

Supporting Statement for Paperwork Reduction Act Submissions

Housing Counseling Federal Advisory Committee (HCFAC)

OMB Control Number: 2502-0606

Forms: HUD-90005; OGE Form 450

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. Include a statement regarding the changes for this submission.

The Expand and Preserve Home Ownership Through Counseling Act, title XIV, subtitle D of Public Law 111–203 (Act), 42 USC 3533(g) directs the Office of Housing Counseling (OHC) to form a Housing Counseling Federal Advisory Committee (HCFAC) with up to 12 members representing the mortgage and real estate industries, consumers and housing counseling agencies. The HUD-90005 Application for Membership on the HCFAC will collect information from individuals in those groups who want to serve on the HCFAC.

The current HCFAC was formed and is managed under the requirements of the Federal Advisory Committee Act (Pub.L. 92–463, 86 Stat. 770). The HCFAC Charter outlines membership requirements of the HCFAC

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.

The information will be used by HUD’s Office of Housing Counseling in its selection process and recommendation to the Secretary for the appointment of members to the HCFAC to ensure the members meet the requirements of the *Expand and Preserve Home Ownership Through Counseling Act* and of the *Federal Advisory Committee Act*. The information will be collected using HUD-90005 Application for Membership on the HCFAC. Individuals interested in serving on the HCFAC will be submitting the HUD-90005. The HUD-90005 asks for biographical and professional information on the individuals submitting the form. Nominations of individuals may be made by agency officials, members of Congress, the general public, professional organizations, and the nominee. Nominations can be made anywhere in the country. The HUD-90005 has been used two times in the past (April 2015 and 2018) to form the initial HCFAC and to fill vacancies.

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.

Interested individuals will submit the HUD-90005 Application for Membership on the Housing Counseling Advisory Committee electronically through email as well as through regular mail. Nominations are submitted via email to HCFAC.application@hud.gov. Individuals that do not have internet access may mail the HUD-90005 to the Office of the Deputy Assistant Secretary for Housing Counseling, HUD, 451 7th Street SW, Washington DC 20410. The HUD-90005 is available at <https://www.hudexchange.info/programs/housing-counseling/federal-advisory-committee/>. It can also be downloaded at https://www.hud.gov/program_offices/administration/hudclips. The fillable HUD-90005 will be completed and saved as a PDF file for submission. No other automated or electronic methods will be used for the collection. The website <https://www.hudexchange.info/programs/housing-counseling/federal-advisory-committee/> is not used for processing the HUD-90005. It is only a source of information on the HCFAC for the public. The Office of Housing Counseling (OHC) determined the submission on the HUD-90005 by email is easier and reduces burden to respondents and HUD. A SharePoint site has been established for the storage of these data. Routine EXCEL reports are pulled from SharePoint for use by OHC staff and Housing Management.

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.

This information is not collected in any other form, and therefore is not duplicated elsewhere.

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

There is no impact on small business or other small entities as the potential respondents are individuals. Members do not represent their employer or other business.

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.

The Expand and Preserve Home Ownership Through Counseling Act, title XIV, subtitle D of Public Law 111–203 (Act), 42 USC 3533(g) requires the establishment of the HCFAC. The information collected on the HUD-90005 will ensure the members meet the requirements of this Act, *the Federal Advisory Committee Act.*, and the HCFAC Charter, The HUD-90005 requests information on individuals that these Acts call for. If this information on the HUD-90005 is not collected, HUD’s Office of Housing Counseling will not be able to select and recommend to the Secretary for appointment the members of the HCFAC in accordance with the Act.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner: (PLEASE ANSWER EACH BULLET SEPARATELY)

* requiring respondents to report information to the agency more often than quarterly;

Not applicable. The respondents only submit the HUD-90005 only once during the selection process. The OGE-450 is required annually.

* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

Not applicable. Respondents do not need to prepare any written response to collection.

* requiring respondents to submit more than an original and two copies of any document;

Not applicable. One copy of the HUD-90005 is submitted electronically via email or regular mail. No additional copies are required

* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;

Not applicable. Respondents are not required to retain 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;

Not applicable. There is no statistical survey.

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

Not applicable. There is no statistical survey or 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;

Not applicable. There is no additional pledge of confidentiality.
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.

Not applicable. There is no such requirement.

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 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 3 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.

In accordance with 5 CFR 1320.8(d), a 60-day Federal Register Notice soliciting public comments was announced in the Federal Register on January 6, 2020, Volume 85, Page 522. No comments were received.

A 30-day Federal Register Notice inviting public comments was published on March 4, 2020, Volume 85, Page 12803. One comment was received asking for copies of materials submitted to OMB. The materials were sent to the requester on March 10, 2020.

Consultation with representatives:

Information was gathered from the following 2018 HCFAC applicants and members regarding the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and cost and hour burden. Consultation on the HUD-90005 occurs when Office of Housing management requests an update of the HCFAC Member Selection Process. An update to the Process was most recently done in April 2018. There were no changes to the HUD-90005 based on the consultations. The following individual respondents were consulted.

EJ Thomas – past Chair of the HCFAC – ej@ejthomas.us

Kelly Gill-Gordon – applicant – Virginia Housing Development Authority – Kelly.Gill-Gordon@VHDA.com

Marjorie Leon – applicant – Virginia Cooperative Extension Service Prince William – mleon@pwcgov.org

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

No payment or gifts will be provided to the respondents. According to the *Expand and Preserve Home Ownership Through Counseling Act* (Act), Public Law 111–203, which amended section 4 of the Department of Housing and Urban Development Act, the Act provides that “[m]embers of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.” 42 USC 3533(g) (4)(E).

