

August 5, 2019

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 – 0103

Title: Property Acquisition and Relocation for Open Space

Form Number(s): FEMA Form 086-0-31; FEMA Form 086-0-35a; and FEMA Forms 009-0-3 (English) and 009-0-4 (Spanish)

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR §1320.5(a)(1)(iv) and its actual or estimated date of publication in the Federal Register, 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 in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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. Provide a detailed description of the nature and source of the information to be collected.

On September 16, 2009, FEMA published a Final Rule on Property Acquisition and Relocation for Open Space (44 CFR Part 80) that governs property acquisitions for FEMA’s three Hazard Mitigation Assistance (HMA) grant programs, two of which, Pre-Disaster Mitigation and the Hazard Mitigation Grant Program, are authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, P.L. 93-288 (42 U.S.C. 5133, 5170c) as amended, and the other (Flood Mitigation Assistance) under Section 1366 of the National Flood Insurance Act (NFIA) of 1968 (42 U.S.C. 4104c), as amended. 44 CFR Part 80 requires the collection of information from grant applicants to ensure the voluntary nature of the property acquisitions and to ensure that the property acquired remains in open space in perpetuity.

In 2014, FEMA adopted 2 CFR Parts 200, and 3002, which supersede the Office of Management and Budget (OMB) Circulars A-21, A-87, A-110, and A-122 (2 CFR Parts 215, 220, 225, and 230); OMB Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up.

Terminology references in HMA program regulation 44 CFR Part 80 and guidance should be read in conjunction with the corresponding definition in 2 CFR Part 200. All grantees, subgrantees, applicants, and subapplicants must comply with the relevant requirements prescribed throughout 2 CFR Part 200. The following terminology references in applicable program regulations are subject to the corresponding requirements of 2 CFR 200: (subgrant/subaward), (subgrantee/subrecipient), (grant/federal award), and (grantee/recipient).

All references to subgrant in applicable program regulations are subject to the requirements of a subaward. All references to a subgrantee in the applicable program regulations and guidance are subject to the requirements of a subrecipient. All references to grant in the applicable program regulations and guidance are subject to the requirements of a federal award. All references to grantee in the applicable program regulations and guidance are subject to the requirements of a recipient.

States, federally-recognized Tribes (Tribes) and Territories as applicants/recipients, per 44 CFR § 80.5(b)(4), are responsible for collecting and reviewing applications for acquisition projects to ensure that the proposed activities comply with 44 CFR Part 80. States, Territories and Tribes must ensure that the property acquisition is voluntary in nature. The subapplication they submit to FEMA for proposed projects must include information to enable FEMA's determination of eligibility, technical feasibility, cost effectiveness, and environmental and historic preservation compliance. Once the property is acquired, States, Territories and Tribes, as well as FEMA and the subrecipients, must enforce the terms of Part 80 and the deed restrictions to ensure that the property remains committed to open space use in perpetuity. States, Territories and Tribes must report on property compliance with open space requirements after the grant is awarded.

Subrecipients coordinate with property owners to ensure they understand the benefits and responsibilities of participating in the program including that the program is voluntary. Subrecipients prepare an application which they submit to the Recipient. As part of this application, they provide assurances that they agree to all the terms of the deed restrictions and agree to restrict the land to uses and structures that are compatible with open space.

States, Tribes, Territories and local governments as subrecipients, through the States, Territories or Tribes as recipients, will submit a report certifying that the subrecipient has inspected the property within the month preceding the report and that the property continues to be maintained consistent with the provisions of this part, the property conveyance and the grant award (44 CFR § 80.19(d)).

FEMA is responsible for reviewing applications for eligibility and compliance with 44 CFR Part 80, for reviewing proposals for subsequent transfer of an acquired property (or property

interest) and approving appropriate transferees, determining the compatibility of proposed uses with the open space purpose, and enforcing the grant terms, in accordance with 44 CFR §§ 80.5(a), 80.19, and the deed restrictions.

