

# Supporting Statement for Paperwork Reduction Act Submissions

## 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 National Housing Act (12 U.S.C. 1701 et seq.) requires a Lease Addendum for a mortgaged property that is subject to a ground lease.

Under Title II of the National Housing Act, HUD is authorized to insure mortgage loans upon certain multifamily rental housing projects and health care facilities (nursing homes, extended care facilities, board and care homes and hospitals). HUD is also authorized and directed to make such rules and regulations as may be necessary to carry out the provisions of Title II. (See 12 USC 1715b). Generally, the mortgages are defined as those "commonly given" in the various States; therefore, State and local law govern virtually the entire mortgage insurance transaction from the formation of the mortgagor entity to the making and securitization of the loan to the construction of the project in accord with local law. Consequently, prior to endorsement of a mortgage note for insurance in connection with a multifamily rental facility, it is imperative that HUD knows the precise legal status of the mortgagor entity and of the realty and personality that will comprise the security property.

HUD's regulations at 24 CFR 200.45 provide the regulatory authority for the collection of all exhibits and documents in support of an application for mortgage insurance. "Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured."

HUD's regulation at 24 CFR 200.46 provides as follows: "Upon approval of an application for insurance, a commitment shall be issued by the Commissioner setting forth the terms and conditions upon which the mortgage will be insured. The commitment term and any extension or reopening of an expired commitment shall be in accordance with standards established by the Commissioner."

HUD's regulation at 24 CFR 200.50 provides as follows: "The mortgagor and mortgagee must execute a building loan agreement approved by the Commissioner that sets forth the terms and conditions under which progress payments may be advanced during construction, before initial endorsement of the mortgage for insurance."

HUD's regulation at 24 CFR 200.51 provide that the mortgagee shall certify to the Commissioner that it will conform with terms and conditions established by the Commissioner for the mortgagee's control of project funds, and other incidental requirements established by HUD.

HUD's regulation at 24 CFR 200.52 provides as follows: "The form of contract between the mortgagor and builder shall be as prescribed by the Commissioner in accordance with terms and conditions established by the Commissioner."

HUD's regulation at 24 CFR 200.54 provides, in relevant part, as follows: "Except as provided in paragraph (d) of this section, the mortgagor shall deposit with the mortgagee cash deemed by the Commissioner to be sufficient, when added to the proceeds of the insured mortgage, to assure completion of the project and to pay the initial service charge, carrying charges, and legal and organizational expenses incident to the construction of the project." This requirement may be delegated to the Contractor, when the Borrower is not serving as the Contractor.

HUD's regulation at 24 CFR 200.61 provides, in relevant part, as follows: "Title evidence for the Commissioner's examination shall include a lender's title insurance policy, which title policy provides survey coverage based on a survey acceptable to the title company and the Commissioner; or as the Commissioner may otherwise require, in accordance with terms, conditions and standards established by the Commissioner."

HUD’s regulation at 24 CFR 200.100 provides as follows in paragraph (b): “**Final endorsement.** When all advances of mortgage proceeds have been made and all the terms and conditions of the commitment have been met to the Commissioner's satisfaction the Commissioner shall indicate on the original credit instrument the total of all advances approved for insurance and again endorse such instrument.”

HUD’s regulation at 24 CFR 200.105 provides as follows: “As long as the Commissioner is the insurer or holder of the mortgage, the Commissioner shall regulate the mortgagor by means of a regulatory agreement providing terms, conditions and standards established by the Commissioner, or by such other means as the Commissioner may prescribe.”

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 received from the current collection.

