

## **SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION**

### **The Housing Discrimination Information Form (“HUD-903.1”) [Extension/Renewal of Currently Approved Information Collections]**

#### **A. Justification**

1. The Housing Discrimination Information Form (**HUD-903.1**) is necessary for the collection of pertinent information from persons or entities who wish to file housing discrimination complaints with HUD under the Fair Housing Act of 1968 (Act), as amended [42 U.S.C. §3601 et seq.].

The Housing Discrimination Information Form (“Form”) provides for uniformity and easy use by the person filing the complaint. The Form is used to collect information needed to contact aggrieved persons, and for verifying HUD’s authority [“jurisdiction”] to investigate complaints under the Act. This information is subsequently used to notify persons or entities that have been accused of engaging in discriminatory housing practices [“respondents”], as required under 42 U.S.C. §3610(1)(B)(ii) of the Act, and under 24 C.F.R. §103.202(a) of HUD’s Regulation implementing the Act.

This Form is identical to the currently approved Housing Discrimination Information Form **HUD-903.1** (English language), **HUD-903.1A** (Spanish language), **HUD-903.1B** (Chinese language), **HUD-903.1F** (Vietnamese language), **HUD-903.1KOR** (Korean language), **HUD-903.1C** (Arabic language), **HUD-903.1CAM** (Cambodian language), **HUD-903.1RUS** (Russian language), and Form **HUD-903-1\_Somali** (Somali language).

To further public education about housing discrimination, the Form also contains a list of activities that are prohibited under the Fair Housing Act. The Form is designed as part of a mailer in a brochure format. To date, HUD has published print versions of the Form in English, Spanish, Chinese, and Vietnamese. Electronic versions of the Form are currently available on HUD’s HUDCLIPS Internet Web Site in **English, Spanish, Chinese, Vietnamese, Korean, Arabic, Cambodian, Russian, and Somali**.

Attached are links to electronic copies of the Fair Housing Act [42 U.S.C. §3601 et seq.], at

[http://www.justice.gov/crt/about/hce/housing\\_coverage.php](http://www.justice.gov/crt/about/hce/housing_coverage.php) and to HUD's implementing Regulation, at <http://ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=da0cb62eed900f3249edbb81af304f1a&rgn=div5&view=text&node=24:1.2.1.1.1&idno=24>

Both the Act and the Regulation authorize the collection of information from aggrieved persons wishing to file complaints with HUD [42 U.S.C. §3610; and Part 103, Subpart B, *"Implementation of the Fair Housing Amendments Act of 1988; Final Rule"*, 24 C.F.R. Part 14 et al.].

2. The Form may be submitted to HUD by mail, electronically via the Internet, or presented in person to HUD's Office of Fair Housing and Equal Opportunity (FHEO). HUD/FHEO staff uses this information collection as a source of pertinent data for the Title Eight Automated Paperless Office Tracking System ("TEAPOTS"), HUD's automated Fair Housing Act complaint processing database. FHEO staff will use the information provided to contact aggrieved persons; to make initial assessments regarding HUD's authority (jurisdiction) to investigate allegations of unlawful housing discrimination; to formally notify any persons and entities who have been accused of violating the Act; and to prepare for conducting administrative complaint investigations.

3. An online version of the Form may be accessed on HUD's public Internet website at [www.hud.gov](http://www.hud.gov), completed, printed, and transmitted directly to the appropriate HUD Regional FHEO Office via the Internet, thereby allowing aggrieved persons to submit complaint-related information to HUD electronically. During FY 2012, approximately 44% of these complaint-related information collections were submitted electronically.

4. Since HUD is the only Federal agency authorized to administratively enforce the Fair Housing Act, the Form is unique to HUD's administrative complaint processing procedures. Since the data could not be obtained from another source, no efforts have been made to identify duplication of this information.

5. This information collection does not impact on small businesses or other small entities.

6. If this information was not collected, or was collected less frequently, there would be a negative impact on the ability of aggrieved persons to file jurisdictional housing discrimination

complaints with HUD, and federal fair housing statutory and regulatory requirements could not be met.

7. There are no special circumstances that require this information collection to be conducted in a manner that is inconsistent with the guidelines of 5 CFR §1320. Aggrieved persons voluntarily choose to submit the Form to HUD, and are only required to submit the Form once.

8. Attached is a copy of HUD's "*60-Day Notice of Proposed Extension of a Currently Approved Information Collection-- Comment Request*" that solicited comments from the public and affected agencies prior to submission to the OMB. The *Notice* was published in the *Federal Register* on Friday, November 8, 2013. The public comment period expired on Tuesday, January 7, 2014. HUD received no comments in response to the *Notice*.