FEMA is also responsible for ensuring that the property is dedicated and maintained in perpetuity as open space in compliance with 44 CFR § 80.19(a)-(e). It is important that the Agency maintain awareness of the recipient's actions to monitor compliance. Section 80.19(e) of Title 44 requires that enforcement notices and actions be completed by States, Territories and Tribes, if there are violations of open space. The recipient must take corrective action to ensure that the subrecipient complies with the terms of the deed restrictions. Although requirements for transfers and enforcement activities are included in the acquisition regulation, the frequency of related responses from recipients is low. Since 1988 (when the Hazard Mitigation Grant Program was first authorized), the number of properties acquired with Federal funds that have required these types of activities has been minimal. We estimate that only 4-6 requests for transfers or notices of enforcement actions have been initiated since FEMA mitigation grants for acquisition activities started in 1988. Recipients are responsible for monitoring and taking measures to bring the property back into compliance if the property is not maintained in accordance with the terms of 44 CFR § 80.19(a)-(e). Some recipients may not notify FEMA of all non-compliance actions when the issues are resolved informally before official enforcement notices are sent.

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. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

Below, Section (i) discusses the Property Acquisition and Relocation for Open Space Program and Section (ii) discusses post-award requirements:

(i) Property Acquisition and Relocation for Open Space under HMA Projects

FEMA and State, Territory and Tribal recipients of FEMA mitigation grant funds will use the information collected from grant subapplicants (local jurisdictions) to ensure the voluntary nature of the property acquisitions (per 44 CFR 80.11) and to ensure that when the State, Territory or Tribe acquires the property, it remains in open space in perpetuity consistent with 44 CFR Part 80. FEMA and recipients will also use the information to monitor and enforce the open space requirements for all properties acquired with FEMA mitigation grants.

When the State, Territory or Tribe acquires the property, the **FEMA Model Deed Restriction** must be recorded with each individual property by the recipient and local community or Tribe to restrict the land uses allowed for properties acquired with FEMA funds. The deed language identifies compatible uses for open space as allowed by regulation or guidance. FEMA will collect copies of the deed restriction language from applicants as a pre-award requirement for mitigation

grants to ensure that the deed to be recorded meets the minimum legal and program requirements. For property acquired by the State, Territory, or Tribe, no disaster assistance is allowed on that property in the future and no flood insurance payments will be made.

State, Territorial and Tribal recipients will collect **Property Owners' Voluntary Participation Statements**, FEMA Form 086-0-31 (previously FEMA Form 81-112), from each property owner prior to award and submit copies to FEMA as part of the grant agreement. The statements must be signed by property owners and local community officials. These statements will enforce the requirement that all acquisitions using FEMA mitigation grants are voluntary, and that no property is acquired using State, Territorial, local, or Tribal eminent domain authorities or other forcible acquisition procedures. See 44 CFR 80.11.

The State, Territorial and/or Tribal applicant must provide in the application assurance that the title to the property to be purchased is clear. The title search and title insurance requirements are completed by the State, local community, Territory and/or Tribe to ensure that any incompatible easements or other encumbrances to the property are extinguished before acquisition.

The recipient ensures that the subrecipient (local jurisdiction) informs each property owner, in writing, of what the subrecipient considers to be the market value of the property, the method of valuation and basis for the purchase offer, and the purchase offer amount. This requirement demonstrates that the grant recipient is offering an amount consistent with the required method of valuation and provides the property owner an opportunity to negotiate the fair market value offered prior to purchase.

FEMA collects **Declaration and Release (Declaración/Autorización/Autorización)**, FEMA Form 009-0-3 (English) or 009-0-4 (Spanish) (O.M.B. No. 1660-0002) to certify an individual's information and eligibility. FEMA will be adding this form to this information collection. This form is already approved under OMB Collection 1660-0002, Disaster Assistance Registration, which was approved on 8/6/19 and expires on 8/31/2022.

Subrecipients are expected to use real property they have acquired or modified using mitigation grant funds for its originally authorized purpose for as long as needed for that purpose, per the requirements of 2 CFR § 200.311. Subrecipients are required to submit a completed copy of the **Real Property Status Report, SF-429-A**, with closeout documentation for all real property purchased with grant funds. SF-429-A is approved for use under OMB No. 4040-0016.