Information Collection	Title/Purpose
HUD-91070M	Through the <b>Consolidated Certification</b> , the Borrower assures and certifies to certain obligations that have been fulfilled. Through the Consolidated Certification the Borrower certifies the following authorities Byrd Amendment, Fair Housing and Civil Rights Act of 1964, Low Income Housing Tax Credit Participation, Equal Employment Opportunity, Credit Authorization, and Identities of Interest. The undersigned Borrower certifies that it is familiar with the provisions of the National Housing Act and the regulations and Borrower has complied with the requirements thereof. The information collection requirements contained in Consolidated Certification assist in overseeing the parties’ compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-91071M	The undersigned Borrower certifies that it is familiar with the provisions of the <b>Escrow Agreement for Off-Site Facilities</b> , the Borrower deposits with the Lender a specified amount of funds to guarantee payment for facilities lying outside of the property lines of the land on which the project is built. The Escrow guarantees against defects in the construction due to faulty materials or workmanship, defective materials or damage to the project resulting from such defects within one year after completion of the Off-Site construction. The Escrow Agreement provides directions on how the funds are to be deposited and disbursed. This information is needed to ensure protection of the FHA insurance fund.
HUD-91710M	<b>Residual Receipts Note (Nonprofit Borrower)</b> - The Residual Receipts Note establishes the Principal and Interest of Residual Receipts derived for the property insured by HUD that is due by the Nonprofit Borrower and when such amount is due and payable, and the manner and schedule of payments. The Residual Receipts Note requires the Nonprofit Borrower to seek prior approval from HUD for certain actions, for example, the sale, transfer, assign, or pledge the note. The information collection requirements contained in Residual Receipts Note are to oversee the parties’ compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-91712M	<b>Residual Receipts Note (Limited Dividend Borrower)</b> - The Residual Receipts Note establishes the Principal and Interest of Residual Receipts derived for the property insured by HUD that is due by the Limited Dividend Borrower and when such amount is due and payable, and the manner and schedule of payments. The Residual Receipts Note requires the Limited Dividend Borrower to seek prior approval from HUD for certain actions, for example, the sale, transfer, assign, or pledge the note. The information collection requirements contained in the Residual Receipts Note are to oversee the parties’ compliance with all applicable legal requirements and therefore ensure protection of the FHA

Information Collection	Title/Purpose
	insurance fund.
HUD-91725M	<p><b>Guide to Opinion of Borrowers</b> - The Opinion is designed to provide HUD and the mortgagee with assurance that the mortgagor or owner entity has been validly formed, lawfully exists and that the security property and the construction thereupon comply with appropriate local laws such as building codes, zoning, etc. Further, the loan documents must comport with local law and practice and only an attorney licensed in the jurisdiction can complete such documents and provide HUD with the requisite assurance. It would be an enormous burden for HUD and the mortgagee, which often is a national entity, to perform such a legal analysis of the mortgagor or owner entity, the documents and the transaction. A form is designed to provide HUD the opinion.</p>
HUD-91725M-CERT	<p>The <b>Opinion of Borrower's Counsel</b> is designed to provide HUD and the mortgagee with assurance that the mortgagor or owner entity has been validly formed, lawfully exists and that the security property and the construction thereupon comply with appropriate local laws such as building codes, zoning, etc. Further, the loan documents must comport with local law and practice and only an attorney licensed in the jurisdiction can complete such documents and provide HUD with the requisite assurance. It would be an enormous burden for HUD and the mortgagee, which often is a national entity, to perform such a legal analysis of the mortgagor or owner entity, the documents and the transaction. A form is designed to provide HUD the opinion.</p>
HUD-91725M-INST	<p><b>Instructions to Guide for Opinion of Borrower's Counsel</b> - The opinion is designed to provide HUD and the mortgagee with assurance that the mortgagor or owner entity has been validly formed, lawfully exists and that the security property and the construction thereupon comply with appropriate local laws such as building codes, zoning, etc. Further, the loan documents must comport with local law and practice and only an attorney licensed in the jurisdiction can complete such documents and provide HUD with the requisite assurance. It would be an enormous burden for HUD and the mortgagee, which often is a national entity, to perform such a legal analysis of the mortgagor or owner entity, the documents and the transaction. A form is designed to provide HUD the opinion.</p> <p>The accompanying instructions to the Guide assist Borrower's counsel (91725M-INST) ensures the legal opinion addresses all required issues. Additionally, the instructions identify the parties to whom the Borrower's counsel must provide the legal opinion, and directs which documents must be attached to the opinion.</p>
HUD-92023M	<p>The <b>Request for Final Endorsement of Credit Instrument</b> meets the requirements of 24 CFR 200.100(b) and the form, HUD-92023M requires the parties (Lender, Borrower, and Contractor) to provide the information solicited by this form which will reflect compliance with the terms and conditions of final endorsement. The information collection requirements contained in the Request for Final Endorsement of Credit Instrument are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.</p>
HUD-92070M	<p>The <b>Lease Addendum</b> ensures that the mortgage property that is subject to a ground lease does not conflict with statutory or regulatory requirements to which the mortgaged property insured by HUD is subject. The Lease Addendum establishes certain notification requirements which landlord must adhere (e.g., notice of default, including an itemization of the amounts of default; notice of termination of the ground lease, execution of a new ground lease, etc.) The information collection requirements contained in Lease Addendum are to oversee the parties' compliance with all applicable legal requirements and therefore</p>

