

Supporting Statement for Paperwork Reduction Act Submissions

Title: Management Certification and Management Entity Profile

OMB Control Number 2502-0305

Form Numbers: HUD-9832; HUD-9839-a; HUD-9839-b; HUD-9839-c

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. Include a statement regarding the changes for this submission. (Example: *The changes for this submittal is as follows or the difference between this submission and the last is as follows....*)

Owners of insured and assisted multifamily housing projects are required by HUD regulations 24 CFR Part 200.105 and administrative guidelines in HUD Handbook 4381.5 REV-2, *The Management Agent Handbook*, to submit certain data for review by the local HUD office for approval of a new management agent. These requirements apply to insured multifamily projects, HUD-held mortgages, and subsidized, non-insured projects that are not financed by State Agencies or the Rural Housing Service Agency. That information is contained on the HUD forms listed below and referred to collectively as "Management Documents".

HUD-9832 – Management Entity Profile

HUD-9839A – Project Owner's Certification for Owner-Managed Multifamily Housing Projects

HUD-9839B – Project Owner's/Management Agent's Certification for Projects for Identity-of-Interest or Independent Management Agents

HUD-9839C – Management Certification for Elderly Projects Managed by Project Administrators

The regulations at 24 CFR Part 200.105 "Mortgagor supervision" states "(a) As long as the Commissioner is the insurer or holder of the mortgage, the Commissioner shall regulate the mortgagor by means of a regulatory agreement providing terms, conditions and standards established by the Commissioner, or by such other means as the Commissioner may prescribe." The management agent acts on behalf of the mortgagor, and therefore is bound by the same regulatory and administrative requirements.

The form HUD-9832 (Management Entity Profile) is submitted only when there is new management or a change in the management structure. The forms HUD-9839A, 9839B, and 9839C

are submitted based on the type of management at the project. If the project is owner-managed, the form HUD-9839A is required. If the management shares an identity-of-interest relationship with the owner, or if the project owner uses an independent fee agent, the form HUD-9839B is required. Project Administrators of elderly housing would submit form HUD-9839C. No respondent is required to submit all three (9839A, 9839B, and 9839C) forms and they are only required when there is a change in management. It is possible that none of these forms would be required in any given year because there had been no change in the management agent.

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. (Please be sure your response in this section addresses all the questions for this area)*

The Management Documents are utilized by the owner and the management entity. The Management Entity Profile provides information that assists the HUD program center in determining the acceptability of a proposed management agent. In signing the certification(s), the owner and the agent agree to 1) comply with HUD requirements, 2) give HUD and GAO authority to audit a project's records, and 3) give HUD authority to cancel management contracts when project management proves to be unsatisfactory.

Without the information contained in the management documents, HUD's ability to screen out unacceptable management agents and to control fraud would be limited and the incidents of defaults and unauthorized use of subsidy funds may increase.

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.

The Department considered incorporating this information in the automated Previous Participation Certification process through the Active Partners Performance System (APPS). The Office of Housing continues to believe that this material fits well into an automated form in the APPS system. Notwithstanding that belief, working capital has not been and is not available to undertake this endeavor. If working capital becomes available for systems development, HUD will consider reengineering and automating the processes for which these forms are used. In the interim, these paper forms are required as part of multifamily housing program business processes and will continue to be available on HUDClips in a fillable PDF format.

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.

The information requested on these documents is not duplicated within the Department's records.

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.

Except for certain nonprofit owners of multifamily housing this collection of information does not impact small businesses or other small entities. Nonprofit owners are required to submit excess income reports for units generating excess income. HUD reviews this information to ensure that owners are using funds in accordance with regulatory and administrative policy.

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.

Tenant rent collection and occupancy data is the responsibility of the owner/manager. HUD relies on owner/manager certifications to establish competence of respondents. Information must be available from the project books and records kept by the owner or agent. HUD cannot ensure statutory compliance if the information is not collected.

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 often than quarterly;
Respondents submit certifications initially and upon any change in ownership or management of a project.

* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
There is no requirement for respondents to prepare a written response to a collection in fewer than 30 days.

* requiring respondents to submit more than an original and two copies of any document;
There is no requirement for 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;
There is no requirement for 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 that can be generalized to the universe of study;
This collection is not designed or used in connection with a statistical survey.

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

There is no use of a statistical data classifications with this collection.

* 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

There is no pledge of confidentiality that is not supported by authority established in statute or regulation.

* 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.

There is no requirement for respondents to submit proprietary trade secrets, or other confidential information. Owners are required to submit management documents during the initial selection of the management agent: if the owner changes management agents, if the owner and management agent negotiate a new management fee and/or management agreement, or if the management agent makes major changes in its organizational structure. These documents are not considered proprietary.

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 on 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 may preclude consultation in a specific situation. These circumstances should be explained.

In accordance with 5CFR 1320.8(d), this information collection soliciting public comments was announced in the Federal Register on **May 17, 2024**, Volume **89**, No. **97**, Pages **43427**.

No Comments received.

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

HUD provides no payments or gifts of any kind to respondents.

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

Confidentiality for all respondents is afforded in compliance with the Privacy Act of 1974.

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.

Management documents do 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 for approval 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.

* 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	¹ Total Annual Responses	² Burden Hours per Response	Annual Burden Hours	*** Hourly Cost	Total Annual Cost
HUD-9832	30,791	1	1,710	2	3,420	\$48.26	\$165,057
HUD-9839a	109	1	109	0.5	55	\$48.26	\$2,630
HUD-9839b	1,316	1	1,316	0.25	329	\$48.26	\$15,878
HUD-9839c	13	1	13	0.25	3	\$48.26	\$157
Total			1,710		0		\$183,722

¹ These forms are only required when there is a change in management. All respondents are required to complete and submit a Management Entity Profile (form HUD-9832) and one of the management certification forms. (HUD-9839-a, 9839-b, or 9839-c). It is possible that any of these four forms may not be required in any given year if there had been no change in management.

² Bureau of Labor Statistics occupation code: 11-9141. Median hourly wage plus BLS employer costs of 31.9% for employee compensation (Table 2).

13. Provide an estimate for 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 and 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 collections 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.

14. Provide estimates of annualized costs 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 may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Information Collection	Number of Respondents	Frequency of Response	Total Annual Response	Burden Hours per Response	Annual Burden Hours	² Hourly Cost	Total Annual Cost
HUD-9832	30,791	1	1,710	0.5	855	\$44.94	\$68,730
HUD-9839A	109	1	109	0.5	55	\$44.94	\$13,746
HUD-9839B	1,316	1	1,316	0.5	658	\$44.94	\$48,111

HUD-9839C	13	1	13	0.5	7	\$44.94	\$6,873
TOTALS			3,148		1,574		\$137,460

¹Number of respondents is based on data obtained from HUD systems for processed transactions.

²GS Salary table 2023: estimated cost per hour for HUD staff (GS-12) plus BLS employer costs for employee compensation (Table 2) at 31.9%.to review and process the documents for this collection.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB
 This is a reinstatement, without change, of previously approved collection for which approval has expired.

16. For collections 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 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 not to display the expiration date for OMB approval of the information collection.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

There are no exceptions to the Certification Statement identified in item 19. The certification provisions identified in items a. through j. have been satisfied within this supporting statement, therefore there are no exceptions to the certification statement.

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- * Statistical methodology for stratification and sample selection,
- * Estimation procedure,
- * Degree of accuracy needed for the purpose described in the justification,
- * Unusual problems requiring specialized sampling procedures, and
- * Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of test may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.