(ii) **Post-Award Requirements**

Acquired land must remain as open space and is restricted in perpetuity to uses that are "compatible with open space, recreational, or wetlands management practices" and "conserve the natural floodplain functions." When the State,

Territory or Tribe acquires the property, verification of monitoring and reporting is submitted by the State, Territory and/or Tribe to FEMA. Every three years the subrecipient, through the recipient, must submit to FEMA a report certifying that the subrecipient has inspected the property within the month preceding the report and that the property continues to be maintained consistent with provisions of the grant. This requirement is necessary to enforce the continued open space land use in accordance with the terms of the deed restrictions for properties acquired with FEMA mitigation grants.

FEMA Form 086-0-35a (Pages 10-11) NFIP Repetitive Loss Update Worksheet, is a form used by the State, Territory or Tribe when acquiring a property to update the status of properties classified as NFIP repetitive loss to indicate if they have been acquired, retrofitted or mitigated in another way. These pages are included in an already approved OMB Collection No.1660-0022, Community Rating System (CRS) Program – Application Letter and CRS Quick Check, Community Annual Recertification and Environmental and Historic Preservation Certifications, which expires on 3/31/2020.

Recipients use the SF-429 forms and attachments to meet reporting requirements. A description of each form follows.

1. **Form SF-429** must be submitted every three years by all recipients. The comments section is used to certify that the Recipients have coordinated with all subrecipients to inspect acquired property and that the properties continue to be maintained consistent with the provisions of the award/subaward.
 - a. **Attachment A** (General Reporting) **Form SF-429-A** must be submitted by the subrecipient to the recipient every three years. A separate form for each property acquired for the purposes of open space is completed. Questions 15 and 18 are used to certify that the subrecipients have inspected the property and that the properties continue to be maintained consistent with the provisions of the subaward.
 - b. **Attachment B** (Request to Acquire, Improve, or Furnish) **Form SF-429-B** must be submitted by the subrecipient to the recipient when they seek FEMA approval to improve or develop a property acquired for open space. Questions 14a and 15 will be used to collect data about the request and facilitate review by the recipient and FEMA.

Attachment C (Disposition or Encumbrance Request), **Form SF-429-C**. In general, properties acquired under HMA for the purposes of open space must be held in perpetuity but in rare circumstances a recipient may use this form to request disposition of the property.

The above post award forms were developed by the federal government to meet real property reporting requirements and are used by several federal agencies. There are sections and questions on the form that do not relate to acquisition projects. HMA-specific instructions will be provided by FEMA for use by FEMA recipients and subrecipients. There are no new changes to Form SF-429 in this Information Collection.

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.

The Statement of Voluntary Participation (VPS) is available on FEMA's website at <https://edit.fema.gov/library/viewRecord.do?id=3333> or from the appropriate FEMA Regional Office. Signed VPS documents can be downloaded and submitted to FEMA by email.

A Model Deed Restriction is available on FEMA's web page at <https://www.fema.gov/library/viewRecord.do?id=6327> or from the appropriate FEMA Regional Office. The Model Deed Restriction can be downloaded and submitted to FEMA by email.

The Declaration and Release form (English or Spanish) is available on FEMA's website at <https://www.fema.gov/ar/media-library/assets/documents/115153> or from the appropriate Regional Office. It is available in Spanish under FEMA Form 009-0-4 on FEMA's website at [https://www.fema.gov/media-library-data/1457640875068-68201cf5652dbb0173af1f8139e6c722/508_Combpliance_FEMA_FORM_009-0-4_\(Spanish\).pdf](https://www.fema.gov/media-library-data/1457640875068-68201cf5652dbb0173af1f8139e6c722/508_Combpliance_FEMA_FORM_009-0-4_(Spanish).pdf). The Declaration and Release form can be downloaded and submitted to FEMA by email.