Information Collection	Title/Purpose
	ensure protection of the FHA insurance fund.
HUD-92223M	The <b>Surplus Cash Note</b> establishes the Principal and Interest of Surplus Cash derived for the property insured by HUD. The Surplus Cash Note requires the Maker of the Note to seek prior approval from HUD for certain actions, for example, the sale, transfer, assign, or pledge the note. The information collection requirements contained in Surplus Cash Note are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92408M	The <b>HUD Amendment to AIA Document B108</b> contain terms and conditions that are unique to Federally Funded or Federally Insured Projects, reflects current industry practice, and provides greater transparency about services provided by licensed professionals while still protecting HUD's interest. While the Agreement is structured so that either the owner or the architect may provide construction cost estimates to the government, for FHA purposes, only the owner can provide cost estimates to FHA. This information is needed to ensure protection of the FHA insurance fund.
HUD-92412M	Through the <b>Escrow Agreement for Working Capital</b> , the Borrower deposits with the Lender a specified amount of funds to guarantee payment of post-construction costs, such as equipping and renting the rental project, taxes, ground rents, property insurance premiums and assessments. The Escrow Agreement provides directions on how the funds are to be deposited and disbursed. This information is needed to ensure protection of the FHA insurance fund.
HUD-92414M	Through the <b>Escrow Agreement for Latent Defects</b> , the Borrower deposits with the Lender a specified amount of funds to guarantee against defects in the construction due to faulty materials or workmanship, defective materials or damage to the project resulting from such defects within one year after completion of the project. The Escrow Agreement specifies the terms and conditions upon which escrowed funds may be drawn and disbursed. The information collection requirements contained in the Escrow Agreement for Latent Defects assists in overseeing parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD- 92420M	The <b>Subordination Agreement</b> establishes the obligations of the Borrower and the Senior Mortgagee with respect to the Borrower obtaining a subordinate loan. The Subordination Agreement also requires the Borrower to notify the Senior Mortgagee and HUD concerning certain actions that the Borrower may take. The information collection requirements contained in the Subordination Agreement are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92434M	The <b>Lender's Certificate</b> establishes the conditions, which the Lender agrees to abide by in consideration of HUD's commitment to insure the mortgage, and by which the Lender certifies that the conditions have been fulfilled to date, including any work done prior to endorsement of the Note that has been approved by HUD in writing, and all HUD imposed conditions that have been met with respect to such work. The information collection requirements contained in the Lender's Certificate are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92441M	The <b>Building Loan Agreement</b> identifies the property on which the project is to be constructed and the Borrower's agreement to construct the project in