No persons or entities outside of HUD were consulted regarding this Form. The complaint-related information collected on this Form is required under HUD's Fair Housing Act implementing regulation at 24 CFR Part 103. The instructions are specific, and the factual information provided is "unique" to each complaint.

9. No payment, gifts, or remuneration of any kind is provided to aggrieved persons, or to any other parties to a complaint.

10. This information collection complies with the Privacy Act of 1974 and with OMB Circular A-108, "*Responsibilities for Maintenance of Records About Individuals by Federal Agencies.*"

11. Some of the information collected on this Form may be considered sensitive. However, the collection of specific information regarding an aggrieved person's race, color, religion, sex, handicap [disability], familial status, or national origin is necessary because, under the Act, an aggrieved person must identify one or more of these prohibited factors as the underlying motive for the alleged discriminatory housing practice(s). This information is provided voluntarily, and establishes the basis for HUD's authority (jurisdiction} to investigate a complaint under the Act; and to determine whether or not there is reasonable cause to believe that unlawful housing discrimination has occurred, or is about to occur.

12. During FY 2012, HUD/FHEO staff received approximately **15,688** information submissions from persons wishing to file housing discrimination complaints with HUD. Telephone contacts

accounted for **3,694** of this total. The remaining **11,994** submissions of potential complaint information were transmitted to HUD by mail, in-person, and via the Internet. HUD estimates that an aggrieved person takes approximately **45 minutes** to complete the HUD 903.1 Form. HUD/FHEO staff uses the information collected from the HUD-903.1 Form to generate a formal housing discrimination complaint in the TEAPOTS database. This complaint is subsequently signed by the aggrieved person(s) under penalty of perjury, and is served on the respondent(s) by personal service or by certified mail, as required under 24 C.F.R.§103.202(a) of HUD's Regulation implementing the Act.

Each aggrieved person will complete the HUD 903.1 Form on a one-time basis. Therefore, HUD estimates the annual burden hours for this information collection at **8,996 hours**.

**11,994 x 1 (frequency) x .45 minutes (.75 hours.) = 8,996 hours.**

13. HUD does not provide postage-paid mailers for this information collection. Accordingly, persons who choose to submit the HUD-903.1 Form to HUD by mail must pay the prevailing cost of First Class Postage. Effective as of Sunday, January 26, 2014, the annualized cost burden per person, based on a one-time submission of this Form, is **Forty-Nine Cents (\$0.49)** per person. Aggrieved persons also may submit the Form to HUD in person, via facsimile, or electronically via the Internet.

There are no additional annualized cost burdens to aggrieved persons or record keepers resulting from this information collection.

14. HUD estimates that HUD/FHEO Complaint Intake staff takes approximately 30 minutes (1/2 hour) to review each completed HUD-903.1 Form. The average grade level of a HUD/FHEO Complaint Intake Analyst is **GS-12/5**. Currently, the approximate hourly rate at the **GS-12/5** level is **\$41.07**.

**11,994 x ½ hour (.5) = 5,997 hours**  
**5,997 x \$41.07 (hourly) = \$246,296.79**

Allowing for **10% overhead**, the total cost to the government is approximately **\$270,926.47**. With the HUD 903.1 Form, the

total estimated number of burden hours is **8,996 hours**. There are no program changes or adjustments to report.

15. This is an extension of a currently approved information collection instrument. FHEO has revised the estimated total annual responses for this information collection based on data reported for FY 2012. FHEO is adjusting the estimated Annualized Reporting Cost Burden to persons submitting (“Reporting”) this Form to HUD by mail to reflect the current cost of First Class Postage at Forty-Nine Cents (**\$0.49**) per submission (“Report”), based on a one-time submission per aggrieved person. During FY 2012, HUD received approximately **4,875** submissions of potential complaint information by mail.

16. There are no plans for publication of the information collection data.

17. HUD is requesting permission to not display the OMB approval expiration date on this information collection instrument. The Form is not likely to change during the approval period. HUD/FHEO must maintain a substantial inventory of printed copies of the HUD-903.1 Form to serve potential Fair Housing Act complainants. Budgeting for precise stock levels to avoid overlapping OMB approval periods is difficult. Variations may be costly and wasteful of current stocks. All such difficulties are contingent on the OMB approval expiration date.

18. There are no exceptions to the certification statement identified in Item 19, “*Certification for Paperwork Reduction Act Submissions*,” of OMB Form 83-1.

### **Collection of Information Employing Statistical Methods**

No statistical methods are utilized for this information collection.