A SF-429-A, SF-429-B, and SF-429-C Real Property Status Report form is available on <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html#sortBy=1>. When the subrecipient acquires the property, every three years the subrecipient through the recipient, must submit to FEMA a report (SF-429-B) certifying that the subrecipient has inspected properties to ensure consistency with the terms of the deed restriction in perpetuity. The subrecipient can create this report and submit by email to the recipient. The recipient will submit the SF-429-B to the FEMA Regional Administrator. Most respondents in this collection utilize the email submission option while others fax or mail them.

The FEMA Form 086-0-35a (pages 10-11) NFIP Repetitive Loss Update Worksheet is available at <http://crsresources.org/files/200/fema-form-086-0-35a.pdf> (Pages 10-11 only) or from the appropriate Regional Office. The CRS Coordinator's Manual describes in detail the specific information gathered and allows for strict consistency in how the information is entered. This process saves time for the local official. The approach allows a verbal submission that is entered into a data base by a FEMA representative along with necessary supporting documentation. The website, instructions explaining how to apply to the CRS, and the Quick Check form can be found at <http://www.CRSresources.org/200>. These pages are included in an already approved OMB Collection No.1660-0022, Community Rating System (CRS) Program –

Application Letter and CRS Quick Check, Community Annual Recertification and Environmental and Historic Preservation Certifications, which expires on 3/31/2020.

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.

The information collected under the property acquisition requirements does not duplicate any other known program or authority. The information collected is specific to acquisition of properties using FEMA mitigation grant funds and is only required as a condition of receipt of FEMA mitigation grants.

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.

Small businesses are not eligible to apply for FEMA mitigation grant funds, although an eligible subrecipient, such as their local government, may submit a subrecipient application to the recipient on their behalf. Subrecipient applicants do not apply directly to FEMA.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

If the collection of information is not conducted, or is conducted less frequently, FEMA and its State, Territory and Tribe grant recipients will be unable to ensure the voluntary nature of the property acquisitions and verify the voluntary participation of homeowners whose property was purchased. They will be unable to enforce uniform requirements for open space land uses in perpetuity for acquisition and relocation of properties acquired under HMA grant programs. This may have the effect of not complying with the eligibility requirement for voluntary participation of property owners, and of increasing the risk to life and property if development recurs in these parcels.

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

- (a) Requiring respondents to report information to the agency more often than quarterly.**
- (b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.**
- (c) Requiring respondents to submit more than an original and two copies of any document.**
- (d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.**
- (e) 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.**

- (f) **Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**
- (g) **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.**

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.

The special circumstances contained in item 7 of the supporting statement are not applicable to this information collection.

8. Federal Register Notice:

- a. **Provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice 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.**

A required 60-day Federal Register Notice inviting public comments was published on February 28, 2018, 83 FR 8493. FEMA received ninety-two (92) comments in response to Information Collection 1660-0103, including comments that express both support for and opposition to different parts of the Collection. Due to comments addressing multiple parts of the Collection, they will be recorded as 102 different comments.

Sixty-seven (67) comments opposed Severe Risk Property Acquisition (SRPA) direct grants to property owners where the homeowner would be allowed to retain their property and rebuild post-demolition; 11 comments were supportive of SRPA; 3 comments were neutral; 3 comments opposed using the public comment period for discussing the feasibility of SRPA; 6 comments were beyond the scope of the Information Collection (i.e. address more policy than form-related concerns); and 12 comments were not germane.

Following the review of these comments, FEMA decided to remove the three new proposed SRPA forms from Information Collection 1660-0103, including FEMA Form 086-0-31a, FEMA Form 086-0-31b, and FEMA Form 086-0-31c.

A new 60-day Federal Register Notice inviting public comments was published on 9 August 2019, 84 FR 39356. **One comment unrelated to the collection was received and did not require a response from the agency.**

A 30-day Federal Register Notice inviting public comments was published on 7 November 2019, 84 FR 60101. **No comments were received.**

- b. 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.**

FEMA initiated consultations with the National Emergency Management Association (NEMA) and the Association of State Floodplain Managers (ASFPM) prior to rulemaking and/or program development for each of the grant programs. FEMA has developed the information collection requirements over time as a result of its increased understanding of State and Tribal program implementation and has determined that they are the minimum required to enforce the property acquisition and open space requirements.

