

Supporting Statement for Agreement to Sell Property, SSA-8060-U3
20 CFR 416.1240 - 416.1245
OMB No. 0960-0127

A. Justification

1. Introduction/Authoring Laws and Regulations

Section 1613(b) of the *Social Security Act (Act)*, and 20 CFR 416.1240 -416.1245 of the *Code of Federal Regulations* allow the Social Security Administration (SSA) to pay benefits to applicants and recipients for Supplemental Security Income (SSI) who meet all of the requirements for payment, but exceed the non-liquid resource limit. SSA makes these payments on a conditional basis. The recipients of conditional benefits acknowledge the benefits are overpayments, and that they are due to pay SSA back when their property sells. SSA documents this agreement using the Agreement to Sell Property, Form SSA-8060-U3.

2. Description of Collection

SSI eligibility is in part dependent upon the respondents' limited income and assets. During both the application for SSI (SSA-8000-BK or OMB Control No. 0960-0229), as well as during a redetermination (SSA-8203-BK or OMB Control No. 0960-0416), a respondent may disclose to SSA resources in his or her possession that exceed the allowable limit. Respondents may also report the receipt of such a resource in post-entitlement settings between redeterminations. Individuals or couples who are otherwise eligible for SSI payments, but whose non-liquid resources (as identified on the SSA-8000-BK) exceed the allowable limit, may receive conditional payments if:

- they agree to dispose of the excess non-liquid resources within a set time period (normally nine months for real property and three months for personal property); and
- use the proceeds from the sale to repay the conditional payments.

SSA does not limit the value of non-liquid resources potentially subject to a conditional benefits agreement. For SSI purposes, the value of a resource is the amount of an individual's or couple's equity in it. SSA assesses the fair market value (i.e. current market value (CMV)) of a property by requesting valuation by a knowledgeable third-party source. If an item is sold on the open market, the price paid on the open market establishes the CMV and we assume the person received fair market value. Conditional payments may be of benefit to applicants or recipients who may have little or nothing to live on while they attempt to dispose of the excess resources.

SSA uses Form SSA-8060-U3 to document the conditional benefits agreement and list resources subject to the agreement, and to ensure the individuals understand their obligations. Respondents are applicants for, and recipients of, SSI payments who will dispose of excess non-liquid resources. SSA technicians generally complete an intranet version of the PDF form and respondents sign the

printed form. SSA technicians document the agreement in the claims file (i.e. resource and development/documentation pages in the SSI Claim system). At regular intervals over the course of the conditional benefits period, SSA technicians perform status checks to ensure the respondent diligently adheres to the terms of the agreement. Upon disposition of the resource, the technician documents the claim file and processes repayment of conditional benefits from the proceeds of the sale. Associated evidence is stored electronically in SSA systems.

We identified the following psychological cost based on the requirements for this information collection:

- **Psychological Cost #1:**
 - **Requirement for the Program:** SSA asks the respondent to supply information to support information already on file, such as their available resources and the continued efforts to sell the property.
 - **Psychological Cost:** The respondent may perceive that they are distrusted by SSA and, in turn, increase their stress, anxiety, increased institutional distrust, and loss of sense of autonomy when completing the information collection.
- **Psychological Cost #2:**
 - **Requirement for the Program:** Form SSA-8060-U3 depicts an agreement to sell property in order for the respondent to receive conditional benefits, along with an acknowledgement that the benefits received will be considered overpayments that must be paid.
 - **Psychological Cost:** The respondent may experience undue stress, anxiety, and loss of sense of autonomy due to the realization that the benefits received will need to be paid back.

We understand these psychological costs may cause respondents to delay their completion of the information collection or cause them to abandon the information collection entirely. However, we require full completion of this collection to [continue to] receive benefits. Therefore, we have taken this potential psychological cost into account when calculating our burden in #12 below.

Respondents are applicants for and recipients of SSI payments who will be disposing of excess non-liquid resources.

