

1 Supporting Statement A

Bureau of Indian Affairs Housing Improvement Program, 25 CFR 256

OMB Control Number 1076-0184

This information collection is a request for the new OMB Control Number 1076-0184 as a replacement for 1076-0084. This information collection is necessary to meet changing regulatory requirements. The rulemaking process was in progress at the same time the renewal of 1076-0084 was progressing, necessitating a new OMB Control Number (1076-0184) to replace the recently updated 1076-0084.

Terms of Clearance: None.

General Instructions

A completed Supporting Statement A must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified below. If an item is not applicable, provide a brief explanation. When the question “Does this ICR contain surveys, censuses, or employ statistical methods?” is checked "Yes," then a Supporting Statement B must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.**

The regulation governing the housing improvement program administered by the Bureau of Indian Affairs is at 25 CFR 256. This regulation is being revised to update various provisions to align the HIP with other Federal program requirements, allow leveraging of housing funds to increase the number of families served and projects funded, and provide tribes with more flexibility in how to address waiting lists of tribal members awaiting housing assistance. The Bureau collects information in implementing this regulation to determine applicant eligibility for housing services based upon the criteria referenced in 25 CFR § 256.9 (repairs and renovation assistance), § 256.10 (replacement assistance), 25 CFR § 256.11 (down payment assistance). The applicant must be a member of a federally recognized tribe, live in an approved tribal service area, meet annual income requirements, and meet other requirements in addition to the eligibility requirements in §§ 256.9 and 256.10. See 25 CFR § 256.6.

- 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. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.**

Enrolled members of federally recognized tribes, who live within a tribe's designated and approved service area, submit information which determines who will be the beneficiaries of this program, the neediest of needy. The Housing Improvement Program (HIP) application form that was developed for this program has been in existence since 1975 and is the instrument used to screen, identify, document and select individual American Indian families for this program. The application form requests the following information:

- Section A: The first 7 questions on the application establish the identity of the respondent, tribal affiliation and marital status. Questions 8 and 9 are new questions to identify whether the applicant is homeless and whether the applicant or spouse is a veteran because the revised regulations provide that the applicant will receive 5 points for each of these factors. Questions 9 through 12 establish the identity of the spouse for identification purposes.
- Section B: Establishes the size of the respondent's family or family composition or for determining the minimum number of bedrooms needed for this family.
- Section C: Questions 13 through 15 establish the financial resources available to the respondent and family and for determining whether or not this family meets the program income guidelines.
- Section D: Questions 16 through 25 provides a general description of the home or for determining the category of service. This section includes two new sections to identify whether the applicant's current housing is overcrowded or dilapidated because the revised regulations provide that the applicant will receive 5 points for each of these factors.
- Section E: Questions 26 through 28 provide a legal description and location of house or for establishing ownership of the house. The form adds information to questions 26 and 28 regarding whether the applicant can provide proof that the applicant can obtain the land, in accordance with regulatory revisions that allow eligibility under Categories C and A if the applicant can obtain a leasehold.
- Section F: Questions 29 through 35 provide pertinent information about respondent or for determining whether or not the applicant meets the regulatory requirements of the program. The form adds a new question 32 regarding whether the applicant is seeking down payment assistance and, if so, whether the applicant has applied with another lending institution. This information is necessary for the new regulatory Category D for down payment assistance.
- Section G: This section is the certification by the respondent that the statements and information included with the applicant are true.

- 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 and specifically how this collection meets GPEA requirements.

Due to the lack of computer technology and individual ownership of computer equipment by our clients, installing individual computer terminals at each remote BIA agency/tribal office for public access was considered; but due to the remoteness, the low level of computer literacy of the general reservation service population and high start-up and maintenance costs, this option is presently not viable; so, we continue to use the paper generated HIP application for this program.

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.