Information Collection	Title/Purpose
	accordance with the terms and conditions of the agreement and to provide the Lender with such information concerning progress of construction and compliance with the terms and conditions of the agreement, as provided in the agreement. The information collection requirements contained in Building Loan Agreement are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92441M-SUPP	The <b>Building Loan Agreement Supplement</b> requires, among other things, for the Borrower to disclose to the Lender and HUD the names of all persons with whom the Borrower has contracted with or intends to contract with, in connection with work to be performed or materials to be purchased, and the Borrower's agreement to keep HUD and the Lender informed of its compliance with the requirements of the Supplement and applicable building codes, laws, ordinances and regulations. The information collection requirements contained in Building Loan Agreement Supplement are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92442M	The <b>Construction Contract</b> sets for the terms and conditions between the Owner of the property for which HUD has insured the mortgage and the Contractor regarding the construction to be done on the property, and sets forth such disclosures to be made by the Owner and Contractor to HUD so that HUD is assured of the parties compliance with the terms and conditions of the Construction Contract. The information collection requirements contained in the Construction Contract are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92450M	The <b>Completion Assurance Agreement</b> sets for the terms and conditions by which the Contractor assures the Borrower and Lender of the Contractor's compliance with its obligations under the Construction Contract. The Completion Assurance Agreement provides certain notification requirements so that HUD is assured of the parties' compliance with the terms and conditions of the Completion Assurance Agreement (e.g., disbursements can only be made following prior written approval by HUD). The information collection requirements contained in the Completion Assurance Agreement are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92452A-M	The <b>Payment Bond</b> sets for the terms and conditions by which the Contractor and its Surety assures proper payment of subcontractors and others working on the construction of the project. The Payment Bond provides certain notification requirements to the Lender and the Lender's written consent. The information collection requirements contained in the Payment Bond are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92452M	The <b>Performance Bond</b> sets for the terms and conditions by which the Contractor and its Surety assures payment if the Contractor fails to perform its obligations under the Construction Contract. The Performance Bond provides certain notification requirements to HUD for certain actions to be taken (for example an additional obligee or additional surety is only allowed with prior HUD approval) The information collection requirements contained in the Performance Bond are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92455M	The <b>Request for Final Endorsement of Credit Instrument</b> meets the requirements of 24 CFR 200.100(b) and the form, HUD-92023M requires the parties (Lender, Borrower, and Contractor) to provide the information solicited by this form which will reflect compliance with the terms and conditions of final

Information Collection	Title/Purpose
	endorsement. The information collection requirements contained in the Request for Final Endorsement of Credit Instrument are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92456M	The <b>Escrow Agreement for Incomplete Construction</b> sets for the terms and conditions between the Borrower and Lender and provides for the establishment of an escrow by the Borrower as security for completion of those improvements required by the Building Loan Agreement, which the Borrower has not yet completed, and as an inducement to the Lender to advance the entire approved amount of the Loan prior to completion of the improvements. Such escrow also serves as security for HUD's insurance of the loan. The agreement provides for prior approval of HUD for certain actions to be taken by the Borrower or Lender. The information collection requirements contained in Escrow Agreement for Incomplete Construction are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92457A-M	The <b>HUD Survey Instructions and Report</b> directs how the survey is to be conducted and the information that is to be reported. For example the instructions cover site grading plan preparation, plot planning design, condo/air-rights, possible flood hazards, and blanket easements. The Survey Instructions and Report requires the surveyor to submit its information to HUD that is within 120 days of the survey of the property. The information collection contained in the HUD Survey Instructions and Report assists HUD in determining if the property will have marketable title, which is especially important if the Borrower defaults and the property becomes held-by-HUD.
HUD-92457M	The <b>Surveyor Report</b> requires the Surveyor to address such items as rights of way, any water running through the premises, electricity or electromagnetic communications, disputed boundaries or encroachments, earth moving work, building or possession lines, recent street or sidewalk construction, flood hazards, and use of the property as a solid waste dump or sanitary landfill. The information collection contained in the Surveyor's Report assists HUD in determining if the property will have marketable title, which is especially important if the Borrower defaults and the property becomes held by HUD.
HUD-92464M	Through the <b>Request for Approval of Advance of Escrow Funds</b> , the Borrower identifies the project for which the advance is requested including the advance number, date of escrow agreement, payment amount requested. The information required of the Borrower by this form assists in ensuring protection of the FHA insurance fund.
HUD-92466M	<b>Regulatory Agreement for Multifamily Projects</b> - The Regulatory Agreement establishes the legal rights and duties of HUD and the Borrower with respect to HUD's agreement to insure the mortgage of the Borrower for the multifamily rental housing. The agreements provide HUD with the authority to take action against the borrower, including termination of insurance, for violation of the terms of the Regulatory Agreement. The Regulatory Agreement also requires the Borrower and management agents to maintain the books and records of finances and operation in accordance with GAAP and to be available to HUD for inspection upon reasonable notice. The Regulatory Agreement also requires the Borrower to furnish to HUD and the Lender a financial audit within 90 days at the end of each fiscal year. The information collection requirements contained in the Regulatory Agreement are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA

Information Collection	Title/Purpose
	insurance fund.
HUD-92476.M	Through the <b>Agreement of Sponsor to Furnish Additional Funds</b> , the Sponsor identifies the project for which the funds are being set aside, the amount of funds being set aside, and the depository institution in which the funds will be deposited. This information is needed to ensure protection of the FHA insurance fund.
HUD-92476a-M	Through the <b>Escrow Agreement for Operating Deficits</b> identifies the project for which the funds are being set aside, the amount of funds being set aside, and the depository institution in which the funds will be deposited. This information is needed to ensure protection of the FHA insurance fund.
HUD-92476.1M	The <b>Escrow Agreement for Non-Critical, Deferred Repairs</b> sets for the terms and conditions between the Borrower and Lender and provides for the establishment of an escrow by the Borrower as security for completion of non-critical, deferred repairs. Such escrow also serves as security for HUD's insurance of the loan. The agreement provides for prior approval of HUD for certain actions to be taken by the Borrower or Lender. The information collection requirements contained in Escrow Agreement for Non-Critical, Deferred Repairs are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-92477M	Through the <b>Bond Guaranteeing Sponsors' Performance</b> , the Sponsor and its Surety identify the project for which the bond is issued, and the amount of funds deposited. This information required by this form helps to ensure protection of the FHA insurance fund.
HUD-92478M	The <b>Borrower's Oath</b> ensures that the Borrower will comply with two key sections of the National Housing Act that govern rental property for which HUD insures the mortgage. Through the Borrower's Oath, the Borrower agrees not to sell the mortgaged property without approval from HUD. The information collection requirements contained in the Borrower's Oath helps to ensure the protection of the FHA insurance fund.
HUD-92479M	The <b>Off-Site Bond</b> sets the terms and conditions by which the Contractor and its Surety commit to proper installation of and proper payment for the work involved in completing all off-site facilities and/or utilities associated with the project. The information provided by this document helps to ensure protection of the FHA insurance fund.
HUD-92554M	<b>Construction Contract Supplementary Conditions</b> - The Construction Contract sets for the terms and conditions between the Owner of the property for which HUD has insured the mortgage and the Contractor regarding the construction to be done on the property, and sets forth such disclosures to be made by the Owner and Contractor to HUD so that HUD is assured of the parties compliance with the terms and conditions of the Construction Contract. The Supplement to the Construction Contract requires the Contractor to submit weekly for each week in which any contract work is performed a copy of all payrolls to HUD or its designee if the agency is a party to the Contract. The information collection requirements contained in the Supplement to the Construction Contract are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-93305M	Through the <b>Agreement and Certification</b> , the Borrower certifies to certain obligations under the Construction Contract having been fulfilled. Through the Agreement and Certification, the Borrower identifies the individuals and

