

Department of the Treasury
Information Collection Request – Supporting Statement

Emergency Rental Assistance Program (ERA1)
OMB No. 1505-0266

A. Justification

1. Circumstances necessitating the collection of information

On December 27, 2020, the President signed the Consolidated Appropriations Act, 2021 (the “Act”), P.L. 116-260. Division N, Title V, Section 501(a)(1) of the Act provides \$25 billion for the U.S. Department of the Treasury (Treasury) to make payments to States (defined to include the District of Columbia), U.S. Territories (Puerto Rico, U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa), Indian tribes or tribally designated housing entities, as applicable, the Department of Hawaiian Homelands, and certain local governments with more than 200,000 residents (collectively the “eligible grantees”) to provide financial assistance and housing stability services to eligible households.

Treasury is seeking approval for three new forms required to implement the directive in Section 501(d) of the Act requiring Treasury to identify excess funds among payments made to eligible grantees and provide for their reallocation to areas of demonstrated need. The statute required Treasury to begin this process on September 30, 2021. Treasury’s recently published reallocation guidance requires grantees to report by November 15, 2021 the amount of funds from their initial awards that are obligated and therefore insulated from reallocation. In addition, eligible grantees who have not met certain spending thresholds will be required to provide an improvement plan by November 15, 2021 as a condition to avoiding or reducing an immediate excess funds designation. Treasury has authorized high-performing grantees to begin submitting requests for reallocated funds on October 15, 2021. Treasury has developed three forms for these purposes—a Certification of Obligation; Request for Reallocated Funds; and Program Improvement Plan.

Acceptance of Award Terms Form

An eligible grantee that elects to receive payment under the ERA program must complete and sign a form that will indicate its agreement to the award terms, including the requirement to comply with reporting requirements established by Treasury, in order for Treasury to comply with its reporting requirements under section 501(g), and its reallocation requirements under section 501(d). Treasury does not have rulemaking authority with respect to this program, so it must obtain the agreement of eligible grantees to require them to comply with these provisions.

Recipient Payment Information Form

In order to ensure proper payment by Treasury, each eligible grantee must supply basic identifying and bank routing information. This information should be readily available to officials completing the form.

ERA Redirected Funds Form

The ERA Redirected Funds Form will be used by local government grantees that no longer wish to implement an ERA program. The form will document the transfer of ERA funds and legal responsibilities therein from the local governments to their respective State government. The form must be signed by both the chief executive of the local government and an authorized official of the State government. The completed and signed form as well as a copy of the ACH or wire transfer must be submitted to Treasury as evidence of the transfer, cancellation of the local government's ERA award, and modification of the State's ERA award. We estimate a small percentage of local governments will choose to transfer the ERA funds therefore we expect to receive no more than 30 forms.

ERA Interim Report and Interim Reporting Guidance

Treasury developed the ERA interim report and the interim reporting guidance for ERA grantees to submit summary information on their utilization of ERA award funds to date to facilitate Treasury's quarterly reporting obligations under Section 501(g) and to effectively monitor the ERA grantees' compliance with the requirements of the ERA award. In addition to information required from ERA grantees pursuant to Section 501(g),¹ Treasury will also be collecting information on the ERA grantees' use of funds for administrative expenses to ensure compliance with the limitations on administrative costs under the ERA program. The interim report will capture zip code level reporting to enable Treasury to track which low-income zip codes are receiving a proportional amount of assistance under the ERA program as compared to zip codes that are not low-income.

ERA1 Quarterly Report, Bulk Upload Template, Instructions, and Treasury's Portal User Guide

Treasury developed ERA1 quarterly report forms and the accompanying bulk upload templates and instructions to enable ERA1 grantees to submit the required information on their utilization of ERA1 award funds quarterly. This information can be submitted electronically via Treasury's portal. Treasury has developed a guide to using the portal for grantees. The information collection is important to fulfill Treasury's statutory reporting requirements and will permit Treasury to effectively monitor the ERA1 grantees' compliance with the requirements of the ERA1 award.

Obligated Funds Certification

Treasury published guidance addressing the reallocation process on October 4, 2021. This guidance requires each eligible grantee to report the amount of funds the eligible grantee has obligated from its ERA1 allocation. Eligible grantees who have not reached a minimum obligation threshold will be required to implement administrative improvements or risk losing funds through reallocation. Treasury has developed a standard form Obligated Funds Certification for collecting the information needed to determine whether an eligible grantee has reached the minimum threshold.

