

SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

The “Report Housing Discrimination” Form “HUD-903.1” Series [Request for OMB Emergency Approval of Text Revisions to a Currently Approved Information Collection]

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 “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 §810(a) of the Fair Housing Act of 1968 (Act), as amended [42 U.S.C. §3601 et seq. and 24 C.F.R. Part 103, Subparts A and B]. HUD’s Office of Fair Housing and Equal Opportunity (FHEO) staff uses the information to verify that the person or entity 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 Act’s one-year statute of limitations for filing a complaint with HUD. Effective as of **October 1, 2022**, FHEO was authorized to file and investigate complaints alleging violations of the 2022 reauthorization of the *Violence Against Women Act* (VAWA) [34 U.S.C. 12494(c)]. FHEO is requesting OMB’s emergency approval to revise the currently approved “Report Housing Discrimination” Form with the addition of information intended to inform the public, including potential VAWA complainants/survivors, about FHEO’s new VAWA enforcement authority. On January 20, 2023, FHEO published **Notice FHEO-2023-01: “Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act 2022 (VAWA).”** The Notice describes FHEO’s new procedures for conducting intake, filing, investigating, and resolving VAWA complaints. FHEO has also established a VAWA 2022 Web Site that provides detailed guidance for potential VAWA complainants/survivors, at:

https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA
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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.

The currently approved “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 Federal civil rights authorities, 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]; Title X of the Education Amendments Act of 1972 [20 U.S.C. §§1681-83, 85-88]; and, effective as of October 1, 2022, under the 2022 reauthorization of the Violence Against Women Act (VAWA) [34 U.S.C. 12494(c)].

The information collected on the revised “Report Housing Discrimination” Form now being submitted for emergency approval is equivalent to the information collected on the previously approved “Report Housing Discrimination” 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). HUD is also submitting copies of the revised Form in each of these currently approved languages.

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. HUD previously 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 HUD's implementing 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.].

The Form may be submitted to HUD by mail, e-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 electronic Fair Housing Act complaint processing database. FHEO uses the HEMS database to conduct intake/assessment of discrimination claims; to perfect and generate jurisdictional complaints; to store factual evidence obtained during complaint investigations; to document conciliation efforts under §810(b) of the Act and voluntary compliance agreements under other Federal civil rights authorities; to generate Final Investigative Reports and Determinations of Reasonable Cause and Determinations of No Reasonable Cause under §§ 810(b) and 810(g) of the Act; and to generate digital case files for supervisory, OGC and/or Headquarters FHEO review. FHEO submitted a copy of FHEO's most recent (October 25, 2021) HEMS Privacy Impact Assessment (PIA) for OMB's review of the currently approved Form. FHEO staff will use the information provided on the Form to contact aggrieved persons for Intake interviews; to make initial assessments regarding HUD's authority (jurisdiction) to investigate allegations of unlawful housing discrimination under the Act and/or other federal civil rights laws that FHEO administratively enforces; to formally notify any persons and entities (including recipients of HUD

financial assistance) who have been accused of violating the Act [*“respondents”*]; and to prepare for conducting administrative complaint investigations under the Act, and/or other federal civil rights laws that FHEO administratively enforces.

- 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.**

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 **FY2022**, approximately **81%** of these complaint-related information collections were submitted electronically.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in Item 2 above.**

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. If the collection of information affects small businesses or other small entities (Item 5 of Form OMB-83i), describe any efforts used to minimize burden.**

This information collection does not impact on 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.**

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 and

other Federal civil rights violation complaints with HUD, and Federal fair housing statutory and regulatory requirements could not be met.

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;
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

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.

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.

Not applicable.

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

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

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

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. Provide any 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.

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 (including sexual harassment), 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 respondent's alleged discriminatory housing practice(s). This information is also critical for establishing the five required elements of jurisdiction for the filing of a Fair Housing Act complaint: complainant standing; respondent liability; covered dwelling/transaction; subject matter (conduct prohibited under §§ 803, 804, 805, 806, or 818 of the Act); and timeliness (statute of limitations). 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. Persons who file complaints under FHEO's authority to administratively enforce the Act and/or under other Federal civil rights authorities that prohibit disability-based housing discrimination also may need to provide verification of their disability status during a complaint investigation.

HUD uses the currently approved Form to collect 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.*, and/or under other Federal civil rights laws, including VAWA 2022, that FHEO administratively enforces. The information will be used to provide HUD with sufficient information to contact aggrieved persons and notify respondents; to make initial assessments of HUD's authority (jurisdiction) to investigate allegations of unlawful housing discrimination; and to conduct administrative complaint investigations.

12. Provide estimates of the hour burden of the collection of information.

During **FY 2022**, HUD/FHEO staff received approximately **29,791** information submissions from persons wishing to file housing discrimination complaints with HUD. Telephone contacts accounted for **1,529** of the total. The remaining **28,262** 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 **21,196 hours**.

28,262 x 1 (frequency) x .45 minutes (.75 hours.) = 21,196 hours.

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).

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. At the time of this submission, the annualized cost burden per person, based on a one-time submission of this Form, is **Sixty-Three Cents (\$0.63)** 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. 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.

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**. In **FY 2022**, the base hourly rate at the **GS-12/5** level was **\$37.09**.

28,262 x 1/2 hour (.5) = 14,131 hours
14,131 x \$37.09 (hourly) = \$524,118.79

Allowing for **10% overhead**, the total cost to the government during **FY 2022** was approximately **\$576,530.66**. With the HUD

903.1 Form, the total estimated number of burden hours is **21,196 hours**. There are no program changes or adjustments to report.

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

This is a request for Emergency Approval for additions to the text of a currently approved information collection. FHEO has revised the estimated total annual responses for this information collection based on data reported for **FY 2022**. 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 **Sixty-Three Cents (\$0.63)** per submission (“Report”), based on a one-time submission per aggrieved person. During **FY 2022**, HUD received approximately **1,213** submissions of potential complaint information by mail.

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.

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

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 expiration date for OMB approval of this 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.

HUD does not request an exception to the certification of this information collection.

B. Collection of Information Employing Statistical Methods

No statistical methods are utilized for this information collection.