Much of the data collected is unique to the program. This form establishes a paper trail and documents individual eligibility for a federally funded grant program. We have approached other Federal, state, local and private agencies, such as HUD, VA, IHS, USDA, FEMA, Red Cross, other private organizations and lenders to explore the idea of adopting a single application for collecting data from the tribe's general service population; to date, we have not gained any support to establish and use a single application form to determine eligibility for even general individual housing program services.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

The information on the form does not come from small businesses, but from individuals seeking housing assistance. However, we recognize that the information collected does affect businesses, and therefore, we continue to recommend to tribes and local BIA field offices to develop a single bid document or solicitation for completing all their individually funded projects identified in their reservation-wide annual work plan to reduce the paperwork a subcontractor would have to review in order to respond or bid on any contract work generated by the funds that are made available through this program each fiscal year.

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.

Due to the fact that many of our clients are nomadic because of the severe lack of employment opportunities on many of our reservations, the information that is needed to properly assess an individual for housing services frequently changes each calendar year; so, the need to update an individual HIP applicant's file each fiscal year is necessary. The consequences for not updating the information on at least an annual basis would mean that we would be serving individuals who are ranked lower on the reservation-wide priority

waiting list and would be bypassing individuals who would be rated higher or considered more in need for individual housing services.

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 often 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 that can be generalized to the universe of study;**
 - * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
 - * **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 secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that will apply to this collection that would require exceptions to 5 CFR 1320.5(d)(2). We only require a yearly update of information, although an applicant who moves may wish to voluntarily update the information more frequently or as needed. Our pledge of confidentiality would be covered by the Privacy Act, as stated on our form.

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 in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

A comment period was announced in the **Federal Register** upon publication of the proposed rule, giving interested parties an additional opportunity to comment on the revised form. See 80 FR 13 (January 2, 2015). No public comments were received on the information collection requirements in response to this solicitation.

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 on 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 three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

We have discussed information collections for the Housing Improvement Program with Kara Spears, HIP Coordinator, Red Lake Agency, phone number (218) 679-3361; e-mail: kaspears_32@hotmail.com, and Leonard Belgrade, Housing Director, Turtle Mountain Band of Chippewa, phone number (701) 477-2668; e-mail: hipro@utma.com.

Severe budget cuts to this program since 1995 have eroded the present housing support staff to 1 FTE at the Central Office and 12 FTE at the regional office levels; this doesn't allow much individual consultation with representatives of those from whom information is obtained or those who must compile records. But this doesn't preclude ongoing consultation with each individual respondent when this form is completed nor when the form is discussed at various HIP meetings and orientation sessions conducted during the course of each fiscal year by each of the twelve regional offices. When the tribes have rated and ranked the applications, their list containing only the name and ranking is sent to BIA. Because applications for the applicants are not available unless we are going to serve them through a contract, for the contact information of an applicant, please contact Mr. Leslie Jensen at 907-586-7397 or Leslie.Jensen@bia.gov.

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

No payment or gift is being given to respondents.

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

The information collected is subject to the system of records notice "Indian Housing Improvement Program, Interior, BIA-10." The Privacy Act statement printed on the HIP application, BIA Form 6407, OMB Control Number 1076-0084, provides the assurance of confidentiality. This application is included in the BIA HIP Handbook or processing manual, which is provided at our annual HIP orientation sessions for both BIA and tribal housing staff who are tasked with the administration of this program; they are advised about the confidentiality and the safeguarding of the information provided by the respondents. This format may also be shared more frequently to other individuals and groups who request a

presentation of this information at their meetings and workshops.

- 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.**

We do not request any additional information that is not included on the HIP application and/or in the HIP regulations. A respondent's religious belief or other sensitive matters do not affect an individual's final standing for program assistance.

- 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 for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * 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.**

We have 7,000 *qualified* respondents annually for this program. Annually, there are an additional 1,000 applicants who do not qualify, making the total 8,000. Reading the instructions, gathering information as needed, and completing the form requires 1 hour per respondent. While this information collection adds questions to the application form, on average, this is not expected to increase the response time to complete the application because the questions are straightforward and applicable only in limited circumstances.

