

SUPPORTING STATEMENT for PAPERWORK REDUCTION ACT SUBMISSIONS

PART A - JUSTIFICATION

Information Collection: Fair Housing Initiatives Program (FHIP) Grant Application and Monitoring Reports.

A1. Circumstances Making Information Collection Necessary

The Fair Housing Initiatives Program Division in HUD Headquarters will use the information provided in FHIP grant applications to objectively evaluate applicants on how well they meet the selection factors set out in the Notice of Funding Availability (NOFA). It also serves to monitor selected applicants or grantees to assess compliance and effectiveness.

Background: The Fair Housing Act-Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601-19, charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status, or national origin in the sale, rental, or financing of most housing, and in other real estate-related transactions. The Act also requires the Secretary to coordinate with State and local agencies administering fair housing laws, and to cooperate with and render technical assistance to public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987 (1987 Act), 42 U.S.C. 3616, as amended, established the Fair Housing Initiatives Program (FHIP) to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. The law, as amended, authorized funding for the Administrative Enforcement, Education and Outreach, Private Enforcement and Fair Housing Organizations Initiatives to eligible applicants. Eligible applicants include: State and local governments or their agencies, public and private non-profit organizations, faith-based organizations, or other public and private entities that are carrying out programs to prevent or eliminate discriminatory housing practices. Eligible organizations will conduct investigations of violations of the rights guaranteed by the Act and to carry out a range of enforcement and investigative activities to remedy violations, as appropriate; to build or to continue to build the capacity of current organizations in fair housing and/or to establish, organize and build the capacity of new fair housing enforcement organizations, particularly in those areas of the country which are currently underserved by fair housing enforcement organizations as well as those areas where large concentrations of protected classes exist. In addition, to provide education and outreach programs at the national, regional, local and community-based areas, to instruct the general public regarding their rights and responsibilities provided under the Act.

Additional reporting areas include a summary of all enforcement related and education and outreach activities carried out, how many people are reached as a result of these activities, and all programs funded as well as a summary of the use of funds under all program initiatives and any findings, conclusions, or recommendations as a result of the funded activities.

A2. How and By Whom the Data will be Used

The information collection is necessary to assess the qualifications of applicants for funding under the FHIP to carry out fair housing enforcement and/or education and outreach activities under the following initiatives: Education and Outreach, the Private Enforcement Initiatives, and the Fair Housing Organizations Initiative, or as further determined under the appropriate notices of funding availability. Information is also collected to monitor grants and grant funds through the requirement of quarterly and final annual reporting.

The collected data is used by a Technical Evaluation Panel (TEP) and other HUD officials assigned to evaluate FHIP NOFA applications, as well as Senior Management officials tasked with making final funding decisions. Eligible applicants submit electronic applications (unless waived in accordance with established NOFA procedures) to the Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Fair Housing Initiatives Program Division in accordance with the requirements described in the NOFA, for which applicants are rated and ranked, and selections made accordingly.

A3. The Extent of the Collection of Information Involving the Use of Automated, Electronic, or Other Forms of Information Technological

As indicated above, electronic forms were implemented for the 2005 fiscal year under the E-Grants initiatives and will be continued, and improved, in the future. The FHIP developed supplemental forms to capture enforcement activity outcomes that happen outside of the general reporting. These forms cover outcomes of grant activity when the FHIPs settle, conciliate, or reach some other type of outcome. This information will give a complete picture of the FHIP activities associated with the grant.

A4. Efforts to Identify Duplication

There is no duplication of information. FHIP used various methods to assure that there is no duplication for this information collection, including the Departmental Clearance process; a 2015 Federal Register Notice seeking comments from the public including prospective FHIP NOFA applicants and grantees, and FHIP works closely with the Grants Management and Oversight Division to improve NOFA processes including streamlining duplication.