Additionally, FEMA considered the public comments received during the initial 60-day Federal Register Notice comment period from a variety of sources, including State and local government, non-profit organizations, individuals, and anonymous sources. These comments were reviewed and adjudicated to ensure that input was gathered from multiple sources and stakeholders.

- c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

During grant application, award, implementation of acquisition activities, and closeout of grant awards, FEMA routinely consults with recipients to ensure that they have complied with the open space requirements. This occurs more frequently than once every three years.

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

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

A Privacy Threshold Analysis (PTA) was completed by FEMA and adjudicated by the DHS Privacy Office on August 22, 2014. A Privacy Impact Assessment (PIA) for this collection was determined not to be needed.

An updated PTA is currently being completed to be submitted by FEMA for adjudication by the DHS Privacy Office.

This collection is covered by an existing System of Record Notice (SORN), which is DHS/FEMA-009 - Hazard Mitigation Disaster Public Assistance and Disaster Loan Programs, 79 FR 16015 approved by DHS on March 24, 2014.

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

11. Provide additional justification for any question 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.

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

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). 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 desired. 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.

Below, Section (i) discusses the Property Acquisition and Relocation for Open Space Project. Section (ii) discusses post-award requirements:

(i) Property Acquisition and Relocation for Open Space Projects

FEMA may provide mitigation assistance for States and Tribes to acquire as many as 1,239 properties nationally each year, among States, Territories and Tribes under HMA programs. Between 2007 and 2016, there were 12,011 properties acquired. The average number of properties acquired by States or Territories in a year has been 1,201. Because federally-recognized Tribes are now eligible to apply directly for a presidential disaster declaration independent of the State's declaration and apply directly to FEMA for Hazard Mitigation Grant Program funding, we have increased our estimate to 1,239. Tribal participation in property acquisition activities has been lower than States or Territories because some interested tribes have not been able to address eligibility requirements to demolish a structure on a property they already owned. In addition, relocation of tribal rental structures and occupants from properties acquired by FEMA has shown to be

comparatively difficult and expensive and has deterred tribal owners from participating in a property acquisition project.

Properties Acquired Under Hazard Mitigation Assistance Programs	
Calendar Year Approved/Awarded	Final Number of Properties Acquired
2007	899
2008	1,283
2009	2,161
2010	1,029
2011	1,345
2012	1,348
2013	1,086
2014	1,269
2015	899
2016	692
Total	12,011
Average for States and Territories	1,201
Tribal annual projection	38
Combined Average for States, Territories and Tribes	1,239

The burden hour per property owner to complete and sign a **Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space, FEMA Form 086-0-31**, is estimated to be one 1 hour. The total annual burden is estimated to be 1,239 responses x 1 hour per response = 1,239 burden hours.

For each property acquired, the estimated burden hours for States, Territories and Tribes to **Review and Submit Grant Information and Deed Restrictions** is 4 hours for State, Territory and Tribal Officials. There are 56 States and Territories. Tribes have been able to apply to FEMA directly as a recipient since 2015 and FEMA projects that three (3) of the over three hundred federally recognized Tribes will submit acquisition projects annually. This change accounts for a total of 59 total respondents between States, Territories and Tribes. Local officials must attach the FEMA Model Deed Restriction language to each property deed before it is recorded. It is estimated that the States, Territories and Tribes' review and submission process will require 4 hours to reconcile the completion of the Deed Restriction along with the grant information for record and submission to FEMA. Each State, Territory and Tribe will review on average 21 applications (1,239 applications divided by 59 States, Territories and Tribes). The total annual burden is estimated to be 1,239 responses x 4 hours per response = 4,956 burden hours.

For each property acquired, the estimated burden hours for Individuals and Households to complete the **Declaration and Release (Declaracion Y Autorizacion)**, FEMA Form 009-0-3 (English) or 009-0-4 (Spanish) (O.M.B. No. 1660-0002) is five minutes. The total annual burden is estimated to be 1,239 responses x 0.08 hours per response = 99.12 burden hours.