The regulatory change reduces the frequency with which applicants must submit forms from annually to once every four years, so the total annual estimated burden is 2,000 hours (8,000 hours/4).

The regulatory changes also require an annual update in any format (meaning the respondent

may provide any updates by mail, email, or phone without using a form), which requires approximately 15 minutes per respondent, totaling an additional 2,000 hours. Together, the total estimated annual burden hours are 4,000.

The estimated total salary cost for each applicant is 1 hour x \$26.14 per hour, which is an average of the hourly wages for civilian and private industry, as shown below.

	Hourly Rate	Legally required Benefits***	Health Benefits***	Total
Civilian*	\$21.96	\$2.35	\$2.55	\$26.86
Private Industry*	\$20.96	\$2.30	\$2.15	\$25.41
			Total	\$52.27
				/2
			Averaged	\$26.14

*Table 1, Wages & Salaries – All Workers, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Civilian workers, by major occupational and industry group, March 2014.

** Table 5, Wages & Salaries – All Workers, Employer costs per hour worked for employee compensation and costs as a percent of total compensation: Private industry workers, by major occupational group and bargaining unit status, March 2014.

***The benefits cost estimates are based upon experience. Applicants are not necessarily employed year-round; many work part-time and are not eligible for some benefits such as leave, health insurance. Some families earn their annual income following the harvest, and what they earn is what they have unless they qualify for some family assistance. For those whose income is based on harvests, no benefits are available.

We have used the Bureau of Labor Statistics, EMPLOYER COSTS FOR EMPLOYEE COMPENSATION—March 2014 (released June 11, 2014), USDL 14-1075, as a guide for our estimates. See www.bls.gov/news.release/pdf/ecec.pdf. We determined that the average of all civilian workers and all private industry workers would reflect the lack of benefits for some of our applicants who may not receive health benefits or paid leave; in the former case because it may be assumed that the applicants are eligible for Indian Health Services programs.

Therefore, the total cost burden on the public is \$26.14 x 4,000, which totals \$104,560. No individual is reimbursed for completing the application nor guaranteed services under this Program.

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * 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 and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). 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 is a non-hour cost burden to each of the 8,000 respondents estimated at \$10 per application to obtain and provide copies of the application documentation once every four years. The total annual non-hour cost burden is therefore \$20,000.

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.

The annualized cost to the Federal government is 25 percent of the annual budget appropriations of the total regional Housing Development (HD) funds. The total HD funds for the past three fiscal years have been: FY 2014 it was \$1,100,000; in FY 2013 it was \$1,600,000; in FY 2012 it was \$1,600,000. Based on the most recent FY appropriations, the annualized cost to the Federal government is therefore \$275,000.

HD encompasses four distinct tasks:

- A. Verification of HIP eligibility applicants represents 25 % of the federal employee cost,
- B. Review and approval of a tribe's annual work plans represents 25 %,
- C. Monitoring the completion of individual HIP projects represents 40%, and
- D. Close-out of each approved and/or funded project represents 10%.

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

The “program change due to agency discretion” reflected in the ROCIS submission is because this information collection was entered as a “new” information collection because the OMB Control Number was being renewed while the rulemaking process was underway. The application form for this information collection has been revised (as compared to the form approved under 1076-0084) to add several new questions to reflect regulatory updates; however, this will not affect the overall estimated hour or cost burden because the questions are applicable in very limited circumstances. The regulatory revision allowing the servicing housing office to consider an application to be valid for four years, rather than one year, reduces the previous hour burden of 8,000 to 2,000, but the additional requirement for an annual update, estimated to take 15 minutes, adds another 2,000 hours annually. Together, there is a net decrease of 4,000 hours.

The program change also reflects an increase in non-hour cost burden of \$20,000, which accounts for copies. This is an increase because the previous information collection (under 1076-0084), due to an oversight, did not account for the cost of copies.

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

We will not use the results of the collection for any other purpose but operating the program.

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.

We intend to display the OMB Control Number and the expiration date.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

We are not seeking any exceptions to the certification statement.