Information Collection	Title/Purpose
	companies with which the Borrower has a financial relationship. Through the Agreement and Certification, the Borrower agrees to maintain certain records and to make the records available to HUD upon request and to notify HUD in writing about any changes in the financial relationships identified in the Agreement and Certification. The information collection requirements contained in Agreement and Certification assist in overseeing the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-94000M	The <b>Assignment of Leases and Rents</b> requires the Borrower to represent and warrant that the Borrower is lawfully seized of the mortgaged property and has the right, power, and authority to mortgage, grant, convey and assign the mortgaged property, and that the mortgaged property is unencumbered. The document provides for the Borrower to absolutely and unconditionally assign and transfer all rents to the Lender in consideration of the Borrower's indebtedness to the Lender. The document also requires the Borrower to pay to and deposit with the Lender, such sums and documents as may be necessary to further secure the indebtedness. The information collection requirements contained in this document are to oversee the parties' compliance with all applicable legal requirements and therefore ensure protection of the FHA insurance fund.
HUD-94001M	The <b>Note</b> establishes the monetary indebtedness of the Borrower and the various items that constitute such indebtedness (e.g. principal, interest and such other amounts as may be due, the schedule of payments and where payments are to be directed. The information collection requirements contained in Note ensure the protection of the FHA insurance fund.

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.**

Because the documents are used in a real estate closing and real estate closings across the nation continue to be conducted with hard copy documents and hard copy documents must be filed with the applicable court for recordation, there is no consideration at this time for using an information technology system. However, HUD will provide the forms in pdf fillable/printable format via the HUD website.

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.**

There is no duplication of information. These documents are standard documents in multifamily housing closings.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1) describe any methods used to minimize burden.**

The collection of this information will not impact small businesses or other small entities. This document reduces burden by requiring use of these documents for all the various multifamily rental housing projects, except for healthcare facilities, and not requiring these documents to be individually tailored for the transaction.

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.**

FHA insurance would not be available to the borrower, and therefore the multifamily housing transaction, in all likelihood, would not proceed. In this economy, the availability of FHA mortgage insurance is often the factor that helps to maintain the availability of affordable multifamily rental housing. Additionally, HUD must protect the FHA insurance fund, which these multifamily closing documents, along with others is designed to do, by establishing the legal rights and obligations of the parties to the multifamily housing closing transaction.

Also, HUD and the mortgagee would be performing duplicative legal work and would expend considerably greater time and resources than the mortgagor's or owner's counsel, who would be conducting the due diligence analysis as a matter of course in representing the client.

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

- requiring respondents to report information to the agency more than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results than 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;
- that includes 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
- requiring respondents to submit proprietary trade secret, 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.

There are no special circumstances surrounding this collection of 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. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

- Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping disclosure, or reporting format (if any) and the data elements to be recorded, disclosed, or reported.
- Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.

The Department published the notice entitled "HUD Multifamily Rental Project Closing Documents Renewal of Currently Approved Collection: 60-Day Notice of Proposed Information Collection" on October 29, 2013, at 78 FR 5740. The Federal Register Notice is attached. HUD received from 3 respondents 112 public comments on this document and other of the multifamily housing closing documents. Please see also attached Summary of Public Comments, which summarizes significant issues raised by public commenters.

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

No gifts or payments are provided other than the provision of mortgage insurance, and the payment of insurance claim for a validly submitted claim.

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

The document contains no personally identifying information subject to privacy requirements.

**11. Provide additional justification for any 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 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.**

No questions of a sensitive nature are included in this request

**12. Provide estimates of the hour burden of the collection of information. The statement should:**

- indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary

widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally estimates should not include burden hours for customary and usual business practices;

- if this request covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; 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 burden on each respondent will vary in proportion to the number of multifamily housing rental closings in which the respondent is involved. Generally because of the high dollar amount of the transaction and the complexity of the transaction (state and local laws factor into such closings), a respondent will only engage in one such transaction during a one year period.

The burden of 0.5 hour is based on the time to read and complete form. The annualized cost to the respondent is estimated at \$26 an hour times 0.5 burden hour times 655 responses or \$ 8,515.

The burden of 1 hour is based on the time to read and complete form. The annualized cost to the respondent is estimated at \$26 an hour times 1 burden hour times 655 responses or \$ 17,030.