A5. Efforts to Minimize the Burden on Small Entities

The collection of information involves Qualified Fair Housing Organizations (QFHOs); Fair Housing Organizations (FHOs); public or private non-profit organizations or institutions and other public or private entities that are working to prevent or eliminate discriminatory housing practices; State and local governments; and Fair Housing Assistance Program agencies. Typically, public and private non-profit fair housing organizations are small entities. Therefore, we have attempted to minimize the burden by limiting the information requested necessary for evaluating and certifying that FHIP funds will not be used to settle a claim, satisfy a judgment, or fulfill a court order in any defensive litigation. In addition, applicants may provide up to a 10 page Rating Factor response (requested by the applicants); however, the minimum page limit is at the applicant's discretion. The suggested formats for quarterly and/or final reports, enforcement logs, and supplemental outcome information continues the reduction of the amount of narrative information, and the reduction of the duplication of previous submissions.

A6. Consequences of Less Frequent Data Collection

Without benefit of the information requested and certified from applicants, the Department would have no means for distinguishing proposals with a high probability for success in carrying out projects, activities and tasks to increase compliance with the Fair Housing Act and with substantially equivalent State and local fair housing laws from those which may prove to be troublesome. In addition, the Department could not ensure a fair competition for funding or certify that FHIP funds are used in accordance with statutes and regulation.

Without record-keeping, progress and financial reports, the Department would have no means to measure how successful individual organizations are in carrying out their projects and managing FHIP funds. In addition, without record-keeping, the Department would not be able to assess the performance of the program overall in delivering services to enforce fair housing law and provide education and outreach on fair housing rights and responsibilities and to ensure transparency of the program's activities.

A7. Circumstances Requiring Deviation from Guidelines of 5 CFR 1320.6

This collection does not seek a deviation from the Guidelines of 5 CFR 1320.6.

Applicants must submit their grant proposals to the Department via the Federal Government's electronic portal. Electronic submissions are protected but are accessible to each reader on the Technical Evaluation Panels (TEPs).

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; None
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; None
- requiring respondents to submit more than an original and two copies of any document; None
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; None
- 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;

This collection of information does not require the uses of a statistical survey.

- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;

This collection of information does not require the use of a statistical data classification.

- 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

None

- 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. Not applicable

A8. Federal Register Publication

This information is collected in a manner consistent with guidelines of 5 CFR 1320.8(d). The agency notice announcing this collection of information appeared in the *Federal Register* on April 28, 2016.

A09. Incentive Payments and Gifts

This information collection does not involve any payment or gift to respondents.

A10. Arrangements and Assurances Regarding Confidentiality

Applicants are advised in the Notice of Funding Availability that their proposals are subject to disclosure under the provisions of the Freedom of Information Act (FOIA), and as such may be released in whole or in part, depending on the Department's determination of what information must be released. Applicants are permitted to indicate which portions of an application they believe should not be released and the basis for that belief, but the Department retains the right to make an independent evaluation as to releasing the requested information.

A11. Sensitive Questions

This information collection does not contain requests for information of a sensitive nature.

A12. Estimate of Record-keeping and Reporting Hour Burden on Respondents

The Department estimates that application development, quarterly report, enforcement Logs, and/or final reports, are anticipated to have the following reporting burdens:

	Number of Respondents	Frequency of Response	Hours/Response	Burden Hours
Application Development	400	1	76.50	30,600
Quarterly Report	104	4	19	7,904
Supplemental Outcome Report	104	1	19	1,976
Enforcement Log	59	4	7	1,652
Final Report	102	1	20	2,040
Record-keeping	104	1	21	2,184

The number of respondents continues to be an estimate based upon the average number of electronic submissions for NOFA years 2010 to current. The NOFA requirements upon applicant submission of multiple applications varies per individual NOFA and although the frequency of responses reflects one, should an applicant submit more than one application per given funding round, when permitted, other requirements remain the same for each separate submission. However, the monitoring report frequency is what reflects more than one submission per each grant awarded and is indicated below. The number of hours is an average based on grantee estimates of time to review instructions, search existing data sources, prepare required responses to the application, complete the certification, and assemble exhibits.

