

Supporting Statement for Paperwork Reduction Act Submissions

Section 811 Project Rental Assistance for Persons with Disabilities

OMB Control Number 2502-0608

SF424; SFLLL; HUD-2880; HUD-2990, HUD-93205-PRA; HUD-96010; HUD-92235-PRA; HUD-92236-PRA; HUD-92237-PRA; HUD-92238-PRA; HUD-92239-PRA; HUD-92240-PRA; HUD-92241-PRA; HUD-92243-PRA

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. (Example: The changes for this submittal is as follows or the difference between this submission and the last is as follows....)

On January 2011, the President signed the Frank Melville Supportive Housing Investment Act of 2011 which amended the Section 811 National Affordable Housing Act (Pub L. 111-374) and created new funding authority. In lieu of HUD providing this funding directly to owners/developers as in the traditional Section 811 program, this legislation created new project rental assistance authority directed to states to provide this project-based rental operating assistance for persons with disabilities to multifamily rental owners/developers. The primary purpose of this program is to identify, stimulate, and support innovative state-level strategies that will increase housing for extremely low-income persons with disabilities as a more efficient approach to this funding. As in the traditional Section 811 program, this project rental assistance funding covers the difference between the approved operating costs and debt service of the project and the tenants' contributions toward rent. In order to ensure that only qualified state housing agencies are selected, a Notice of Funding Availability (NOFA) will be published that requires applicants for grant funds to provide specific information that will allow HUD to evaluate, score and rank applications. It is important to obtain information from prospective applicants to assist HUD in determining if they have the administrative capacity and the statutory requirements to manage the program. These factors are critical in meeting statutory requirements and in protecting the Department's financial interest in projects funded under this program. The changes for this submittal are as follows:

- Removed form HUD-424CB as it is a duplicate of form HUD-92239-PRA
- Removed forms SF-424Sup; HUD-2993; HUD-96011, and HUD-2994-A
- Modified forms HUD-92235-PRA; HUD-92237-PRA; HUD-92238-PRA; HUD-92240-PRA; HUD-92241-PRA; and HUD-92305-PRA.

Attached is a copy of the appropriate section of each statute mandating or authorizing the collection of information.

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.

This Section 811 Project Rental Assistance submission requirements are being collected in order for respondents to compete for receipt of a benefit. The HUD Section 811 Project Rental

Assistance Program application submission requirements are necessary to assist HUD in determining an applicant's eligibility and capacity to administer these Project Rental Assistance Program funds to qualified multifamily rental owners for housing for persons with disabilities consistent with prescribed statutory and regulatory criteria. A thorough evaluation

of an applicant's qualifications and capabilities is critical in protecting the Federal Government's financial interest and to mitigate any possibility of fraud, waste, or mismanagement of public funds. This information will be used to rate and rank applications which will be collected electronically via grants.gov by the nationally established deadline date. HUD Headquarters will evaluate applications based on established criteria identified in the Notice of Funding Availability (NOFA), rate the applications, and make selection recommendations. This process occurs once a year.

The purpose and use of the components of the application are described below:

Contents of Application Package:

Forms: General Application Requirements and Certifications. This section consists of certifications and other supporting documents to be completed by the Section 811 Project Rental Assistance applicant which includes:

- SF424_Application_for_Federal_Assistance. Applicants must include the nine digit ZIP code (ZIP code plus four digits) associated with the applicant address in box 8d of the SF424. Also, be sure to provide a project name in Line 11 of the SF424 and use the same project name in all references to the application as the information will pre-populate the other forms contained in the application download package.
- SFLLL-Disclosure of Lobbying Activities. Note that federally recognized Indian tribes are not required to submit this form (see the General Section).
- HUD-2880_Applicant_Recipient_Disclosure_Update_Report titled "HUD Applicant Recipient Disclosure Report" on Grants.gov.
- Form HUD-92239-PRA, Detailed Budget, which is a budget form for all PRA program funds.

Additionally, complete applications must include the following narratives and non-form attachments.

Tab A: Abstract (includes the Narrative for Rating Factor 1– Applicant’s and Applicant’s State Health and Human Services Agency and Applicant’s State Medicaid Office Relevant Experience and Capacity). The abstract must not exceed 5 pages. The narrative includes the relevant experience of the management team and key staff and the capacity and readiness of the applicant and the State Health and Human Service/Medicaid Agencies to administer the program.

Tab B: Interagency Partnership Agreement. This includes provides evidence of a formal

structure for collaboration in participating in the state's Section 811 PRA program between the state agency or agencies charged with administering state health and human services programs and policies and the state Medicaid program.

Tab B: Rating Factor 2 – Need/Extent of the State Program. This includes limited quantitative analysis and documented need through existing partnerships or resources directed to a specific program or judicial requirement such as Olmstead.