The burden of .75 hour is based on the time to read and complete form. The annualized cost to the respondent is estimated at \$26 an hour times 0.75 burden hours times 655 responses or \$ 12,773.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hours Per Response	Annual Burden Hours	Hourly Cost	Total Annual Cost
HUD-91070M	1,250	1	1,250	0.5	625	\$36	\$22,500
HUD-91071M	20	1	20	0.5	10	\$26	\$260
HUD-91710M	655	1	655	0.5	328	\$26	\$8,515
HUD-91712M	655	1	655	0.5	328	\$26	\$8,515
HUD-91725M	1,250	1	1,250	1	1,250	\$125	\$156,250
HUD-91725M-CERT	1,250	1	1,250	1	1,250	\$46	\$57,500
HUD-91725M-INST	0	0	0	0	0	0	0
HUD-92023M	1,250	1	1,250	1	1,250	\$26	\$32,500
HUD-92070M	60	1	60	0.5	30	\$26	\$780
HUD-92223M	655	1	655	0.5	328	\$26	\$8,515
HUD-92408M	1,250	1	1,250	2	2,500	\$103	\$257,500
HUD-92412M	175	1	175	0.5	88	\$26	\$2,275
HUD-92414M	1,250	1	1,250	0.5	625	\$26	\$16,250
HUD-92420M	655	1	655	0.5	328	\$26	\$8,515
HUD-92434M	175	1	175	1	175	\$26	\$4,550
HUD-92441M	175	1	175	0.75	131	\$26	\$3,413
HUD-92441M-SUPP	175	1	175	0.75	131	\$26	\$3,413
HUD-92442M	175	1	175	1	175	\$58	\$10,150
HUD-92450M	175	1	175	0.5	88	\$26	\$2,275
HUD-92452A-M	175	1	175	0.5	88	\$26	\$2,275
HUD-92452M	175	1	175	0.5	88	\$26	\$2,275
HUD-92455M	1,075	1	1,075	1	1,075	\$26	\$27,950
HUD-92456M	175	1	175	0.5	88	\$26	\$2,275
HUD-92457A-M	655	1	655	0.5	328	\$26	\$8,515
HUD-92457M	655	1	655	0.5	328	\$26	\$8,515
HUD-92464M	1,250	1	1,250	1	1,250	\$46	\$57,500
HUD-92466M	1,250	1	1,250	1	1,250	\$58	\$72,500
HUD-92476M	20	1	20	0.5	10	\$26	\$260
HUD-92476a-M	175	1	175	0.5	88	\$26	\$2,275
HUD-92476.1M	1,075	1	1,075	0.5	538	\$26	\$13,975
HUD-92477M	175	1	175	0.5	88	\$26	\$2,275
HUD-92478M	1,250	1	1,250	0.5	625	\$26	\$16,250
HUD-92479M	175	1	175	0.5	88	\$26	\$2,275
HUD-92554M	175	1	175	0.5	88	\$26	\$2,275
HUD-93305M	1,250	1	1,250	0.5	625	\$26	\$16,250
HUD-94000M	1,250	1	1,250	0.75	938	\$26	\$24,375
HUD-94001M	1,250	1	1,250	1	1,250	\$26	\$32,500
<b>Totals</b>	<b>655</b>		<b>23,455</b>		<b>18,473</b>		<b>\$898,191</b>

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information (do not include the cost of any hour burden shown in Items 12 and 14).
- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;
  - If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
  - generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no capital or start-up costs. There are no cost burdens to respondents for operation and maintenance

14. Provide estimates of annualized cost 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. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

All MF Closing documents are reviewed by an attorney in one of HUD's Field Offices. The attorneys range from a GS-12 to a GS-14. Therefore, the grade of a GS-13 is used as an average. The time it takes to review each document corresponds to the time that it takes for the party to complete the form. Per the following website, the hourly rate of a GS-13 attorney is \$ 51.48 (rounded to \$51) per the following website [www.opm.gov/oca/10tables/html/RUS.asp](http://www.opm.gov/oca/10tables/html/RUS.asp).

Based on an hourly rate of \$51, the labor cost will be approximately \$25.50 for review of the document. Total estimated annualized costs to the Federal government are \$16,703 based on .5 hour processing time at \$51 per hour for 655 responses.

