

Supporting Statement for Paperwork Reduction Act Submissions
Maintenance Wage Rate Recommendation
OMB Number 2501-0011

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.**

The U.S. Department of Housing and Urban Development (HUD), Office of Davis-Bacon and Labor Standards (DBLS) is responsible for the administration and enforcement of prevailing maintenance wage rate requirements in low-income and affordable housing operations.

Employers must pay HUD-determined or adopted prevailing maintenance wage rates (MWDs) to maintenance laborers and mechanics that they employ in the operation of certain Public, Tribal, and Hawaiian Home Lands public housing projects, as follows:

- a. Low-income housing operated by Public Housing Agencies (PHA) as defined by the U.S. Housing Act of 1937 (USHA) as amended, pursuant to Section 12(a).
- b. Affordable housing operated by Indian tribes and/or Tribally Designated Housing Entities (TDHE) as defined by the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) as amended, pursuant to Section 104(b).
- c. Affordable housing operated by the Department of Hawaiian Home Lands (DHHL) as defined by NAHASDA as amended, pursuant to Section 805(b).

USHA: <https://www.govinfo.gov/content/pkg/USCODE-2009-title42/pdf/USCODE-2009-title42-chap8.pdf>

NAHASDA: https://www.hud.gov/sites/documents/DOC_8141.PDF

- 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 is a revision to a currently approved collection to remove HUD form 4230A and update HUD forms 4750, 4751, and 4752. HUD uses information collected from forms 4750 – 4752 to determine or adopt prevailing wage rates for maintenance laborers and mechanics employed on low income and affordable housing projects subject to Federal labor standards provisions. Revisions to the forms are listed below:

- HUD-4750, Maintenance Wage Rate Recommendation
 - Revision: FOIA citation corrected
- HUD-4751, Maintenance Wage Rate Survey
 - Revision: PRA burden statement and burden hours updated
- HUD-4752, Maintenance Wage Rate Survey Summary Sheet
 - Revision: PRA burden statement and burden hours updated

HUD and local agencies that administer HUD-assisted projects will no longer be required to use the HUD Form 4230A. Instead, HUD and local agencies will utilize the form SF-1444 and submit employer additional classification and wage rate requests to DOL when DOL approval is required. The information collection of the SF-1444 is contained in the OMB Control No. 9000-0066.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques of other forms of information technology, e.g., permitting electronic submission of response, and the basis for the decision for adopting this means of collect. Also, describe any consideration of using information technology to reduce burden.**

These forms are available in a Word-fillable format. These forms are referenced in #12 below. PHA, Indian tribes, TDHE, and DHHL (collectively Agencies) send the forms via e-mail or United States Postal Service to HUD at the request of HUD staff for that jurisdiction. Any further consideration of using information technology will not reduce the burden for the respondents.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes**

In lieu of surveying local entities using HUD forms 4751 and 4752, the Agencies may use the Bureau of Labor Statistics at DOL or state labor databases to recommend prevailing maintenance wage rates to HUD. However, this data is often not appropriate for rural areas and Native American tribes as the survey responses to Bureau of Labor Statistics (BLS) efforts or state databases are insufficient or may be inaccurate as they include labor data from urban areas, which will cause incorrect data and therefore higher labor costs. The number of responses in question 12 takes these factors into consideration.

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.**

The information collection does not adversely impact small businesses. For small Agencies, HUD works to minimize the impact by recommending they obtain wage rates from existing published sources (e.g., DOL Bureau of Labor Statistics or state or local government entities), instead of using HUD forms 4751 and 4752.

However, it is necessary to collect this information to meet statutory requirements (U.S. Housing Act 1937 attached).

6. Described 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.

HUD would be in direct violation of the following Acts:

- a. U.S. Housing Act of 1937 as amended, pursuant to Section 12(a): “Any contract for loans, contributions, sale, or lease pursuant to this chapter shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the low-income housing project involved.” (42 U.S. Code § 1437j)
- b. Native American Housing Assistance and Self-Determination Act of 1996 as amended, pursuant to Section 104(b)(1): “- Any contract or agreement for assistance, sale, or lease pursuant to this Act shall contain a provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State, tribal, or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, and technicians employed in the development, and all maintenance laborers and mechanics employed in the operation, of the affordable housing project involved; and shall also contain a provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Act of March 3, 1931 (commonly known as the Davis-Bacon Act; chapter 411; 46 Stat. 1494; 40 U.S.C. 276a et seq.), shall be paid to all laborers and mechanics employed in the development of the affordable housing involved, and the Secretary shall require certification as to compliance with the provisions of this paragraph before making any payment under such contract or agreement.” (25 U.S. Code § 4114)
- c. Native American Housing Assistance and Self-Determination Act of 1996 as amended, pursuant to Section 805(b)(1)(A): “a provision requiring that an amount not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all architects, technical engineers, draftsmen, technicians employed in the development and all maintenance, and laborers and mechanics employed in the operation, of the affordable housing project involved; and” (25 U.S. Code § 4225)