Tab D: Rating Factor 3 - Soundness of Approach/Implementation Plan. This focuses on the quality and effectiveness of the housing program and the integration of services. Applicants have to submit specific details on the program operation, administration, management and oversight. It also includes the program infrastructure and process and the calculation and justification of the funding request.

Tab E: Rating Factor 5 – Achieving Results, Program Innovation and Evaluation. This focuses on innovation including the extent to which the proposed approach, system change, or activities are innovative. This rating factor also includes expanding cross-cutting policymaking and support knowledge.

Tab F: Attachments. Applicants need to include letters of intent and any additional information to document its program.

Post Award Documentation

Forms: General Program Requirements and Certifications. This section consists of certifications and other supporting documents to be completed by the Section 811 Project Rental Assistance successful applicant that is awarded the grant, which includes:

- Form HUD-93205-PRA, Cooperative Agreement – Grantee and HUD legal document used to provide funds.
- Form HUD-92241-PRA, Logic Model/Reporting. The requirement of this form supports HUD's effort of ensuring that programs result in achievement of HUD's strategic mission.
- Quarterly Reports – Grantee reports updating HUD on the program and operational performance using grant funds submitted three times a year.
- Annual Reports – Grantee reports submitted annually to update HUD on the program operation and performance.
- Form HUD-92243-PRA, Affirmative Fair Housing Marketing Plan
- Form HUD-92236-PRA, Model Lease
- Form HUD-92238-PRA, Use Agreement – Grantee and owners will execute this agreement restricting the income and tenants in the PRA units
- Form HUD-92235-PRA, Rental Assistance Contracts Part I- Grantees will execute this document with owners that have PRA units.
- Form HUD-92237-PRA, Rental Assistance Contract Part II – Grantees will execute this document with owners that have PRA units.
- Form HUD-92240-PRA, Agreement to Enter into Rental Assistance Contract – Grantees will execute this agreement with owners that will have PRA units.

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.

Applicants must submit their applications electronically through Grants.gov. All grant applications must be received and validated electronically by Grants.gov no later than the established application submission deadline. Applicants may not submit paper applications unless the applicant demonstrates good cause may request a waiver from the requirement for electronic submission. Under special circumstances such as preventing a hardship on a small agency, a waiver of the electronic submission may be approved. Applicants seeking a waiver of the electronic submission requirement must make the request in accordance with 24 CFR 5.1005. Applicants that are granted a waiver of the electronic submission requirement will not be afforded additional time to submit their applications. All other forms not included in the Application Package may be submitted by email in a document repository email mailbox established by the program office.

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.

No duplication exists in the collection. The Section 811 Project Rental Assistance anticipates that most items will only be required once from each applicant. Narrative plans will be required once as part of the initial application and revised plans may be required with additional information at the conclusion of the negotiation period with grant recipients.

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.

This information collection will not have a significant economic impact on small entities; however, as noted above in number 3, under special circumstances such as preventing a hardship, a waiver of the electronic submission can be requested by the small entity to reduce a significant economic impact.

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 Department could not comply with the provisions of the law and Federal regulations if the collection was eliminated. This program seeking innovative state strategies to provide affordable housing to extremely low-income persons with disabilities with access to services. The application package uses standard OPM and HUD forms to the extent possible. No other

existing forms can be substituted to obtain the required information included in the application. In the absence of the above information, the Department would not be able to assess the worthiness of applications, determine whether the state programs meet statutory and regulatory requirements, or make sound judgments regarding the potential risk to the Government.

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

- * requiring respondents to report information to the agency more often than quarterly; No.
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; No.
- * requiring respondents to submit more than an original and two copies of any document; No.
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years; No.
- * 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; No
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB; No.
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or No.
- * 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. No.

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 5CFR 1320.8(d), this information collection soliciting public comments was announced in the *Federal Register* on **December 11, 2020**, Volume **85**, No. **239**, Pages **80133**. (0) Comment received.

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

Not Applicable

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

HUD does not ensure confidentiality. Applicants are informed of their privacy rights. Documentation and other information regarding each application submitted, including any letters of support, will be made available for public inspection for a 5-year period in accordance with the Freedom of information Act (5 U.S.C. 552), and HUD's implementing regulations in 24 CFR Part 15.

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.

This collection does contain any questions of a sensitive nature.

