

Supporting Statement for Paperwork Reduction Act Submissions
Restrictions on Assistance to Noncitizens
OMB No: 2577-0295

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.**

To ensure that federal financial assistance is directed to those legally eligible to receive such assistance, 24 CFR Part 5, Subpart E-Restrictions on Assistance to Noncitizens, requires written declaration of U.S. citizenship or U.S. nationality. For U.S. citizens or U.S. nationals, each family member, regardless of age, must submit a signed declaration of U.S. citizenship or U.S. nationality. For noncitizens who are 62 years of age or older and receiving assistance or applying for assistance, they must provide a signed declaration of eligible immigration status and proof of age document. For all other noncitizens, they are required to submit (1) a signed declaration of eligible immigration status; (2) the original of a document designated by U.S. Citizenship and Immigration Services (USCIS) as acceptable evidence of immigration status; and (3) a signed verification consent form.

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.**

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 3544) requires applicants and participants sign a consent form authorizing: (1) HUD and the Public Housing Authority (PHA) to request verification of salary and wages from current or previous employers; (2) HUD and the PHA to request wage and unemployment compensation claim information from the state agency responsible for keeping that information; and (3) HUD to request certain tax return information from the U.S. Social Security Administration and the U.S. Internal Revenue Service.

Section 104 of the Housing Opportunity and Modernization Act (HOTMA) of 2016 (42 U.S.C. 1437) requires that applicants and participants sign a consent form authorizing the PHA to request verification of any financial record from any financial institutions as defined in the Right to Financial Privacy Act (12 U.S.C. 3401) whenever the PHA determines the record is needed to determine an applicant’s or participant’s eligibility for assistance or level of benefits. To determine eligibility and to assist HUD in managing and monitoring HUD-assisted housing programs, applicants and tenants applying for or receiving assistance in the Housing Choice Voucher and Public Housing programs are required to sign the Authorization for the Release of Information/Privacy Act Notice - (Public and Indian Housing form HUD-9886). The form is also available in Arabic, Cambodian, Mandarin, Creole, French, Hmong, Korean, Russian, Spanish, and Vietnamese. In verifying information provided by the applicant/tenant, public housing agencies (PHAs) must obtain consent from the applicant/tenant using form HUD-9886 to verify eligibility and income information provided through computer matching or by obtaining information directly from the third-party source.

The submission of the consent form HUD-9886-A is necessary for PHAs to carry out the requirements of Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, as amended by Section 903 of the Housing and Community Development Act of 1992 and Section 3003 of the Omnibus Budget Reconciliation Act of 1993 (42 U.S.C. 3544) and Section 104 of HOTMA to ensure that HUD and PHAs can verify eligibility and income information for applicants and participants. It is necessary to create this new, “Part A” of the Form 9886, because there will be a period of time, where PHAs will need to choose between the Form 9886 and Form 9886-A. The HOTMA Final Rule effective date is January 1, 2024. PHAs have families sign this form as part of their reexaminations and generally send appropriate forms and documentation requests to families 3-4 months ahead of the reexamination date. PHAs will continue to utilize Form 9886 for families whose reexaminations are effective prior to January 1, 2024, but they will need to send Form 9886-A to families whose reexaminations are effective on or after January 1, 2024.

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.,**

Signature of Senior Officer or Designee:

Date:

X
Office of the Chief Information Officer

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 regulations at 24 CFR 5.508 require evidence of citizenship or eligible immigration status to be presented to the PHA for eligibility for assistance or continued assistance under Section 214 covered programs. PHAs are required to verify citizenship or eligible immigration status of individuals and family members, regardless of age, applying for or currently receiving assisted housing in accordance with Section 214 of 24 CFR 5.512. Under Section 214, PHAs are required to use the USCIS Systematic Alien Verification Entitlements (SAVE) Program as the primary source for the verification of (1) immigration status, (2) nonimmigrant status, and (3) naturalized and derived U.S. citizenship of individuals applying for assistance under various housing programs. The data is stored in USCIS' secured online Verification Information System (VIS) database and checks the immigration status of applicants/tenants against Department of Homeland Security (DHS) database records. The verification of current immigration status can be done by paper or electronically through the SAVE VIS database. The DHS SAVE VIS can be accessed through a Web-based application. This technology allows PHAs to confirm the immigration status of an individual without the necessity for substantial paperwork. The submission of the written declaration of citizenship, written declaration of eligible immigration status, alien registration documents is necessary so that PHAs can carry out the requirements of Section 214, to ensure that only citizens and legal residents are the recipients of public benefits. The documents, once submitted to the PHAs, will be verified and retained on file as evidence that the restrictions on financial assistance are met.

- 4. Under Section 104 of HOTMA, after an applicant or participant has signed and submitted a consent form once after the implementation of the new HOTMA income rules, they do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances: (1) when any person 18 years or older becomes a member of the family; (2) when a member of the family turns 18 years of age; and (3) as required by HUD or the PHA in administrative instructions.**

Under Section 104 of HOTMA, after an applicant or participant has signed and submitted a consent form once after the implementation of the new HOTMA income rules, they do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances: (1) when any person 18 years or older becomes a member of the family; (2) when a member of the family turns 18 years of age; and (3) as required by HUD or the PHA in administrative instructions.

- 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.**

No similar information concerning citizenship or eligible immigration status is required under other programs that are already available to HUD or PHAs. Although evidence of citizenship or age is required only once to avoid duplication, evidence of an individual's eligible immigration status is to be submitted every year during the annual recertification of tenants. This is required to ensure continued eligibility status for financial assistance.

- 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.**

Some small PHAs are affected by the information collection requirements. The information collection requirements are those that are required by the statute. HUD has not imposed additional information collection requirements beyond those defined by the statute. Given the statutory requirements, there are no alternatives for submission of the required information. Electronic verification through the SAVE VIS and HUD's computer matching system the Enterprise Income Verification (EIV) system minimizes burden.

- 7. Explain any special circumstances that would cause an information to be collected in a manner:**
requiring respondents to report information to the agency more than quarterly;

Not Applicable

requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;

Not Applicable

requiring respondents to submit more than an original and two copies of any document;

Not Applicable

requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; The entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status under the Public Housing or Section 8 programs shall retain for a minimum of 5 years certain documents and photocopies of any original documents submitted.

Not Applicable

in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of the study;

Not Applicable

requiring the use of statistical data classification that has not been reviewed and approved by OMB;

Not Applicable

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

Not Applicable

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.

Not Applicable

The statutes dictate information collection for the purpose of determining whether applicants applying for or tenants receiving housing subsidy under HUD assistance programs are eligible for such assistance. The collection conducted is the minimum necessary.

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.**
- **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 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 preclude consultation in a specific situation. These circumstances should be explained.**
 - HUD published a Notice of Proposed Information Collection for Public Comments in the *Federal Register*, Volume 88, No. 27, Page 8446 on February 09, 2023. The public was given until April 10, 2023. to submit comments on the proposed information collection. No comments were received.
 - The information is collected from the sponsor during the initial application (new approval), revision of an established product approval (new technical data that was not previously reviewed by HUD, or renewal (basic editorial

changes such as adding or removing a manufacturing plant, changing the contact personnel, etc. Each product approval is valid for a three-year period.

- Ninety days prior to the expiration of the product approval, the Department contacts each sponsor via phone, email, and letter as to whether the product approval will be renewed (revision or renewal) or cancelled.

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

No payments are made to the respondents.

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

HUD shall comply with the Privacy Act of 1974 (5 U.S.C., § 552a) requirements in the conduct of the verification procedures, as well as in the safeguarding, maintenance, and disposition of any information used for determining the citizenship or eligible immigration status of individuals and family members applying for or currently receiving housing assistance and not for any other purpose. Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) requires HUD (with respect to Public and Assisted Housing Programs provided under the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq.) and any PHA that enters into a contract for assistance under section 6 or 8 of Title I of the U. S. Housing Act of 1937, as amended, 42 U.S.C. 1437 et seq.) to report to the USCIS, at least 4 times a year those individuals who HUD has verified are in the U.S. unlawfully. Additionally, the secured SAVE VIS database and the EIV system carries its own protective measures by assigning identification and passwords to authorized users.