10. Describe any assurance of confidentiality provided to respondents and the basis for the

assurance in statute, regulation, or agency policy.

A Privacy Threshold Analysis (PTA) Form was completed and adjudicated by the HUD Privacy Office on December 1, 2019.

The HUD-90005 and instructions assures the respondents that all information will be kept confidential under the Privacy Act of 1974. The Privacy Statement is part of the HUD-90005. The HUD-90005 asks legal first and last name, mailing address, telephone number, cell phone number, personal email address, business email address, and employer with address. Applicants will provide demographic information: race, ethnicity, and gender. Other biographical and professional information is requested. The OGE-450 which is submitted to OGC does ask for some PII, however OHC has no access to this information.

Applicants must state in their application that they agree to submit to these pre-appointment screenings which include the submission of form OGE-450 (Confidential Financial Disclosure Report). The Office of General Counsel (OGC) will request, receive and review the submitted forms. Any information related to the screening will be kept confidential by OGC. OHC staff have no access to the OGE-450 information.

A SharePoint site has been set-up by OHC to store the HUD-90005s and other member information, not including the OGE-450 which will be maintained by OGC. Access to the SharePoint site is limited to those OHC staff assigned to the selection process.

OHC is taking the standard precautions regarding the electronic transfer of sensitive information such as client level data, including firewall protection, encryptions, and access security.

There are no assurances of confidentiality provided to the respondents for this information collection.

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.

There are no questions of a sensitive nature described above. The HUD-90005 asks legal first and last name, mailing address, telephone number, cell phone number, personal email address, business email address, and employer with address. Applicants will provide demographic information: race, ethnicity, and gender. Other biographical and professional information is requested. Resumes are submitted as part of the HUD-90005 and may provide personally identifiable information.

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 in Item 13 of OMB Form 83-I.

* 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.

Estimated Annualized Burden Hours and Costs

Information Collection / Type of Respondent	Form Name / Form Number	Number of Respondents	Frequency of Response	Responses Per Year	Average Burden Hours Per Response	Annual Burden Hours	Hourly Cost per Response (Hourly Wage Rate)	Total Annual Respondent Cost
Individuals	HUD-90005 / Application for Membership Housing Counseling Federal Advisory Committee (HCFAC)	150	1	150	1.5	225	\$81.13	\$18,254.25
Individuals	OGE Form 450 / Confidential Financial Disclosure Report (OMB 3209-0006)	12	1	12	3	36	\$81.13	\$2,920.68
TOTALS		162		162		261		\$21,174.93

The hours were based on the actual experience of past respondents. The information was anecdotal during informal conversations.

According to the 2018 U.S. Department of Labor, Bureau of Labor Statistics website (https://www.bls.gov/oes/current/oes_nat.htm) the wage rate category for 11-9199 Managers, All Other is estimated to be \$81.13 (\$55.57 x 1.46) per hour, therefore, the estimated burden hour

cost to respondents Manager-Other is estimated to be \$ \$21,174.93 annually.

13. Provide an estimate for 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 and 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 collections 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 recordkeeping, capital, start-up or maintenance costs associated with this information collection.

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

Annual Cost to the Federal Government

Item	Cost (\$)
Contract Costs: Federal Advisory Committee Support Services (FACSS) Housing Counseling Federal Advisory Committee. (PAVR Software Solutions, LLC is the contractor.) The Contractor shall provide professional services in support of meetings of the Housing Counseling Federal Advisory Committee. These services shall include at a minimum: Meeting notifications; Registration and Attendance Records; Preparation of meeting materials; Travel Management; Audio Recording of meetings and written transcription of meeting minutes; Preparation and Distribution of required	\$538,000

reports, minutes and other materials; Receiving from and tracking correspondence to the HCFAC; and Organizing Housing Counseling Agency and Industry in-person meetings, webinars and webcasts.	
Staff Salaries* estimated 1.5 FTE for HCFAC support. The total number of hours will be 3,120. Using (GS 13-10) hourly rate of \$47.77 plus 1.46 multiplier for \$69.74, total cost is \$11,555. The DSO for OHC, the Designated Federal Officer (DFO), Alternate DFO, the contract SME, and 8 other OHC staff spend time managing the meetings and activities of the HCFAC as well as managing the Member Selection Process.	\$217,589
Facilities [cost for renting, overhead, etc. for data collection activity]	\$0
Computer Hardware and Software [cost of equipment annual lifecycle]	\$0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$0
Travel (staff) – travel of out stationed OHC staff to HUD HQ for HCFAC meetings, 2 meetings per year.	\$7,500
Printing [number of data collection instruments annually]	\$0
Postage [annual number of data collection instruments x postage]	\$0
Other	\$0
Total	\$763,089

* Note: The "Salary Rate" includes a 1.46 multiplier to reflect a fully loaded wage rate.

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

This is a revision of a currently approved collection. There are no changes in Items 13 or 14 on information being collected or how it is being collected. There is an increase in the Burden Hours. Completion of the HUD-90005 has increased from 1 hour to 1.5 hours based on actual experience of sample of applicants. Completion of the OGE-450 had increased from 1.5 hours to 3 hours based on the Public Burden Statement estimate on the OGE-450.

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.

The results of the information collection 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.

HUD will display the expiration date for OMB approval of this information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

HUD does not request an exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.