For each property acquired, the estimated burden hours for States, Territories and Tribes to review and collect the **Declaration and Release (Declaracion Y Autorizacion)**, FEMA Form 009-0-3 (English) or 009-0-4 (Spanish) (O.M.B. No. 1660-0002) is five minutes. Local officials must keep an executed form in project files. The total annual burden is estimated to be 1,239 responses x 0.08 hours per response = 99.12 burden hours.

For each property acquired, subrecipients are expected to report real property they have acquired using mitigation grant funds per the requirements of 2 CFR §Part 200.311. Subrecipients are required to submit a completed copy of the **Real Property Status Report, SF-429-A**, with closeout documentation for all real property purchased with grant funds. Each State, Territory and Tribe will review on average 21 reports (1,239 applications divided by 59 States, Territories and Tribes). The total annual burden is estimated to be 1,239 responses x 4 hours per response = 4,956 hours.

(ii) **Post Award Monitoring and Reporting**

When the State, Territory, Tribe or local community acquires the property, subrecipients will submit the NFIP Repetitive Loss Update Worksheet **FEMA Form 086-0-35a** (pages 9-10-11) (0.08 hours to complete). The total annual burden is estimated to be 1,239 responses x 0.08 hours per response = 99.12 burden hours.

The **SF-429-B, Real Property Status Report** is used for the FEMA grant programs. FEMA will be adding these forms to this information collection and capturing the burden. Standard Form 429 is approved under a government-wide OMB control number used throughout the Federal government. When States, Territories, Tribes or the local community acquire the property, States, Territories and Tribes must submit to FEMA a report that the local communities within that State, Territories or Tribe have inspected the acquired properties within the month preceding the report and that the properties continue to be maintained consistent with provisions of the deed restrictions. This burden has increased from previous estimates due to the implementation of 2 CFR Part 200 which outline more prescriptive requirements.

This monitoring and reporting for acquired properties is only required once every three (3) years and is done through SF-429-B, Real Property Status Report. The SF-429-B will capture the reporting requirements for property acquisition, monitoring, and reporting. For 59 officials to review, prepare and submit these reports to FEMA every three years, one report is estimated to require 4 hours per respondent. It is projected that one-third

(approximately 20) of the 59 respondents will reply annually. The estimated total number of burden hours is 80 hours annually (20 x 4 = 80 hours).

**** Transfer Certification and Enforcement. The SF-429-C, Real Property Status Report** is used for Transfers and Enforcement activities. There is no annual reporting requirement for Transfers and Enforcement activities, and the frequency of responses from States, Territories, Tribes and local communities is irregular or sporadic. Since 1988 (when HMGP was first authorized), the number of properties acquired with Federal funds that have required these activities is minimal. We estimate that only 4-6 requests for transfer or notice of enforcement actions have been initiated since FEMA mitigation grants for acquisition activities started in 1988. We expect this activity to continue to be irregular; therefore, the information collection burden for these requirements is negligible.

b. 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.

c. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.46 and this total should be entered in the cell for “Avg. Hourly Wage Rate”. The cost to the respondents 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								
Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
(i) Property Acquisition and Relocation for Open Space								
Individuals or Households	Property Owners Voluntary Participation Statements / FEMA Form 086-0-31	1,239	1	1,239	1 hour	1,239	\$36.47	\$45,186
State, Territorial, and Tribal Government	Review and Submit Deed Restrictions / No Form	59	21	1,239	4 hours	4,956	\$63.52	\$314,805
Individuals or Households	Declaration and Release/ FEMA Form 009-0-3 (English) or 009-0-4 (Spanish)	1,239	1	1,239	0.08 hours	99.12	\$36.47	\$3,615
State,	Declaration	59	21	1,239	0.08 hours	99.12	\$63.52	\$6,296

Territorial, and Tribal Government	and Release/ FEMA Form 009-0-3 (English) or 009-0-4 (Spanish)							
State, Territory, Local, and Tribal Government	SF-429-A, Real Property Status Report	59	21	1239	4 hours	4,956	\$63.52	\$314,805
(ii) Property Acquisition and Relocation for Open Space (Post-award)								
State, Territorial, and Tribal Government	NFIP Repetitive Loss Update Worksheet FEMA Form 086-0-35a (pages 9-10-11)	59	21	1,239	0.08 hours	99.12	\$63.52	\$6,296
State, Territorial, and Tribal Government	SF-429-B, Real Property Status Report	59	0.33	20	4 hours	80	\$63.52	\$5,082
Total		2,773		7,454		11,528.4		\$696,085

Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.46. For example, a non-loaded BLS table wage rate of \$42.51 would be multiplied by 1.46, and the entry for the “Avg. Hourly Wage Rate” would be \$62.06.