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.

The only information required of a sensitive nature is signatures and the social security number of the Head of Household.

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.

Estimated public burden: number of respondents, frequency of responses, annual hour.

Tabulation of Annual Reporting Burden
Restriction on Assistance to Noncitizens

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
New tenant admissions in Public & Indian Housing and Section 8 Programs**	4,055	213	863,715.00	0.16	138,194.40	\$30.00	\$4,145,832.00
Annual recertification of tenants' eligible immigration status in Public & Indian Housing and Section 8 Programs**	4,055	7	28,385.00	0.08	2,270.80	\$30.00	\$68,124.00
Totals	4,055		892,100		140,465.20		\$4,213,956.00

Data is from HUD's Public & Indian Housing Information Center (PIC).

*Data from FY 2010, 2011, and 2012 averages.

**New tenants that are citizens or have permanent eligible immigration status must submit this form only once.

Tabulation of Annual Reporting Burden
Authorization of Release of Information/Privacy Act

Information Collection	Number of Respondents	Frequency of Response	Responses Per Annum	Burden Hour Per Response	Annual Burden Hours	Hourly Cost Per Response	Annual Cost
New tenant admissions of adult members in Public Housing and Housing Choice Voucher programs.*	320,820	1	320,820	0.16	51,331.20	\$30.00	\$1,539,936
One-time execution of updated Form 9886 by current Public Housing and Housing Voucher Program tenants.**	4,203,135	1	4,203,135	0.08	336,250.80	\$30.00	\$10,087,524
Execution of Form 9886 by household members that turn 18.	136,536	1	136,536	0.08	10,922.88	\$30.00	\$327,686.40
Totals	4,660,491		4,660,491		398,504.88		11,955,122.40

Data is from HUD's Public & Indian Housing Information Center (PIC).

*Data from CY 2021

** Prior to January 1, 2023, participants signed and submitted consent forms at each regularly scheduled income reexamination. On or after January 1, 2023, a participant must sign and submit consent forms at their next interim or regularly scheduled income reexamination. After all applicants or participants over the age of 18 in a family have signed and submitted a consent form once on or after January 1, 2023, family members do not need to sign and submit subsequent consent forms at the next interim or regularly scheduled income examination except under the following circumstances: (i) When any person 18 years or older becomes a member of the family, that family member must sign and submit a consent form; (ii) When a member of the family turns 18 years of age, that family member must sign and submit a consent form; or (iii) As required by HUD or the PHA in administrative instructions.

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 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 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 costs to respondents.

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.

Cost to the respondents (PHAs) for the Restriction on Assistance to Noncitizens is estimated at \$30.00 per hour, which includes overhead, staff preparation, time, etc. Burden for these respondents, is \$30.00 x 140,465 for a total of \$4,213,956. The hours associated with the notification, verification, and termination are small. For a citizen, only one declaration is required. Noncitizens with eligible immigration status should have evidence of eligible immigration status. Cost to the respondents (PHAs) for the Authorization of Release of Information/Privacy Act is estimated at \$30.00 per hour, which includes overhead, staff preparation, time, etc. Burden for these respondents, is \$30.00 x 398,504.88 for a total of 11,955,122.40. Adult household members must only execute the 9886 one time.

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

This is a revision of a currently approved collection to reflect changes made by HOTMA. It adds a Form 9886-A to be used on/after HOTMA effective date of January 1, 2024. It also updates the programs covered under this form and revises the Privacy Act Notice to be a Privacy Advisory.

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.

Information collected will not be published.

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 will display the OMB control number and expiration date on all HUD-9886 forms.

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

There are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

This collection of information does not employ statistical methods.