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 than quarterly; **None**
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **None**
- requiring respondents to submit more than an original and two copies of any document; **None**
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **None**
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **None**
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **None**
- that include a pledge of confidentiality that is not supported by authority established in statute or regulation; not supported by disclosure and data security policies that are consistent with the confidential us or; **None**
- 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. **None**

8. **If applicable, provide a copy and identify the date and page number of publications 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.**

The agency's notice announcing this collection of information revision appeared in the Federal Register on September 24, 2021, (Volume 86, Page 53110).

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

There are no payments or gifts to respondents.

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

HUD Forms 4750 and 4752 do not collect any confidential information. HUD Form 4751 may contain confidential information, and the document states this fact and how this information may be exempt from Freedom of Information Act (FOIA) 5 U.S.C. § 552, unless permission is received from participants.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature related to this information collection.

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 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; and
- 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 Annum	Burden Hours per Response	Annual Burden Hours	Hourly Cost Per Response	Total Cost
HUD - 4750 Maintenance Wage Recommendation	1,381.00	1.00	1,381.00	2.00	2,762.00	\$42.01	\$116,031.62
HUD - 4751 Maintenance Wage Rate Survey	1,133.00	1.00	1,133.00	2.00	2,266.00	\$42.01	\$95,194.66
HUD - 4752 Maintenance Wage Rate Survey – Summary Sheet	1,133.00	1.00	1,133.00	4.00	4,532.00	\$42.01	\$190,389.32
Total	3,647.00		3,647.00	8.00	9,560.00	\$42.01	\$401,615.60

*Note: HUD requires this information every 2 years and the table reflects this.

Hours estimated per form is based upon field staff experiences in working with LCAs. Not all LCAs use this form to recommend to HUD maintenance wage rates; and therefore, the total number does not include all LCAs in the U.S. Instead, some LCAs use the BLS or State labor data to make recommendations to HUD.

Cost per hour is set at the median hourly rate of a General Operation Manager, per OES, <https://www.bls.gov/oes/>.

13. Provide an estimate of 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 purchase of services component. The estimates should consider 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 collection 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 capital or start-up costs. There are no total operation and maintenance purchases of service components required for collecting this information.

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 not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Information Collection	Number of Respondents	Frequency of Response	Responses per Annum	Burden Hours per Response	Annual Burden Hours	Hourly Cost Per Response	Total Cost
HUD - 4750 Maintenance Wage Recommendation	1,381.00	1.00	1,381.00	2.00	2,762.00	\$44.15	\$121,942.30
HUD - 4751 Maintenance Wage Rate Survey	1,133.00	1.00	1,133.00	2.00	2,266.00	\$44.15	\$100,043.90
HUD - 4752	1,133.00	1.00	1,133.00	4.00	4,532.00	\$44.15	\$200,087.80

Maintenance Wage Rate Survey – Summary Sheet							
Total	3,647.00		3,647.00	8.00	9,560.00	\$44.15	\$422,074.00

*HUD requires this information every two years and the table in #12 reflects this.

The cost per hour is based at GS-13 Step 1 from information provided by U.S. Office of Personnel Management at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2021/general-schedule/>

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

The collection is a revision to a currently approved collection to discontinue HUD Form 4230A and update forms 4750-4752.

- HUD-4750, Maintenance Wage Rate Recommendation
 - o Revision: FOIA citation corrected
- HUD-4751, Maintenance Wage Rate Survey
 - o Revision: PRA burden statement and burden hours updated
- HUD-4752, Maintenance Wage Rate Survey Summary Sheet
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HUD and local agencies that administer HUD-assisted projects will no longer be required to use the form HUD-4230A. Instead, HUD and local agencies will utilize the form SF-1444 and submit employer additional classification and wage rate requests to DOL when DOL approval is required. The information collection of the SF-1444 is contained in the OMB Control No. 9000-0066.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information gathered from this collection will not be published by HUD.

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 expiration data for this information collection.

18. Explain each exception to the certification statement identified in item 19.

There are no exceptions to the certification statement.

13. Collections of Information Employing Statistical Methods

There are no statistical methods used in this collection.