

February 24, 2021

## Supporting Statement for Paperwork Reduction Act Submissions

**OMB Control Number: 1660-0033**

**Title: Residential Basement Floodproofing Certification**

**Form Number(s): FEMA Form 086-0-24**

### General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(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.**

The National Flood Insurance Program (NFIP) is authorized by Public Law 90-448 (1968) and expanded by Public Law 93-234 (1973) and requires that the Federal Emergency Management Agency (FEMA) provide flood insurance. FEMA uses flood zones on a Flood Insurance Rate Map to identify Special Flood Hazard Areas (SFHAs) in a community. Title 44 CFR 60.3(c)(2) requires that all new construction and substantial improvements of residential structures within SFHA Zones A1-30, AE and AH zones have the lowest floor, including the basement, elevated to or above the base flood level unless an exception is granted. Title 44 CFR 60.6(a)(7) and 44 CFR 60.6(b)(1) allow communities to apply for an exception when circumstances present a hardship that would not allow for adherence to the requirement for elevation above the base flood level. This exception must meet the

conditions set forth in 44 CFR 60.6(c). When owners of residential structures in these zones are seeking flood insurance, they must be certified that the structural design is floodproof.

**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.**

**FEMA Form 086-0-24** (Residential Basement Floodproofing Certificate) is used to certify that the basement design and methods of construction for residential structures in communities that have been granted an exception by FEMA are in accordance with floodplain management ordinances. A registered professional engineer or architect completes FEMA Form 086-0-24 to certify that the floodproofing conforms to minimum floodproofing specifications. If the certification is granted, the residential structure is eligible for lower flood insurance rates.

The Residential Basement Floodproofing Certificate (FEMA Form 086-0-24) is used in conjunction with the NFIP application for flood insurance (OMB collection number 1660-0006, National Flood Insurance Program Policy Forms) in order to properly rate structures in Special Flood Hazard Areas. The standardized format of the Residential Basement Floodproofing Certificate provides community officials with needed data in order to determine compliance with the community's floodplain management ordinance. The certificate is then used in conjunction with the flood insurance application so that the building can be properly rated. The certificate is transmitted by the insurance agent, along with the appropriate NFIP policy forms, to the NFIP.

Documentation of certification by a registered professional engineer or architect that the design and methods of construction of a residential building are in accordance with accepted practices for meeting the floodproofing requirements in the community's floodplain management ordinance is required to obtain NFIP insurance at lower rates for residential buildings floodproofed in compliance with the community's floodplain management ordinance. The engineer or architect makes a professional design determination, for which they have professional liability, that the building is floodproofed. A prudent determination requires: a review of as-built design drawings that includes wall and floor sections; penetration of utilities into the building; a review of the protection of all openings (such as doors and egress); a review of soil conditions at the site; some calculation of loads and flow-rates of water through the soil; and a site visit to verify this information. Most owners who get this certification will use the services of the original designer of the building who has familiarity with the design.

The information provided on the Residential Basement Floodproofing Certificate assists in FEMA's ability to measure the effectiveness of its regulations in reducing or eliminating damages caused by flooding and the appropriateness of NFIP premium charges for insuring property against the flood hazard.

**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 Residential Basement Floodproofing Certificate (FEMA Form 086-0-24) can be downloaded from the Internet as text file or PDF file. The Residential Basement Floodproofing Certificate is available for downloading from the FEMA website at <https://www.fema.gov/media-library/assets/documents/215>. The completed form is either mailed in with the flood insurance application or is scanned and submitted as a scanned document if accompanying a flood application, which is submitted electronically at <https://www.nfipservices.com/>. It is estimated that approximately 80% of the Residential Basement Floodproofing Certificates are submitted electronically as a scanned document.

**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 submitted on the Residential Basement Floodproofing Certificate is unique for each building and 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.**

Architects or engineers working for small businesses may complete the form. The information required has been reduced to the smallest amount necessary to minimize the impact.

**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 this information is not collected, FEMA could not verify that proper construction and floodproofing techniques are being utilized in Special Flood Hazard Areas, and FEMA would be unable to provide flood insurance at lower rates for qualifying residential structures within these areas.

