

Supporting Statement for Paperwork Reduction Act Submissions
Public Housing Capital Fund Amendments to the Annual Contributions Contract
OMB: 2577-NEW

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.**

This PRA moves forms and provisions of amendments to the Annual Contributions Contract (ACC) from OMB Collection 2577-0075 into a new collection. The reason for the move is to keep similar types of information in separate collections. In addition to moving this information to a new collection, the HUD-52190 Declaration of Trust/Restrictive Covenants and the Mixed Finance Amendment to the ACC were moved to OMB 2577-0275 - Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units. All other information regarding inventory removals was retained in OMB 2577-0075 which is being renewed.

Section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 g) (“1937 Act”) permits the Secretary of HUD to make assistance available to PHAs to carry out capital and management activities to achieve and maintain the low-income character of public housing projects. The Secretary is required to embody the provisions for such assistance in a grant agreement. Governing regulations are at 24 CFR part 905.

Pursuant to the 1937 Act and the regulations at 24 CFR part 905, PHAs must enter into a grant agreement with HUD governing the terms and conditions of their public housing. HUD refers to this agreement as an Annual Contributions Contract (ACC). Under the ACC, HUD agrees to provide funding to the PHA to support its program and the PHA agrees to administer the program in accordance with HUD regulations and requirements and the terms of the ACC. All PHAs must have an executed ACC on file with HUD.

Additional information about each form is as follows:

Capital Fund Program Amendment to the ACC (HUD-52840-A). This form amends a PHA’s ACC each time HUD provides Capital Fund Program assistance to a PHA for capital and management activities of PHA projects. This collection amends this form to change its format from PDF/Word to Excel only.

- 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.**

ACCs establish the grant relationship between HUD and PHAs administering public housing programs. ACC amendments are executed for each year when Capital Fund assistance is provided to PHAs under the Capital Fund formula and when including Capital Funds are provided for emergency and disaster grant activities, safety and security expenditures and for Capital Fund Financing transactions. HUD action and PHA submissions are also required when Capital Funds are recaptured for non-compliance or when grant funds are not used within the obligation and expenditure time-limits.

- 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.**

Information is typically emailed to the HUD 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.**

There is no duplication of information associated with this collection. The information required and collected with each action is not collected elsewhere.

- 5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1) describe any methods used to minimize burden.**

No, the information being collected does not impact small businesses or other small entities.

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 submission of ACCs, amendments, and associated documents and forms is a long-standing statutory and regulatory requirement of entities that conduct business with HUD. If HUD did not collect this information, the Department would be in noncompliance with the specific intent and directions of Congress. Without this information, HUD's interest in these properties may also be unprotected, resulting in the potential loss of public housing. Without Capital Fund ACC Amendments, HUD would be at high risk of making incorrect payments to housing authorities. If this information were collected less frequently, it would prevent the award and obligation of annual Capital Fund formula grants and Capital Fund special purpose grants (e.g., emergency grants) and prevent the 1937 Act from being properly carried out.

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;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- 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;
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- 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
- 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

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 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; Number 84; Page 27525 on May 2, 2023. The public was given until July 3, 2023, to submit comments on the proposed information collection. No public comments were received.

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

No payments or gifts to respondents are provided.

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

The information provided is not of a confidential nature.

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 information collected does not contain 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 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.

The annual reporting burden hours are based on estimated amounts of time for each action from the execution of a new ACC to the reporting of required information under specific sections of the ACC. Amendments for funding are submitted annually; ACC-related information in lines other than line 22 is submitted once, on occurrence.

The information collection, recordkeeping, and reporting requirements will result in the following approximate burden:

	ACC Provisions/HUD Form	Total Responses	Burden hours per response	Total Hours	Cost per hour	(\$ Total Cost
1	Amend ACC for Capital Fund Finance	10	10.8	108	\$44.56	\$4,812
2	Amend ACC for Annual Capital Fund Formula Grant via form HUD 52840-A	2,770	3.9	10,803	\$44.56	\$481,382
3	Amend ACC for Emergency Capital Fund Grant	38	2.6	99	\$44.56	\$3,905
4	Amend ACC Capital Fund for Safety and Security	75	1.3	98	\$44.56	\$3,865
5	Amend ACC to Recapture Annual Capital Fund Formula Grant via form HUD 52840-A	123	5.2	640	\$44.56	\$25,242
6	Amend ACC for Energy Performance Contract	38	5.1	194	\$44.56	\$7,651
	Totals	3,054		11,941		\$532,208

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.

The estimated annualized cost to the Federal Government for ensuring execution of amendments to the ACC, and those actions in Lines 1-8, in the table above, including any required review, is based on an average annual salary of field staff of \$92,692 or \$44.56 per hour, which is the 2023 General Pay Scale salary for a GS 13 Step 4. At \$44.56 per hour for an estimated 11,526 hours per year, the annual cost is \$513,599.

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

This collection moves the form HUD-52840A Capital Fund Amendment to the ACC and other amendments to the Annual Contributions Contract (ACC), Capital Fund Finance, Capital Fund Emergency grant, Capital Fund for Safety and Security grant, and Energy Performance Contract, from OMB Collection 2577-0075 into a new collection. The reason for the move is to keep similar types of information in collections. The HUD-52190 Declaration of Trust/Restrictive Covenants and the Mixed Finance Amendment to the ACC were moved to OMB 2577-0275 - Public/Private Partnerships for the Mixed-Finance Development of Public Housing Units. All other information regarding inventory removals was retained in OMB 2577-0075 which is being renewed.

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 results of this information collection 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 is not seeking approval to avoid displaying the OMB expiration date. The results of this information collection will not be published.

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

There is no exception to “Certification of Paperwork Reduction Act Submission.”

B. Collections of Information Employing Statistical Methods

N/A

Signature of Senior Officer or Designee:

Date:

X
Colette Pollard, Departmental Records Management Officer,
Office of the Chief Information Officer