TOTAL BURDEN HOURS: 46,356

Annualized Cost to Respondents for Hour Burdens for Information Collections

Estimates are for quarterly and annual reports, enforcement logs, and record-keeping. Supplemental outcome reports, and final reports are based on approximately one hundred four (104) applications, estimate based upon the average of the number of submissions for NOFA years 2010 to current and given that this number fluctuated from a low of 85 to a high of 149 applications. The 104 average respondents are required to report 4 times annually (or quarterly reports) on program performance and financial status.

Fifty-nine (59) of the 104 applicants are projected to be funded under the Private Enforcement Initiative under future funding rounds and require completion and submission of an enforcement log. In addition to the Enforcement Log, the Department also requires supplemental forms (Forms HUD-904A (Types of Closures), B (Bases and Issues in Tests) and C (Bases and Issues of Reports of Discrimination) which are used to collect complaint information, which provides data on the complainants' and the respondents' vital statistics, basis of discrimination, date of violation and outcomes outside of those referred to the Department. This data is used by the Fair Housing Initiative Program agencies to track the number of complaints and assist HUD in determining whether grantees are honoring the mandatory referral requirement as prescribed in the NOFA.

The Quarterly Reports are required of approximately 103 applicants while the Semi-annual report is required by approximately 1 applicant. The Quarterly Reports provide the Department with grid reporting and narrative reporting of the status of program tasks and deliverables. These outcomes of activity require grantee information on Types of Closures, Bases and Issues of Tests and Bases and Issues of of Discrimination on settlements, conciliations, and judgments not reported on the Enforcement Logs. The report process assists HUD in evaluating performance and providing early intervention to grantees if needed. The Final Report is a compilation of activities for the prescribed grant period and is required within 90 days of the close of grant activities for each grant. It provides HUD with a summary that includes objectives, accomplishments, and results; complaint and testing activities that summarize the number of complaints filed by basis and issue, relief and/or complaint outcomes, and filing status.

Hours per response are averages based on grantee estimates of time to review instructions, search existing data sources, gather and maintain the data needed, and complete or respond to and review the collection of information. Actual time will vary because of differences in activity, size, or complexity of grant, and depending on whether grantee automates format. Total costs are calculated (rounded to the nearest dollar):
Total Burden Hours = 46,356 x professional hourly rate of \$30.00.

A13. Estimate of Record-keeping and Reporting Cost Burden on Respondents

This information collection does not result in an additional cost burden to respondents.

A14. Estimated Cost to the Federal Government

There will not be any additional cost to the Federal Government as a result of this information collection beyond the usual personnel costs to review and select applications, award funding, and monitor performance of grantees.

A15. Reasons for Change in Burden

This proposed collection is an extension to a currently approved collection, OMB Control Number 2529-0033. This request also seeks a reduction in burden hours. The requested reduction does not change any current reporting requirements for respondents, but removes an obsolete requirement for 64 annual hours for "semi-annual reporting". This reduction in burden hours and removal of the requirement provide a more accurate reflection of required reporting.

The 2012 approved collection included burden hours for Semi-Annual Reporting by one respondent, totaling 64 hours annually. However, this requirement has not been used, and FHIP does not anticipate future use since all respondents follow uniform reporting requirements (quarterly and final reports) for program

efficiency. The FHIP therefore requests to delete the requirement for semi-annual reporting and the burden hours associated as follows: 46,420 (current burden hours) – **64 (semi-annual report hours)** = 46,356.

A16. Plans for Tabulation, Analysis, and Publication

The Department will publish annual report and enforcement log information as part of its mandatory Annual Report to Congress and under the Transparency requirements.

A17. Reasons for Not Displaying the OMB Expiration Date

There is no request seeking approval to not display the expiration date for OMB approval of the information collection.

A18. Exceptions

There are no exceptions to the certification statement identified in Item 19 of OMB Form 83-1.

PART B - EMPLOYMENT OF STATISTICAL METHODS

This information collection does not employ statistical methods.