

PAPERWORK REDUCTION ACT SUBMISSION
Supporting Statement for
U.S. Small Business Administration
Application for Section 504 Loans
(OMB Control Number 3245-0071)

Justification

This information collection, as approved by OMB for use in SBA's Certified Development Company (504) loan program, consists of SBA Form 1244 *Application for Section 504 Loans*. This information collection was most recently approved in January 2014, as a result of changes to SOP 50 10 5 (F), *Lender and Development Company Loan Programs*. With this submission SBA is making additional revisions to the information collection; this time to make the changes necessary to conform to recent changes to the 504 loan program regulations. The information collection is also being revised to add SBA Form 2450, *Eligibility Information Required for 504 Submission*, a supplement to the application that has been in use without approval. There are no changes to Form 1244 based on the changes to the regulations but there are changes to the Form 2450. These changes include:

- removal of language related to the personal resources test which requires an assessment of the liquid assets of each owner of 20% or more of the equity of the applicant company to determine the overall value of the dollar value does not have to be injected into the business.
- removal of language related to the 9- month rule which permits financing of expenses toward a 504 project only if they were incurred within 9 months prior to receipt by SBA of a complete loan application, unless the time frame was waived for good cause; and
- revision of language to incorporate changes in CDC operational and organizational requirements and the Eligibility Information Required for 504 Submission document.

1. Circumstances necessitating the collection of information.

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 Small Business Investment Act authorizes SBA to guarantee a debenture issued by a Certified Development Company (CDC). The proceeds from each debenture are used to fund loans to eligible small business concerns. 15 U.S.C. §697(a). The Small Business Act and the Small Business Investment Act mandate that all SBA guaranteed loans provided to small business concerns (SBCs) must have a reasonable assurance of ability to repay. See 15 U.S.C. §§636(a) (6) and 687(f); see also 13 C.F.R. §120.150. In general, the information requested on Form 1244 helps SBA to assess compliance with this statutory requirement and facilitates the 504 loan financing process, including approving of the CDC's request for guarantee of the debentures.

2. How, by whom and for what purpose information will be used.

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 received from the current collection.

SBA uses the information collected on the SBA Form 1244 and the Form 2450-- *Eligibility Information Required for 504 Submission* to review the creditworthiness and repayment ability of the Small Business Concern (SBC), the eligibility of the SBC for SBA financial assistance; the terms and conditions of the 504 loan for which the SBC is applying. The form is also used by CDCs to request debenture guarantee.

3. Technological collection techniques.

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 the burden.

SBA Form 1244 and the Form 2450 are available electronically from SBA's website, www.sba.gov and are fillable in PDF. In addition, CDCs may submit applications to SBA electronically through E-Tran, an electronic loan submission method. SBA estimates it collects 80 percent of all 504 applications through E-tran and 20 percent in paper form.

4. Avoidance of duplication.

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.

SBA has determined that, except for minimal identifying data, the information being requested is not obtainable through other means.

5. Impact on small businesses or other small entities.

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.

The collection of information impacts the small business concerns that apply for 504 loan financing. Only the minimum information necessary for the SBA to make an eligibility determination as well as to ensure that the loan meets SBA's credit standards is required. The financial data required should be readily available from the SBC's bookkeeping or accounting systems. The estimated number of small entities affected is approximately 7,000.

6. Consequences if collection of information is not conducted.

Describe the consequence to the 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.

SBA has a statutory obligation to ensure that SBA's eligibility and credit criteria are met. The data requested is necessary to determine the viability and eligibility of the SBC applicant. If the information were not collected, SBA could not fulfill its statutory duties and would likely provide assistance to SBCs that are ineligible or pose a greater financial risk to the Agency.

7. Existence of special circumstances.

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

There are no special circumstances.

8. Solicitation of public comments.

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. Summarize public comments received. Describe efforts to consult with persons outside the agency on the availability of data, frequency of collection, clarity of instructions.

Notice of this information collection and request for public comment were included in the proposed rule *504 and 7(a) Loan Programs Update* that was published on February 25, 2013 at 78 FR 12633. The elements of the Final Rule that affected this information collection were the elimination of the nine month rule and the personal resource test. The comments received were overwhelmingly supportive of elimination of the Nine Month Rule and the Personal Resources Test. Therefore, the supplemental Form 2450 to this collection was revised to reflect these changes. .

9. Payment or gifts.

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

There are no payments or gifts to respondents.

10. Assurance of confidentiality.

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

Form 1244 includes a section entitled, "Statements Required by Law and Executive Order." This section of Form 1244 advises each respondent of, among other things, the protections against disclosure of sensitive and confidential information under the "Freedom of Information Act" (5 U.S.C. 552), "Privacy Act" (5 U.S.C. 555a), the "Right to Financial Privacy Act of 1978" (12 U.S.C. 3401), and other executive orders or legislation related to financial assistance from the Federal government.

Eligibility Information Required for 504 Submission is an attachment to Form 1244 and is therefore covered by the privacy certification.

