

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

The “Report Housing Discrimination” Form (“HUD-903.1”)
[Proposed Reinstatement, With Revised Title and Minor Text Revisions,
of an Expired, Previously Approved Information Collection]

A. Justification

1. The “Report Housing Discrimination” Form (**HUD-903.1**) is necessary for the collection of pertinent information from persons or entities who wish to file housing discrimination complaints with HUD under the Fair Housing Act of 1968 (Act), as amended [42 U.S.C. §3601 et seq.]. HUD’s FHEO Intake staff uses the information to verify that the claimant has standing as an aggrieved person to file a complaint under the Act; that the respondent is covered by the requirements of the Act; that the subject dwelling is covered by the requirements of the Act; that the alleged discriminatory activity is prohibited under the Act (subject matter jurisdiction); and that the alleged discriminatory activity occurred within the one-year statute of limitations for filing a complaint with HUD.

The “Report Housing Discrimination” Form (“Form”) provides for uniformity and easy use by the person filing the claim. The Form is used to collect information needed to contact aggrieved persons, and for verifying HUD’s authority [“jurisdiction”] to investigate complaints under the Act. This information is subsequently used to notify persons or entities that have been accused of engaging in discriminatory housing practices [“respondents”], as required under 42 U.S.C. §3610(1)(B)(ii) of the Act, and under 24 C.F.R. §103.202(a) of HUD’s Regulation implementing the Act.

HUD also uses this Form to establish HUD’s jurisdiction to conduct investigations under other civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964 [42 U.S.C. §2000d-1]; Section 504 of the Rehabilitation Act of 1973 [29 U.S.C. §794]; Title II of the Americans with Disabilities Act of 1990 [42 U.S.C. §§ 12131-**12134**]; Section 109 of Title I of the Housing & Community Development Act of 1974 [42 U.S.C. §5309]; the Age Discrimination Act of 1975 [42 U.S.C. §§6101-6107]; and Title X of the Education Amendments Act of 1972 [20 U.S.C. §§1681-83, 85-88].

The information collected on the “Report Housing Discrimination” Form is equivalent to the information collected on the expired, previously approved “Housing Discrimination Information Form” **HUD-903.1** (English language), **HUD-903.1A** (Spanish language), **HUD-903.1B** (Chinese language), **HUD-903.1F** (Vietnamese language), **HUD-903.1KOR** (Korean language), **HUD-903.1C** (Arabic language), **HUD-903.1CAM** (Cambodian language), **HUD-903.1RUS** (Russian language), and Form **HUD-903-1_Somali** (Somali language).

To further public education about housing discrimination, the Form also contains a non-exhaustive list of activities that are prohibited under the Fair Housing Act. The Form is designed as part of a mailer in a brochure format. To date, HUD has published print versions of the Form in English, Spanish, Chinese, and Vietnamese. Electronic versions of the Form are currently available on HUD’s HUDCLIPS Internet Web Site in **English, Spanish, Chinese, Vietnamese, Korean, Arabic, Cambodian, Russian, and Somali** text. These nine (9) Forms are also available on FHEO’s “File A Complaint” Internet Web Page at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint

Attached are links to electronic copies of the Fair Housing Act [42 U.S.C. §3601 et seq.], at

<https://www.govinfo.gov/content/pkg/USCODE-2016-title42/html/USCODE-2016-title42-chap45-subchapl.htm> and to HUD’s implementing Regulation, at https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_and_related_law#Reg

Both the Act and the Regulation authorize the collection of information from aggrieved persons wishing to file complaints with HUD [42 U.S.C. §3610; and Part 103, Subpart B, *“Implementation of the Fair Housing Amendments Act of 1988; Final Rule”*, 24 C.F.R. Part 14 et al.].

2. The Form may be submitted to HUD by mail, fax, electronically via the Internet, or presented in person to HUD’s Office of Fair Housing and Equal Opportunity (FHEO). HUD/FHEO staff uses this information collection as a source of pertinent data for the HUD Enforcement Management System (“HEMS”), HUD’s automated Fair Housing Act complaint processing database. FHEO staff will use the information provided on the Form to contact aggrieved persons; to make initial assessments regarding HUD’s authority (jurisdiction) to investigate allegations

of unlawful housing discrimination under the Act; to formally notify any persons and entities who have been accused of violating the Act [*“respondents”*]; and to prepare for conducting administrative complaint investigations under the Act.

3. An online version of the Form may be accessed on HUD’s public Internet website at www.hud.gov, completed, saved, and transmitted directly to the appropriate HUD Regional FHEO Office via the Internet, thereby allowing aggrieved persons to submit complaint-related information to HUD electronically. During **FY2020**, approximately **77%** of these complaint-related information collections were submitted electronically.

4. Since HUD is the only Federal agency authorized to administratively enforce the Fair Housing Act, the Form is unique to HUD’s administrative housing discrimination complaint processing procedures. Since the data could not be obtained from another source, no efforts have been made to identify duplication of this information.

5. This information collection does not impact on small businesses or other small entities.

6. If this information was not collected, or was collected less frequently, there would be a negative impact on the ability of aggrieved persons to file jurisdictional housing discrimination complaints with HUD, and federal fair housing statutory and regulatory requirements could not be met.

7. There are no special circumstances that require this information collection to be conducted in a manner that is inconsistent with the guidelines of 5 CFR §1320. Aggrieved persons voluntarily choose to submit the Form to HUD and are only required to submit the Form once.