Based on an hourly rate of \$51, the labor cost will be approximately \$51 for review of the document. Total estimated annualized costs to the Federal government are \$33,405 based on 1 hour processing time at \$51 per hour for 655 responses.]

Based on an hourly rate of \$51, the labor cost will be approximately \$38.25 for review of the document. Total estimated annualized costs to the Federal government are \$25,054 based on .75 hour processing time at \$51 per hour for 655 responses.]

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hours Per Response	Annual Burden Hours	Hourly Cost	Total Annual Cost
HUD-91070M	1,250	1	1,250	0.5	625	\$51	\$31,875
HUD-91071M	20	1	20	.05	10	\$51	\$510
HUD-91710M	655	1	655	0.5	328	51	\$16,703
HUD-91712M	655	1	655	0.5	328	\$51	\$16,703
HUD-91725M	1,250	1	1,250	1	1,250	\$51	\$63,750
HUD-91725M-CERT	1,250	1	1,250	1	1,250	\$51	\$63,750
HUD-91725M-INST	0	0	0	0	0	0	0
HUD-92023M	1,250	1	1,250	1	1,250	\$51	\$63,750
HUD-92070M	60	1	60	0.5	30	\$51	1,530
HUD-92223M	655	1	655	0.5	328	\$51	16,703
HUD-92408M	1,250	1	1,250	2	2,500	\$51	\$127,500
HUD-92412M	175	1	175	0.5	88	\$51	\$4,488
HUD-92414M	1,250	1	1,250	0.5	625	\$51	\$31,875
HUD-92420M	655	1	655	0.5	328	\$51	\$16,703
HUD-92434M	175	1	175	1	175	\$51	\$8,925
HUD-92441M	175	1	175	0.75	131	\$51	\$6,694
HUD-92441M-SUPP	175	1	175	0.75	131	\$51	\$6,694
HUD-92442M	175	1	175	1	175	\$51	\$8,925
HUD-92450M	175	1	175	0.5	88	\$51	\$4,488
HUD-92452A-M	175	1	175	0.5	88	\$51	\$4,488
HUD-92452M	175	1	175	0.5	88	\$51	\$4,488
HUD-92455M	1,075	1	1,075	1	1,075	\$51	\$54,825
HUD-92456M	175	1	175	0.5	88	\$51	\$4,488
HUD-92457A-M	655	1	655	0.5	328	\$51	\$16,703
HUD-92457M	655	1	655	0.5	328	\$51	\$16,703
HUD-92464M	1,250	1	1,250	1	1,250	\$51	\$63,750
HUD-92466M	1,250	1	1,250	1	1,250	\$51	\$63,750
HUD-92476M	20	1	20	0.5	10	\$51	\$510
HUD-92476a-M	175	1	175	0.5	88	\$51	\$4,488
HUD-92476.1M	1,075	1	1,075	0.5	538	\$51	\$27,413
HUD-92477M	175	1	175	0.5	88	\$51	\$4,488
HUD-92478M	1,250	1	1,250	0.5	625	\$51	\$31,875
HUD-92479M	175	1	175	0.5	88	\$51	\$4,488
HUD-92554M	175	1	175	0.5	88	\$51	\$4,488
HUD-93305M	1,250	1	1,250	0.5	625	\$51	\$31,875
HUD-94000M	1,250	1	1,250	0.75	938	\$51	\$47,813
HUD-94001M	1,250	1	1,250	1	1,250	\$51	\$63,750
<b>Totals</b>	<b>655</b>		<b>23,455</b>		<b>18,473</b>		<b>\$941,949</b>

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

This is a request for a revision of a currently approved collection because of adding two new documents. The number of 655 annual submissions is based on an average of the number of closings for the last three fiscal years.

**16. For collection 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 of information, completion of report, publication dates, and other actions.**

The information 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.**

There is no request to not display the expiration date.

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

There are no exceptions to the certification statement identified in item 19.

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**B. Collections of Information Employing Statistical Methods**

This collection will not employ statistical methods.

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