-formatted file uploaded through a secure portal on HUDUser.org.

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

This data is not collected elsewhere. The congressional mandate for this data collection originated from the lack of data and information on tenants in Low-Income Housing Tax Credit (LIHTC) units. This effort represents the only federal effort to collect data on tax credit tenants. The tax credit program is designed such that program compliance is conducted by the state housing finance agencies (HFAs). For this reason, no federal agency collects information on LIHTC tenants.

5. 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.

No. Respondents for this data collection include state tax credit allocating agencies. None of these entities is a private business. We have no information on the size of the entities administering the credits in individual states; however, responsibility typically lodges with a state housing finance agency (HFA), which would ordinarily not be considered a small entity.

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.

Less frequent data collection would violate the requirement in the Housing and Economic Recovery Act (codified as 42 U.S.C. 1437z-8) to collect the information at least annually. Aside from the statutory requirement, less frequent data collection places data at HUD's disposal with longer lags. Hence, the Department's analysis of an important housing program is rendered less current and less comprehensive at any given time. Annual data collection keeps HUD abreast of any trends as they are developing and are most amenable to policy intervention.

7. Explain any special circumstances requiring:

- respondents to report information more than quarterly;
- a written response in fewer than 30;
- 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 of data with other agencies for compatible confidential use; or
- respondents to submit proprietary trade secret, or other confidential information.

The data collection creates no special circumstances of the type listed.

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.

The Notice of Proposed Information Collection for Public Comment was published in the Federal Register on Friday, December 28, 2012, on page 76506. HUD did not receive any public comments in response to the Federal Register notice. Further, HUD did not receive comments in response to the Notice of Submission of Proposed Information Collection (78 FR 16277) published on March 14, 2013.

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

No payments or gifts will be provided to respondents.

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

The collected tenant data will be aggregated to prior to public release to protect tenant privacy. The information collected on these forms is protected by the Privacy Act of 1974 (5 U.S.C. § 552a), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and the Fair Housing Act (42 U.S.C. 3601-19).

The property characteristics data to be collected are basic, descriptive data about publicly-subsidized housing projects, specifically their location, size, and use of specific financing mechanisms. Therefore, no offers of confidentiality will be made for the collected project data. The requested property-level data are public information.

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

The tenant data collection form contains questions which may be considered sensitive, including income, rent, and disability status. However, these questions are mandated by the Housing and Economic Recovery Act (HERA) and HUD has no discretion regarding their inclusion. The information collected on these forms is protected by the Privacy Act of 1974 (5 U.S.C. § 552a), Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), and the Fair Housing Act (42 U.S.C. 3601-19). In the absence of these questions, HUD would be violation of the National Housing Act as amended by HERA.

The questions concerning property characteristics are not considered sensitive in nature. Information focuses on standard variables concerning the location, size, and other characteristics of federally subsidized housing projects.

12. Estimate public burden: number of respondents, frequency of response, annual hour burden. Read the complete instructions on the 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 or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.**

The requested information is currently collected by the respondents, with the exception of disability status. Respondents are also mostly familiar with the electronic submission process that will be used. To assist with the electronic submission of data, HUD has procured a contractor who will advise and if needed assist states in submitting the data.

Based on past experience with collecting data on projects placed in service, respondents generally spend no more than one-person hour responding to the property survey for each year of data requested. To fully update the property database, two full years of data will be requested, plus some limited information on previously placed in service properties, including building identification numbers.

The burden to report tenant data will be similar except for states that accept non-electronic tenant compliance forms or for states that are unfamiliar with the data submission process. The burden by these respondents will be lessened with the assistance provided from the HUD-funded contractor described above. The response burden should be similar to that of HUD’s Tenant Rental Assistance Certification System (TRACS) data collection, which is estimated at one person hour per response. The primary difference is HUD’s collection is once annually, whereas TRACS data is collected monthly. Although states currently collect the requested data and most are familiar with the electronic submission process, HUD assumes a burden of twelve person hours per response to the tenant survey since this is a new data collection effort.

Each housing finance agency that administers LIHTCs must respond once annually to the tenant and property data requests. There are 60 agencies (states plus DC, territories, and a few sub-state allocators).

The overall annual response burden totals 48 person hours per respondent. Based on the average hourly wage of Data Processing employees (source: BLS) of \$31.43, the total aggregate cost is \$1,508.64 per respondent annually and \$90,518.40 annually in aggregate across all responding HFAs.

Form	Respondents	Frequency of Response	Total Responses	Hours Per Response	Total Hours	Cost Per Response	Total Cost
Tenant	State Housing Agencies	Annual	60	40	2,400	\$31.43/hour = \$1,257.20	\$75,432.00
Project	State Housing Agencies	Annual	60	8	480	\$31.43/hour = \$251.44	\$15,086.40
TOTAL			120	48	2,880		\$90,518.40

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

Not applicable.

14. Estimate annualized costs to the Federal government.

In the Housing and Economic Recovery Act, Congress authorized the following amounts to fund this initiative: \$2,500,000 for fiscal year 2009 and \$900,000 for each of fiscal years 2010 through 2013. However, no funds were specifically identified for this purpose in HUD's FY2009 Appropriation. The only budgeted cost to the federal government at this time is \$223,950 to fund a contractor to assist state housing agencies with their data submissions.

Dedicated funding was never appropriated for this effort and therefore never cut. HUD has used its own discretionary research funds to support this effort and that funding has remained relatively constant. Regardless, HUD's funding of this effort has not increased the burden of the respondents, nor has it decreased program size or reduced the number of respondents subject to this information collection.

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

The reporting burden per respondent increased to 8 hours per response for the project data form and 40 hours per response for the tenant form (48 hours total per respondent), based on experience. For the 58 respondents that previously provided information, this increased burden hours by 1,368 compared to the previously estimated burden. Second, the number of respondents increased by 2 agencies. Three years ago, there were 58 housing finance agencies (HFAs) administering the LIHTC program. During that time, American Samoa and Guam began allocating LIHTCs, increasing the total number of respondents to 60. The total burden hours for these two respondents equals 96 hours.

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

The data collection and analysis described in Section 2 above will be completed by HUD. The data collection is scheduled to occur in mid-2010, upon the completion of a data repository system.

Following collection of all data, HUD will have all projects geocoded with Census Tract identifiers, and begin the congressionally-mandated descriptive report. A public use database will also be prepared. The report and public use database is expected to be available in 2011.

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

Not applicable.

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

Not applicable.

B. Collections of Information Employing Statistical Methods

Not applicable.