11. Questions of a sensitive nature

Provide additional justification for questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the information necessary, specific uses for 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.

SBA collects social security numbers and information on a borrower's ethnicity, race, and criminal records. The social security number is the unique identifier associating a person with a specific loan. SBA also uses social security numbers to facilitate critical credit searches in the

federal databases listing defaulted loans, in consumer credit databases and in fraud detection systems. SBA collects demographic information to assess the extent to which SBA's loan programs assist all demographics. SBA maintains a Privacy Act System of Records governing the disclosure of an individual's loan related personal information. See attached Federal Register Notice for SBA-21, Loan System, at 74 FR 14890 (April 1, 2009) as amended by notices published at 77 FR 15835 (3/16/2012) and 77 FR 61467 (10/9/2012).

12. Estimates of hourly burden of the collection of information.

Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated:

The estimate (based on the experience of the CDCs and SBA field offices) of the burden hours imposed by use of this form, including exhibits, is as follows:

There are 260 CDCs affected by the information collection. The total number of small business concerns that will respond and subsequently complete Form 1244 is approximately 7,000 based on the average submission of applications submitted from CDCs over the past FY using both the Abridged Submission Method (ASM) and non-ASM methods*. This is a total of 7,260 respondents. Burden hours increase to 2.5 hours per response for ASM. Burden hours for non-ASM submissions will increase to 2.7 (this number is slightly higher due to the fact that these respondents are required to submit more documentation than the ASM respondents). This includes the addition of Form 2450. We anticipate a 15 minute decrease in response time because of the removal of the Personal Resource Test and a 30 minute increase because of the supplemental, Form 2450. The ultimate increase will be 15 minutes or .25 hours.

Annual Burden Hours

FORM 1244

Total burden hours = 16,799

Submission through the ASM - $4,937 \times 2.25 = 11,108$ burden hours

Submission through non-ASM (standard method) - $2,323 \times 2.45 = 5,691$ burden hours

FORM 2450

Total burden hours = 1,815

Submission through the ASM and non-ASM - $7,260 \times .25 = 1,815$ burden hours

TOTAL BURDEN HOURS = 18,614

*SBA has established a streamlined loan application processing procedure known as ASM. Under this process, the CDC is required to collect and retain all exhibits to SBA Form 1244, but is only required to submit selective documents. Non-ASM requires the submission of all documents and exhibits required for Form 1244.

13. Estimate of total annual cost burden for submission.

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

There are no start-up costs to the respondents but there are duplication and shipping costs for those CDCs that do not submit applications electronically. Based on cost information that the National Association of Certified Development Companies (NADCO) has provided to SBA the copying and shipping costs using the ASM ranges from \$15-\$50 and for non-ASM from \$25-\$60.00. This variance in the costs depends on the complexity of the loan application and whether the application is submitted through the ASM or non-ASM Method.

Annual Cost Burden

Total annualized cost to respondents is approximately: \$651,511

ASM - \$35.00/hour x 2.5 hours x 4,937 applicants = \$431,988

Non-ASM - \$35.00/hour x 2.7 hours x 2,323 applicants = \$219,523

(SBA estimates that the information in this form is collected and compiled by CDC employees whose annual salaries are equivalent to Federal employment grades of a GS-12/GS-13, averaged at approximately \$35.00 per hour).

14. Estimated annualized costs to the Federal government.

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, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The following is the estimated annual cost to the Federal Government/SBA:

SBA Form 1244 requires a weighted average of 1.83 hours to review (approximately 1.75 hours to review an application submitted using the ASM, of which SBA estimates it will receive about 4,760 annually, and approximately 2 hours to review an application submitted not using the ASM, of which SBA estimates it will receive about 2,240 annually). It should be noted that 7,000 is received from the CDCs.

7,000 applications x 1.83 hrs. x \$35/hr. = \$448,350 (The form is reviewed by employees with average grades of a GS-12/GS-13 whose salaries are averaged at approximately \$35.00 per hour.)

15. Explanation of program changes in Items 13 or 14 on Form 83-I.

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

We anticipate a 15 minute decrease in response time because of the removal of the Personal Resource Test and a 30 minute increase because of the supplemental, Eligibility Information Required for 504 Submission. The ultimate increase will be 15 minutes of .25 hours per form. There is an increase in total burden hours from the previous submission because of the addition of Form 2450.

16. Collection of information whose results will be published.

For collection of information whose results will be published, outline plans for tabulation and publication. Address complex analytical techniques. Provide time schedules for the entire project.

From time to time or as part of annual program performance reporting, SBA publishes aggregated data (e.g., number of loans approved; total dollar value of loans approved) based on this information collection..

17. Expiration date for collection of information.

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

No such approval sought.

18. Exceptions to certifications in Block 19 on OMB form 83-I.

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

There are no exceptions.

B. Collection of Information Employing Statistical Methods

Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used.

This collection of information does not employ statistical methods.