According to the U.S. Department of Labor, Bureau of Labor Statistics¹, the May 2018 Occupational Employment and Wage Estimates wage rate for All Occupations (Standard Occupational Code 00-0000) is 24.98. Including the wage rate multiplier of 1.46², the fully loaded wage rate is \$36.47 per hour. Emergency Management Directors (Standard Occupational Classification 11-9161) is \$39.70. Including the wage rate multiplier of 1.6³, the fully-loaded

¹ Information on the mean wage rate from the U.S. Department of Labor is available online at: <https://www.bls.gov/oes/tables.htm>.

² Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1. “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 2019.” Available at http://www.bls.gov/news.release/archives/ecec_06182019.pdf. Accessed October 17, 2019. The wage multiplier is calculated by dividing total compensation for all workers of \$36.77 by wages and salaries for all workers of \$25.22 per hour yielding a benefits multiplier of approximately 1.46

³ Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1. “Employer costs per hour worked for employee compensation and costs as a percent of total compensation: State and local government workers, by major occupational and industry group, March 2019.” Available at http://www.bls.gov/news.release/archives/ecec_06182019.pdf. Accessed October 17, 2019. The wage multiplier is calculated by dividing total compensation for State and local government workers of \$50.55 by wages and salaries of \$31.59 per hour yielding a benefits multiplier of approximately 1.60.

wage rate is \$63.52 per hour. Therefore, the estimated annual burden hour cost is estimated to be \$696,085 (\$36.47 x 1,338.12 hours + \$63.52 x 10,190.24 hours).

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost estimates should be split into two components:

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing 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.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

There are no annual capital, start-up, operations and maintenance, or non-labor costs associated with this information collection.

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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Annual Cost to the Federal Government	
Item	Cost (\$)
Contract Costs [Describe]	0
Staff Salaries* Three (3) GS-13, Step 1 employees ¹ spending 8 hours to review and enforce the requirements for 1,239 Property Acquisitions as part of the Property Acquisition and Relocation for Open Space Project = [(8 hours x 1,239 properties x (\$47.52 per hour x 1.46)) = \$687,687]	\$687,687
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	0
Printing [number of data collection instruments annually]	0
Postage [annual number of data collection instruments x postage]	0
Other	0
Total	\$687,687

* Note: The "Salary Rate" includes a 1.46 multiplier unrounded to the nearest cent to reflect a fully-loaded wage rate.

¹ Office of Personnel Management 2019 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/19Tables/html/DCB.aspx>. Accessed October 16, 2019.

The Property Acquisition and Relocation for Open Space project is one type of activity allowed under FEMA mitigation grant programs. Costs to the Federal Government to administer and manage the required information collected with this activity are limited to the staff salaries associated with administering FEMA mitigation grants. Generally, each FEMA Region has assigned one staff person per state who reviews all applications from that state. On average, each Region would review 21 applications per State and Territory (56 States and Territories x 21 applications). For Tribes, there are regional tribal specialists who review applications. FEMA is projecting that three Tribes would submit acquisition applications. (3 tribes x 21 applications). The review duties are only a portion of the time for the regional staff; when taken in aggregate, it is three full-time equivalents (FTE). While staff is spread out through the regions, FEMA is estimating staff costs based on the Washington DC rate, which provides a good national average of staff costs.

Approximately 1,239 properties are subject annually to review and enforcement for the purpose of assuring compliance with the requirements of 44 CFR Part 80, resulting in an hourly burden of approximately 8 hours per property at a fully loaded wage rate of \$69.38 per hour (the GS-13, Step 1 2019 wage rate in Washington DC of \$47.52 per hour multiplied by a load factor of 1.46 results in a fully loaded wage of \$69.38).⁴

Reviewing and enforcing the requirements for property acquisitions represents a small subset of project applications and thus, a small portion of each regional and tribal hazard mitigation specialist's work hours. The total estimated time spent specifically on property acquisitions will equate to the full-time workload of 3 FEMA employees. Therefore, the annualized cost to the Federal Government to enforce Property Acquisition requirements is estimated to be 8 hours x 1,239 properties x \$69.38 = \$687,687.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

A "Program increase" is an additional burden resulting from a federal government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "Program decrease", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

"Adjustment" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Section (i) discusses the Property Acquisition and Relocation for Open Space and Section (ii) discusses Post-Award monitoring.

Explain:

⁴ Office of Personnel Management 2019 General Schedule Locality Pay Tables retrieved from <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2019/general-schedule/>

All changes to the annual burden hours are described below:

(i) Property Acquisition and Relocation for Open Space Project (Adjustment)

The program burdens have been adjusted to accommodate for changes due to the Sandy Recovery Improvement Act (2013) that allowed Tribes to directly apply for Disaster Declarations. Prior to this only States or Territories could apply. Since 2013, an average of three Tribes have participated. Tribal property owner participation overall is lower relative to that of States because of the comparative lower Tribal property ownership. The current projection in burden hours is based on the average number of properties acquired annually with FEMA assistance (1,201 plus Tribal projection of 38 = 1,239) between 2007 and 2016. The average number of properties acquired annually with FEMA assistance as a basis for the burden hours currently on OMB Inventory is 2,240. This 55 percent decrease in number of responses can be attributed to diminishing demand for property acquisition since the years of recovery following Hurricane Sandy, when property acquisition and other forms of flood mitigation were in high demand.

FEMA is also collecting the Declarations and Release form to verify the state of the property owner. An additional form is required at project close-out, FEMA is proposing to use SF-429-A. This change was made to address specific reporting requirements found in 2 C.F.R. Section 200.311 which DHS/FEMA adopted in December 2014.

(ii) Post-award Monitoring and Reporting (Program Adjustment)

While monitoring and reporting requirements are similar to the prior Supporting Statement, FEMA is proposing to use SF-429-B. Prior to this change, States or Territories could use their own formats. This change was made to standardize the process and address specific reporting requirements found in 2 CFR §C.F.R. 200.311 which DHS/FEMA adopted in December 2014. Therefore, the 25 annual burden hours pertaining to the state reporting requirement between the last collection and the current one was removed and replaced with a new line item for SF-429-B.

States and Territories will be completing FEMA Form 086-0-35a (pages 9-10-11) NFIP Repetitive Loss Update Worksheet. This worksheet notifies the National Flood Insurance Program (NFIP) and the State NFIP Coordinator, that a property received federal assistance and has been mitigated.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Property Owners Voluntary Participation Statements / FEMA Form 086-0-31 (a)				2,240	1,239	-1,001
States, Territories,				8,960	4,956	-4,004

and Tribes Review and Submit Deed Restrictions / No Form (b)						
States, Territories, and Tribes Officials Reporting Requirements / No Form	25	0	-25			
Declaration and Release / FEMA Forms 009-0-3 (English) and 009-0-4 (Spanish) (c)	0	99.12	99.12	0		
SF-429-A, Real Property Status Report (d)	0	4,956	4,956	0		
FEMA Form 086-0-35a (pages 9-10-11) NFIP Repetitive Loss Update Worksheet (l)	0	99.12	99.12	0		
SF-429-B, Real Property Status Report (J)	0	80	80	0		
Total(s)	25	5,234.24	5,209.24	11,200	6,195	-5,005

Explain:

There are no capital, start-up or operations and maintenance costs associated with this information collection that would be reported in Item 14 of OMB Form 83-I, as stated in Item 13 of this Supporting Statement. There is no actual difference in the reportable costs associated with capital, start-up or operations and maintenance because there was none in 2014 and none currently.

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.

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

FEMA 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.**

FEMA seeks no exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.