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;
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;
Not Applicable

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;
Not Applicable

requiring the use of a statistical data classification that has not been reviewed and approved by the 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 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.
Not Applicable

8. Attached is a copy of HUD's "60-Day Notice of Proposed Reinstatement of an Expired, Previously Approved Information Collection--Comment Request" that solicited comments from the public and affected agencies prior to submission to the OMB. The 60-Day Notice [FR-7037-N-02] was published in the *Federal Register* on Friday, June 25, 2021. The public comment period expired on Tuesday, August 24, 2021. HUD received two (2) comments in response to the *Notice* and made appropriate revisions to the Form.

No persons or entities outside of HUD were consulted regarding this Form. The complaint-related information collected on this Form is required under HUD's Fair Housing Act implementing regulation at 24 CFR Part 103. The instructions for completing

the Form are specific, and the factual information provided by the aggrieved person(s) is unique to each complaint.

9. No payment, gifts, or remuneration of any kind is provided to aggrieved persons, or to any other parties to a complaint.

10. No assurances of confidentiality are provided for this information collection. This information collection complies with the Privacy Act of 1974 and with OMB Circular A-108, *“Responsibilities for Maintenance of Records About Individuals by Federal Agencies.”*

11. Some of the information collected on this Form may be considered sensitive. However, the collection of specific information regarding an aggrieved person’s race, color, religion, sex, handicap [disability], familial status, or national origin is necessary because, under the Act, an aggrieved person must identify one or more of these protected characteristics as the underlying motive for the alleged discriminatory housing practice(s). This information is provided voluntarily and establishes the basis for HUD’s authority (jurisdiction} to investigate a complaint under the Act; and to determine whether there is reasonable cause to believe that unlawful housing discrimination has occurred or is about to occur.

This collection of information is required for collection of pertinent information from persons or entities who wish to file housing discrimination complaints under the Fair Housing Act of 1968, as amended. 42 U.S.C. §3601 *et seq.* as well as other federal civil rights and nondiscrimination laws for which HUD has jurisdiction. The information will be used to provide HUD with sufficient information to contact aggrieved persons and notify respondents; make initial assessments regarding HUD’s authority to investigate allegations of unlawful housing discrimination; and conduct administrative complaint investigations.

12. During **FY 2020**, HUD/FHEO staff received approximately **21,846** information submissions from persons wishing to file housing discrimination complaints with HUD. Telephone contacts accounted for **1,298** of the total. The remaining **20,548** submissions of potential complaint information were transmitted to HUD by mail, in-person, and via the Internet. HUD estimates that an aggrieved person takes approximately **45 minutes** to complete the HUD 903.1 Form. HUD/FHEO staff uses the information collected from the HUD-903.1 Form to generate a formal housing discrimination complaint in the HEMS database. This complaint is subsequently signed by the aggrieved person(s) under penalty of perjury and is served on the respondent(s) by

personal service or by certified mail, as required under 24 C.F.R.§103.202(a) of HUD’s Regulation implementing the Act.

Each aggrieved person will complete the HUD 903.1 Form on a one-time basis. Therefore, HUD estimates the annual burden hours for this information collection at **15,411 hours**.

$$20,548 \times 1 \text{ (frequency)} \times .45 \text{ minutes (.75 hours.)} = 15,411 \text{ hours.}$$

13. HUD does not provide postage-paid mailers for this information collection. Accordingly, persons who choose to submit the HUD-903.1 Form to HUD by mail must pay the prevailing cost of First-Class Postage. As of the date of this submission, the annualized cost burden per person, based on a one-time submission of this Form, is **Fifty-Five Cents (\$0.55)** per person. Aggrieved persons also may submit the Form to HUD in person, by fax, or electronically via the Internet.

There are no additional annualized cost burdens to aggrieved persons or record keepers resulting from this information collection.

14. HUD estimates that HUD/FHEO Complaint Intake staff takes approximately 30 minutes (1/2 hour) to review each completed HUD-903.1 Form. The average grade level of a HUD/FHEO Complaint Intake Analyst is **GS-12/5**. Currently, the base hourly rate at the **GS-12/5** level is **\$36.29**.

$$20,548 \times \frac{1}{2} \text{ hour (.5)} = 10,274 \text{ hours}$$
$$10,274 \times \$36.29 \text{ (hourly)} = \$372,843.46$$

Allowing for **10% overhead**, the total cost to the government is approximately **\$410,127.80**. With the HUD 903.1 Form, the total estimated number of burden hours is **15,411 hours**. There are no program changes or adjustments to report.

15. This is a proposed reinstatement, with revised title and minor text revisions, of an expired, previously approved information collection instrument. FHEO has revised the estimated total annual responses for this information collection based on data reported for **FY 2020**. FHEO is adjusting the estimated Annualized Reporting Cost Burden to persons submitting (“Reporting”) this Form to HUD by mail to reflect the current cost of First-Class Postage at **Fifty-Five Cents (\$0.55)** per submission (“Report”), based on a one-time submission per aggrieved person. During **FY 2020**, HUD

received approximately **1,533** submissions of potential complaint information by mail.

16. There are no plans for publication of the information collection data.

17. HUD is requesting permission to not display the OMB approval expiration date on this information collection instrument. The Form is not likely to change during the approval period. HUD/FHEO must maintain a substantial inventory of printed copies of the HUD-903.1 Form to serve potential Fair Housing Act complainants; to comply with the requirements of Section 504 of the Rehabilitation Act of 1973; and to fulfill HUD's obligation to ensure effective communication with individuals with disabilities, as required under 24 C.F.R. Part 9 of HUD's regulation. Budgeting for precise stock levels to avoid overlapping OMB approval periods is difficult. Variations may be costly and wasteful of current stocks. All such difficulties are contingent on the OMB approval expiration date.

18. There are no exceptions to the certification statement identified in Item 19, "*Certification for Paperwork Reduction Act Submissions*," of Form OMB 83-i.

Collection of Information Employing Statistical Methods

No statistical methods are utilized for this information collection.