¹ Section 501(g) reporting and research requirements are exempt pursuant to paragraph (5) of that section from Paperwork Reduction Act requirements.

Program Improvement Plan

Under Treasury's reallocation guidance, funds may be declared excess either because there is insufficient need for assistance in a particular jurisdiction or an eligible grantee lacks the administrative capacity to fully obligate its award prior the statutory deadline of September 30, 2022. A key component of Treasury's reallocation guidance is the option for eligible grantees to adopt administrative improvements as an avenue for mitigating, in whole or in part, an excess funds determination based on capacity concerns. Treasury has developed a Program Improvement Plan template that focuses on certain "best practices" identified and encouraged by Treasury's other ERA1 guidance. Eligible grantees who have not met certain minimum obligation and expenditure thresholds must provide a plan by November 15, 2021 in order to reduce the amount Treasury would otherwise recapture as excess funds.

Voluntary Reallocation Letter

Treasury anticipates that certain eligible grantees will determine their allocated funds exceed their jurisdictional needs, or that other grantees in the same state or jurisdiction may be better positioned to administer all or part of the grantee's ERA allocation. Treasury has developed a template request letter that will be used by grantees to initiate this voluntary reallocation process.

Request for Reallocated Funds

Treasury has developed a standard form for eligible grantees to utilize when requesting an award of additional funds from those Treasury has determined to be excess among those initially allocated for use in other jurisdictions. Per the statutory requirements, excess funds may only be reallocated to grantees who (i) have obligated at least 65% of their own initial awards and (ii) operate in areas with a demonstrated need for ERA1 assistance. The form will allow Treasury to collect the information needed to confirm that a requesting eligible grantee meets both these requirements.

2. Use of the data

The information reported will allow Treasury to fulfill its reporting requirements under Section 501(g), satisfy the Pandemic Response Accountability Committee (PRAC) reporting requirements, permit Treasury to continue to effectively monitor recipients' compliance with the program requirements, and provide Treasury with a better understanding of the recipients' ERA program activity. Further, the reporting data collected through September 30, 2021, along with the information provided through the reallocation forms, will permit Treasury to identify and reallocate excess funds in accordance with the requirements of Section 501(d).

3. Use of information technology

Treasury will manage the submission process with the use of existing and widely available technology such as a web portal and e-mail.

4. Efforts to identify duplication

The information collections are under new statutory mandates. The information is not known to overlap with any other data collected under any other information collections at Treasury. Furthermore, the information collection is tailored to leverage data that already exists and require only additional data that is necessary.

5. Impact on small entities

The collection of information will not affect small entities as they were not eligible under the statute.

6. Consequences of less frequent collection and obstacles to burden reduction

Treasury will collect only the information required to make any payments to the eligible grantees, to identify excess funds, and to reallocate such funds in accordance with the statutory requirements. The eligible grantees will submit a limited amount of information that should be readily available to the entity in the ordinary course of business. If the eligible grantees are unable to provide their completed recipient payment information form and acceptance of award terms form, Treasury would not be able to make payment to those eligible grantees.

If ERA grantees fail to complete and submit their interim reports to Treasury, Treasury will not be able to meet its public reporting obligations under Section 501(g) and monitor ERA grantees' compliance with the ERA program requirements. Likewise, if ERA1 grantees fail to complete and submit their quarterly reports to Treasury, Treasury will not be able to meet its public reporting obligations under Section 501(g), satisfy the PRAC reporting requirements, or continue to effectively monitor each ERA1 grantee's compliance with the ERA1 program requirements. If eligible grantees do not provide the forms related to reallocation, Treasury will not be able to effectively identify excess funds or provide for their timely reallocation to areas with demonstrated needs for assistance as the statute directs.

7. Circumstances requiring special information collection

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Solicitation of comments on information collection and justification for expedited processing pursuant to 5 C.F.R. § 1320.13

On August 12, 2021, Treasury published a notice in the Federal Register at 86 FR 44478, soliciting public review and comment for a 60-day period.