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.

| Information Collection | Number of Respondents | Frequency of Response | Responses Per Year | Burden Hours Per Response | Annual Burden Hours | Hourly Cost per Response | Total Annual Cost |
|---|-----------------------|-----------------------|--------------------|---------------------------|---------------------|--------------------------|-------------------|
| SF-424 Application for Fed. Assistance OMB Approval 4040-0004 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SF LLL - Disclosure of Lobbying Activities (0348-0046) | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| HUD-2880 - Applicant/Recipient Disclosure/ Update Report (2510-0011) | 30 | 1 | 30 | 2 | 60 | 36.75 | 2205 |
| HUD-92239 - Detailed Budget | 30 | 1 | 30 | 1 | 30 | 36.75 | 1102.5 |
| Abstract/Rating Factor 1 | 30 | 1 | 30 | 5 | 150 | 36.75 | 5512.5 |
| Interagency Partnership Agreement | 30 | 1 | 30 | 5 | 150 | 36.75 | 5512.5 |
| Narrative Responses to Rating Factor 2-4 | 30 | 1 | 30 | 20 | 600 | 36.75 | 22050 |
| HUD-92235-PRA HUD-92237-PRA Rental Assistance Contract (Part I and Part II) | 250 | 1 | 250 | 4 | 1000 | 36.75 | 36,750 |
| HUD-92236-PRA Model Lease | 1250 | 1 | 1250 | 1 | 1250 | 36.75 | 45937.5 |
| HUD-92238-PRA, Use Agreement | 250 | 1 | 250 | 1 | 250 | 36.75 | 9187.5 |
| HUD-92240-PRA, Agreement to Enter Into Rental Assistance Contract | 250 | 1 | 250 | 0.5 | 125 | 36.75 | 4593.75 |

| | | | | | | | |
|--|-------|---|------|---|-----|-------|---------|
| HUD-92241-PRA, Logic Model | 15 | 4 | 60 | 4 | 240 | 36.75 | 8820 |
| HUD-92243-PRA, Affirmative Fair Housing Marketing Plan | 15 | 1 | 15 | 2 | 30 | 36.75 | 1102.5 |
| HUD-93205-PRA Cooperative Agreement | 15 | 1 | 15 | 2 | 30 | 36.75 | 1102.5 |
| Quarterly Reports | 15 | 4 | 60 | 4 | 273 | 36.75 | 8820 |
| Annual Reports | 15 | 1 | 75 | 4 | 60 | 36.75 | 2205 |
| TOTALS | 2,285 | | 2285 | | 0 | | 156,114 |

Since Section 811 PRA eligible applicants are approximately 50 states and 5 U.S. territories, and HUD will only accept one application from each state or territory, in any given fiscal year, there never will be more than 55 applications submitted. However, based on past application round the program has received at most an average of 30 applications.

The above table provides a listing of only those forms that are completed by the applicants during the application, negotiation, approval, post award and reporting. It also includes the burden hours that are applicable to the respective narrative requirements, as well. It is estimated that over a five-year period 30 states or U.S. territories will submit applications.

Reporting Requirements

Of those that submit applications, it is estimated that there will be approximately 15 selected for approval and will need to submit quarterly and 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 additional costs to respondents.

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.

| Information Collection | Number of Respondents | Frequency of Response | Responses Per Year | Burden Hours Per Response | Annual Burden Hours | Hourly Cost per Response | Total Annual Cost |
|------------------------|-----------------------|-----------------------|--------------------|---------------------------|---------------------|--------------------------|-------------------|
| TOTALS | 2,285 | | 2,375 | | 4,248 | | 156,114 |

The majority of the work involved in reviewing the Section 811 PRA applications is performed by HUD Headquarters staff. The significant costs attributable to the promulgation of the application requirements will be the cost involved in reviewing the information submitted by the applicants, negotiating and awarding the grant funds. The average cost to the Federal Government is based on an hourly rate of \$36.75, at 36.74 hours per application (30) representing a GS-13, step-1 (based on the 2019 General Schedule Base). The annual rate is \$76,687. Total: \$1,350.20

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

Reinstatement, with change, of previously approved collection for which approval has expired. The changes addresses the urgent need to provide housing for those extremely low-income persons with disabilities who are in institutions and/or are homeless or at risk of institutionalization and homelessness. The reduction of the number of required forms, number of respondents, and burden hours has decreased the total annual cost to the Federal Government.

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.

Collection of this information will not be published. Each application will be maintained with the HUD program Office in individual project files. However, a list of awardees will be made public, usually by *Federal Register* publication, upon completion of the selection process.

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 is not seeking approval to avoid displaying the OMB expiration date.

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

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

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.
2. Describe the procedures for the collection of information including:
 - * Statistical methodology for stratification and sample selection,
 - * Estimation procedure,
 - * Degree of accuracy needed for the purpose described in the justification,
 - * Unusual problems requiring specialized sampling procedures, and
 - * Any use of periodic (less frequent than annual) data collection cycles to reduce burden.
3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses.

For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of test may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

There are no plans to use statistical methods for collecting this information.