**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.**

**(h) 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 60-day Federal Register Notice inviting public comments was published on April 7, 2020, at 85 FR 19496. FEMA received four comments for this information collection, but considers one comment to be non-germane to the information collection because it merely reads "Docket ID FEMA 2020-0010 OMB 1660-0033".

**Comment FEMA-2020-0010-0003** – A former Executive Director of the Association of State Floodplain Managers (ASFPM) generally commented that ASFPM supports the continuation of the information collection, but he had concerns regarding how the form is used and the applicable regulations. First, the commenter expressed concern that

individuals were submitting Residential Basement Floodproofing Certification forms for buildings located in communities not eligible to allow the construction of floodproofed residential basements. The commenter suggested adding a clear statement on FEMA’s website to download the form that submission of a Residential Basement Floodproofing Certification form is only appropriate in certain eligible communities. Based on this comment, FEMA will add the recommended statement on the appropriate websites to help individuals avoid unnecessarily completing the form. Second, the commenter suggested enhancing FEMA’s oversight of community compliance with the regulations concerning residential basement floodproofing at 44 CFR 60.6(c). FEMA is committed to ensuring the proper oversight of community compliance with the NFIP’s floodplain management regulations and will ensure that communities’ continued compliance with 44 CFR 60.6(c) is part of that oversight. Third, the commenter suggested that FEMA work with the United States Army Corps of Engineers to provide technical assistance and guidance on floodproofing basements. FEMA will consider providing additional assistance in the future. Fourth, the commenter recommended that if FEMA were to end the Residential Basement Floodproofing program, FEMA should develop a policy to address the status of homes that would no longer comply with floodplain management requirements as a result. FEMA does not plan to end this program at this time, but will take this comment under advisement if FEMA does discontinue the program in the future.

**Comment FEMA-2020-0010-0004** – An anonymous commenter recommended that “[t]he form should be updated/reviewed to reflect/evaluate whether or not all or any of the April 2020 Flood Insurance Manual changes for floodproofing rating credit apply; based on the Flood Insurance Manual the updated guidance appears to be specific to nonresidential.” FEMA reviewed the April 2020 Flood Insurance Manual (available at <https://go.usa.gov/xwGu2>) and found that it only reflected changes to non-residential floodproofing requirements. This information collection applies only to residential basement floodproofing requirements, so FEMA finds no reason to adjust this information collection based on changes to the April 2020 Flood Insurance Manual.

**Comment FEMA-2020-0010-0005** – An anonymous commenter recommended that “‘walls that are impermeable to the passage of water without human intervention’ should be ‘walls that are substantially impermeable to the passage of water without human intervention.’” FEMA disagrees with the commenter’s recommendation because it deviates from the requirements of 44 CFR 60.6(c)(2)(i). Under applicable regulations, if FEMA allows a community to allow floodproofed residential basements pursuant to 44 CFR 60.6(c), the community must require that new residential construction “be designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with *walls that are impermeable to the passage of water without human intervention.*” 44 CFR 60.6(c)(2)(i) (emphasis added). This language is mirrored in the current information collection. FEMA believes that the commenter may be confusing the requirements applicable to basements in non-residential buildings at 44 CFR 60.3(c)(3). This regulation states in part, that buildings “be designed so that below the base flood level the structure is watertight *with walls substantially impermeable to the passage of water...*” (emphasis added). These requirements do not apply to this information collection.

A 30-day Federal Register Notice inviting public comments was published on February 19, 2021, at 86 FR 10331. The comment period is open until March 22, 2021.

**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.**

The Association of State Floodplain Managers (ASFPM) is an organization of professionals involved in floodplain management, flood hazard mitigation, and flood preparedness, warning and recovery that holds an annual meeting to discuss these issues. Insurance agents, surveyors, local officials, and others including FEMA NFIP personnel attend this meeting to collaborate and share information on floodproofing and flood-related issues.

**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.**

The annual meeting of the ASFPM also allows for respondents to this collection to collaborate with FEMA personnel including engineers who have knowledge of the certification process. These engineers consult with local community engineers and architects both at the meeting as well as via telephone contact any time the respondents may have questions or comments.

**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) form was submitted to the FEMA Privacy Office on December 23, 2020 for review. The Privacy Threshold Adjudication was approved by the DHS Privacy Office on January 26, 2021.

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 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.**

For FEMA Form 086-0-24 it is estimated that 10 architects or engineers will spend an average time of 3.25 hours for completing and submitting this form once for a total of 32.5 hours burden. (This includes obtaining elevation data certification by a licensed land surveyor if required by state law.)

**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 (in hours)	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
Business or other for-profit	Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	100	1	100	3.25	325	\$66.23	\$21,525
<b>Total</b>		<b>100</b>		<b>100</b>		<b>325</b>		<b>\$21,525</b>

**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<sup>1</sup>. 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 Statistics<sup>2</sup>, the May 2019 Occupational Employment and Wage Estimates wage rate for Civil Engineers (SOC 17-2051) is \$45.36. Including the wage rate multiplier of 1.46, the fully-loaded wage rate is \$66.23 per hour. Therefore, the estimated annual burden hour cost is estimated to be \$21,525 (\$66.23 x 325 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**

<sup>1</sup> 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](http://www.bls.gov/news.release/archives/ecec_06182019.pdf). Accessed February 9, 2021. 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

<sup>2</sup> Information on the mean wage rate from the U.S. Department of Labor Bureau of Labor Statistics is available online at: <https://www.bls.gov/oes/tables.htm>



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.**

<b>Annual Cost Burden to Respondents or Recordkeepers</b>				
<b>Data Collection Activity/Instrument</b>	<b>*Annual Capital Start-Up Cost (investments in overhead, equipment, and other one-time expenditures)</b>	<b>*Annual Operations and Maintenance Costs (such as recordkeeping, technical/professional services, etc.)</b>	<b>Annual Non-Labor Cost (expenditures on training, travel, and other resources)</b>	<b>Total Annual Cost to Respondents</b>
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	\$0	\$35,000	\$0	\$35,000
<b>Total</b>	<b>\$0</b>	<b>\$35,000</b>	<b>\$0</b>	<b>\$35,000</b>

The fee charged by the architect or engineer to complete the Residential Basement Floodproofing Certificate is estimated to be approximately \$350. The annual cost for 100 responses times an average cost of \$350 per Floodproofing Certificate is estimated to be approximately \$35,000.

**14. Provide estimates of annualized cost to the federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing and support staff), and any other expense that would have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.**

<b>Annual Cost to the Federal Government</b>	
Item	Cost (\$)
Contract Costs: Contractor staff costs to process, manage, and review the forms; 100 forms @12 reviews per hour = 8.33 hours x \$27.00 per hour contract cost	\$225
Staff Salaries <sup>1</sup> : 1 GS 14 Step 5 employee spending 20 hours annually to review the information and manage the contractor work; \$66.54/hr. x 1.46 <sup>2</sup> multiplier = \$97.15 x 20 hours = \$1,942.97	\$1,943
Facilities: storage of forms; \$50 per month x 12 months = \$600.00	\$600
Computer Hardware and Software [cost of equipment annual lifecycle]	\$0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	\$0
Travel	\$0
Printing: 500 copies	\$500
Package: 500 x .55 = \$275.00	\$275
<b>Total</b>	<b>\$3,543</b>
<sup>1</sup> Office of Personnel Management 2021 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at <a href="https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/DCB.aspx">https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/21Tables/html/DCB.aspx</a> . Accessed February 9, 2021.	
<sup>2</sup> Wage rate includes a 1.46 multiplier to reflect the 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 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 an 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.*

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
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	0	0	0	325	325	0
<b>Total</b>	0	0	0	325	325	0

**Explain:** FEMA Form 086-0-24 – The revision of the information statements and certification statements, as requested, does not add to the hour burden because it does not change the information already available to or determined by the engineer or architect in the course of completing the certificate. The changes are to make clear what the elements being certified are according to the existing industry standards.

Itemized Changes in Annual Cost Burden						
Data Collection Activity/Instrument	Program Change (cost currently on OMB inventory)	Program Change (new)	Difference	Adjustment (cost currently on OMB inventory)	Adjustment (new)	Difference
Residential Basement Floodproofing Certificate / FEMA Form 086-0-24	\$0	\$0	\$0	\$35,000	\$35,000	\$0
<b>Total</b>	\$0	\$0	\$0	\$35,000	\$35,000	\$0

**Explain:** The Annual Cost Burden for FEMA Form 086-0-24 is \$35,000.00 and has remained the same.

**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 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.