Treasury received one comment from an Independent Living Specialist who represents North Central Independent Living Solutions, Inc., in Black Eagle, Montana. She thanked Treasury for the guidance on HAF and ERA and noted that the emergency rental assistance will be important to ensuring that many people with disabilities are able to live independently in their homes and

communities. The commentor requested that when developing pay back options for HAF or ERA financial assistance, Treasury and other Federal Agencies consider strategies similar to “cost share, incurments, and spend downs,” which are commonly used methods when determining payment “pay back scheduling,” in the context of other benefit programs. The commentor recommended using prorated repayment based on current employment and benefits. Additionally, the commentor noted that obtaining benefit paperwork is difficult while Federal and State Agencies are working remotely.

Treasury would like to thank the commentor for these thoughtful insights. All financial assistance provided to tenants through the Treasury-administered Emergency Rental Assistance program (ERA1) is in the form of grants to participant households. As such, participant households are not required to repay any portion of any financial assistance lawfully received through the Emergency Rental Assistance program. Therefore, Treasury does not anticipate a need to develop pay back scheduling related to ERA financial assistance.

9. Provision of payments to respondents

No payments or gifts are provided to respondents.

10. Assurance of confidentiality

Information collected will be kept confidential to the extent appropriate and consistent with the Freedom of Information Act and other applicable laws.

11. Justification of sensitive questions

No sensitive questions will be asked of eligible grantees.

12. Estimate of the hour burden of information collection

The Recipient Payment Information form, Acceptance of Award Terms form, ERA1 Interim Report, ERA1 Quarterly Report, ERA Redirected Funds Form, Obligated Funds Certification, Program Improvement Plan, Request for Reallocated Funds, Voluntary Reallocation Letter, and all associated record keeping burden estimates are as follows:

Reporting	# Respondents	# Responses Per Respondent	Total Responses	Hours per Response	Total Burden in Hours	Cost to Respondents (\$47.50 per hour*)
Recipient Payment Information Form	1,150	1	1,150	0.25 (15 minutes)	288	\$13,680
ERA Redirected	30	1	30	1 hour	30	\$1,425

Funds Form and Recordkeeping						
Acceptance of Award Terms Form	1,150	1	1,150	0.25 (15 minutes)	288	\$13,680
ERA1 Interim Report	438	1	438	4 hours	1,752	\$83,220
ERA1 Quarterly Report	377	4	1,508	30 hours	45,240	\$2,148,900
Obligated Funds Certification	1,150	1	1,150	0.5 (30 minutes)	575	\$27,313
Program Improvement Plan	550	1	550	2 hours	1,100	\$52,250
Request for Reallocated funds	400	1	400	1.25 hours	500	\$23,750
Voluntary Reallocation Letter	200	1	200	1 hour	200	\$9,500
Total	5,245		6,576		49,973	\$2,373,718

* Bureau of Labor Statistics (BLS), U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the Internet at <https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm> (visited December 30, 2020). In 2019, the median pay for accounts and auditors was \$34.40/hour. To account for the fully-loaded employer cost of employee compensation, the median pay is increased by 38%, resulting in a fully-loaded wage rate of \$47.50. According to BLS's Employer Cost for Employee Compensation from September 2020 at <https://www.bls.gov/news.release/pdf/ecec.pdf> (released on December 17, 2020), employers provided 38% of total employee compensation in the form of non-wage compensation (i.e., benefits such as paid leave, health insurance, etc.) for state and local government workers.

13. Estimated total annual cost burden to respondents

There are no annualized capital/startup costs for the eligible recipients to provide the information in the form or certification.

14. Estimated cost to the federal government

There will be no annualized capital/start-up costs for the government to receive this information. The below table reflects the estimated time for a GS-13, Step 1 to review the information collected.

Collection	Number of	Average	Total	Average	Total Annual
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Instruments	Responses	Review Time per Response (in hours)	Time to Review (in hours)	Hourly Wage Rate²	Government Cost
Emergency Rental Assistance Program (ERA 1) Payment, Redirect, Acceptance of Award, Reporting, Obligated Funds Certification, Program Improvement Plan, and Reallocation Forms	5,245	40	112,000	\$49.68	\$5,564,160
Total	5,245		112,000		\$5,564,160

15. Reasons for change in burden

This submission is to renew the OMB approval. There are no changes to the forms.

16. Plans for tabulation, statistical analysis and publication

Treasury plans to publish the data for disbursements.

17. Display of the expiration date for OMB approval

Treasury plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Exceptions to submission requirements

There are no exceptions to the submission requirements.

Part B. Describe the use of statistical methods such as sampling or imputation

This collection does not employ statistical methods.

²GS-13 wage rate from the 2021 GS-pay scale table for Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf ,