

Supporting Statement for Paperwork Reduction Act Submissions

A. Justification:

1. Why is this information necessary?

The public housing program provides Operating Funds and Capital Funds to public housing projects owned and operated by public housing agencies (PHAs), subject to the terms and conditions contained in the federal award, HUD-53012 (*Annual Contributions Terms and Conditions for the Public Housing Program* (a.k.a. ACC)). Previously entitled *Public Housing Annual Contributions Contract for Capital and Operating Grant Funds*, the award will now be entitled *Annual Contributions Terms and Conditions for the Public Housing Program*. This PRA collection amends the current HUD-53012 (expiration date 01/31/2021). Note that the OMB Control Number 2577-0075 includes other forms that are not being revised at this time: HUD-51999; HUD-52190A; HUD-52190B; HUD-52840A; HUD-52860, HUD-52860B, HUD-52860C; HUD-52860; HUD-52860E, and HUD-52860F, HUD-52860G, HUD-5838 and HUD-5837 (expiration date 01/31/2021).

In January 2018, OMB approved the current HUD-53012. Prior to OMB's approval, HUD received no comments to either the 60-day Notice (March 1, 2016 at 81 FR 10651) or 30-day Notice (September 6, 2017 at 82 FR 42106) soliciting comments on the proposed information collection. After HUD published the revised HUD-53012, HUD received considerable feedback on the ACC it issued. As a result, HUD decided to solicit additional public comments on the HUD-53012. On December 27, 2018 HUD published a revised ACC in the Federal Register via a second 60-day PRA Notice at 83 FR 66729. HUD has revised the HUD-53012 based on current applicable statutes and regulations as well as in response to public comments received during the public comment period provided for by the 60-Day Notice of Proposed Information Collection.

The proposed *Annual Contributions Terms and Conditions for the Public Housing Program* (a.k.a. ACC) is necessary to establish the basic terms and conditions for a PHA's public housing program and requires the PHA to manage and operate its public housing projects in accordance with the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act) and all applicable HUD requirements. The ACC includes those terms and conditions that apply to the acceptance and use of federal financial assistance for the public housing program which are necessary to "insure the lower income character of the project involved in a manner consistent with the public housing agency plan" (42 USC 1437d), and that are not already specifically included in HUD regulations at Title 24 of the Code of Federal Regulations (CFR), the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance" at 2 CFR Part 200), and/or made applicable by statute.

All PHAs must have an executed ACC on file with HUD in order to receive public housing funding. The ACC serves as notice of the terms and conditions that attach to HUD's award and the PHA's request for, acceptance, and use of federal financial assistance. Execution of the ACC represents acceptance of those terms and conditions undergirding all instruments subsequently executed to provide public housing funding, including, but not limited to SF-424 forms, Operating Fund budget letters, competitive grant agreements, etc. Such funding instruments will be incorporated into the ACC as amendments or funding exhibits.

To the extent PHAs need commitments for mixed finance approvals beyond what is stated in the ACC, HUD will continue to work with PHAs on project-specific solutions, including the use of a mixed-finance amendment. As a result, the Mixed-Finance provisions have been removed from HUD-53012 and will instead be included in an ACC amendment ("Mixed-Finance ACC Amendment"); a model Mixed-Finance ACC Amendment is being published in the 30-Day Notice of Proposed Information Collection with the revised ACC.

2. **How is this information to be used?** The ACC establishes required public housing terms and conditions between HUD and PHAs administering public housing programs. A Mixed-Finance ACC Amendment amends the ACC and establishes the terms and conditions between HUD and PHAs administering mixed-finance public housing.

Signature of Senior Officer or Designee:

Date:

X
Colette Pollard, Departmental Records Management Officer,
Office of the Chief Information Officer

- 3. Describe whether, and to what extent, the collection of information is automated?**
Electronic signatures are permissible for HUD programs, and that option will be made available for the ACC; however, HUD has added a signature line for PHAs on the revised form for those PHAs that prefer or are required under State law to effectuate agreements by a wet signature.
- 4. Duplication of information.** There is no duplication of information associated with this collection. The information required and collected with each action is not collected elsewhere. There is no similar information already available that may be used or modified for the purposes described in the response to question 2 above. Information is uniformly collected for award and distribution of operating subsidies and capital funds. PHAs initiate submission of information under this PRA information collection, although executing the ACC is a term of receiving public housing funding.
- 5. Does the collection of information impact small businesses or other small entities?** This collection will include 2,426 Small PHAs with under 250 Public Housing units. It has no associated burden hours.
- 6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently.** The ACC, pursuant to section 6(a) of the 1937 Act, sets forth the terms and conditions deemed necessary by HUD to insure the low-income character of public housing projects and that PHAs act in accordance with Public Housing requirements. The ACC governs PHA conduct in connection with its acceptance and receipt of federal assistance. Without the ACC, HUD's interest in public housing properties would not be fully protected and might result in the potential loss of low-income housing.
- 7. Explain any special circumstances.** No special circumstances are applicable to this collection.
- requiring respondents to report information to the agency more than quarterly;
Not Applicable
 - requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
Not Applicable
 - requiring respondents to submit more than an original and two copies of any document;
Not Applicable
 - requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
Not Applicable
 - in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of the study;
Not Applicable
 - requiring the use of statistical data classification that has not been reviewed and approved by OMB;
Not Applicable
 - 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
Not Applicable
 - 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
- 8. Identify date and page number of the Federal Register notice soliciting comments on the information.**
On December 27, 2018 HUD published a revised ACC in the Federal Register via a 60-day PRA Notice at 83 FR 66729. HUD received 79 public comments. HUD summarizes and responds to the public comments in the 30-day PRA Notice.
- 9. Explain any payments or gifts to respondents, other than remuneration of contractors or grantees.**
Not applicable.
- 10. Describe any assurance of confidentiality provided to respondents.**
Not applicable.

11. Justify questions of a sensitive nature, such as sexual, religious beliefs and other matters that are commonly considered private.

Not applicable.

12. Annual Reporting Burden

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Cost
HUD-92577 ACC	3,107	1 each	0	1.00	0	\$52.88	\$164,298
Mixed-Finance Amendment	94	1 each	0	1.00	94	\$52.88	\$4,970

13. Additional cost to respondents. Not applicable.

14. Annualized cost to the Federal Government in 2017.

There will be no annual cost to the Federal government.

15. Explain any program changes or adjustments.

(1) HUD- 53012A and HUD-53012B have been combined into one form, HUD-53012.

16. If the information will be published, outline plans for tabulation and publication.

Not applicable.

17. OMB Expiration Date. HUD is not seeking approval to avoid displaying the OMB expiration date.

18. Certification of Paperwork Reduction Act Submission There is no exception to Item # 19 "Certification of Paperwork Reduction Act Submission."