3. **Use of Information Technology to Collect the Information**

SSA collects the information on Form SSA-8060-U3 through a personal interview at the initial claim contact, while adjudicating an initial claim (pre-effectuation review), or during post entitlement events. We generally complete the form with the applicant in a field office or over the telephone. When conducted during an inter-

view, the SSA agent will directly record responses in an Intranet version of the SSA-8060-U3 after which we print the form for the applicant or recipient's signature and scan the form back into the SSA system. This collection does not currently have a fully public-facing Internet version, as we prioritized other information collections for full electronic conversions. Given that IT Mod programming is an ongoing, dynamic project, we cannot provide specific timelines for when we will be able to make any particular ICR available via Internet web-based application. We will ultimately convert most existing ICRs to full electronic versions depending on how they fall within our overall IT Mod schema, but this may be unconnected to the PRA approval lifecycle.

In the interim, we evaluated this collection for conversion to a submittable PDF. Given the high volume of conversions we are coordinating and the more urgent nature of some of the other conversions, we ultimately decided not to prioritize this ICR for conversion to fully submittable PDF at this time. When we are able to schedule this form for conversion to a submittable PDF, we will submit a Change Request to OMB to request prior approval.

4. Why We Cannot Use Duplicate Information

The nature of the information we collect and the manner in which we collect it preclude duplication. SSA does not use another collection instrument to obtain similar data.

5. Minimizing Burden on Small Respondents

This collection does not affect small businesses or other small entities.

6. Consequence of Not Collecting Information or Collecting it Less Frequently

If we did not use Form SSA-8060-U3, we would have no way to make these conditional benefit payments to otherwise eligible and potentially needy applicants. Because we collect this information on an as-needed basis, we cannot collect it less frequently. There are no technical or legal obstacles to burden reduction.

7. Special Circumstances

There are no special circumstances that would cause SSA to conduct this information collection in a manner inconsistent with *5 CFR 1320.5*.

8. Solicitation of Public Comment and Other Consultations with the Public

The 60-day advance Federal Register Notice published on September 8, 2023, at 88 FR 62136, we received 1 public comment. We addressed the public comment in the attached Addendum to the Supporting Statement. The 30-day FRN published on November 15, 2023, at 88 FR 78443. If we receive any comments in response to this Notice, we will forward them to OMB. We did not consult with the public in the revision of this form.

9. Payment or Gifts to Respondents

SSA does not provide payments or gifts to the respondents.

10. **Assurances of Confidentiality**

SSA protects and holds confidential the information it collects in accordance with 42 U.S.C. 1306, 20 CFR 401 and 402, 5 U.S.C. 552 (Freedom of Information Act), 5 U.S.C.552a (Privacy Act of 1974), and OMB Circular No. A-130.

11. **Justification for Sensitive Questions**

The information collection does not contain any questions of a sensitive nature.

12. **Estimates of Public Reporting Burden**

Modality of Completion	Number of Respondents	Frequency of Response	Average Burden per Response (minutes)	Estimated Total Annual Burden (hours)	Average Theoretical Hourly Cost Amount (dollars)*	Average Wait Time in Field Office or for Teleservice Centers (minutes) **	Total Annual Opportunity Cost (dollars)***
SSA-8060-U3	20,000	1	20	6,667	\$29.76*	19**	\$386,880***

* We based this figure on the average U.S. citizen’s hourly salary, as reported by Bureau of Labor Statistics data, (https://www.bls.gov/oes/current/oes_nat.htm#00-0000) .

**We based this figure on the average FY 2023 wait times for field offices and teleservice centers based on SSA’s current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this form; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the form. **There is no actual charge to respondents to complete the form.**

We calculated the following Learning Cost time burden based on the estimated time and effort we expect respondents will take to learn about this program, its applicability to their circumstances, and to cover any additional research we believe respondents may need to take to understand how to comply with the program requirements (beyond reading the instructions on the collection instrument):

**** We based this dollar amount on the

Total Number of Respondents	Frequency of Response	Estimate Learning Cost (minutes)	Estimated Total Annual Burden (hours)	Total Annual Learning Cost (dollars)**
10,000	1	25	4,167	\$124,010****

Average Theoretical Hourly Cost Amount in dollars shown on the burden chart above.

NOTE: We included the total opportunity cost estimate from this chart in our calculations when showing the total time and opportunity cost estimates in the paragraph below.

We base our burden estimates on current management information data, which includes data from actual interviews, as well as from years of conducting this information collection. Per our management information data, we believe that 20 minutes accurately shows the average burden per response for learning about the program; receiving notices as needed; reading and understanding instructions; gathering the data and documents needed; answering the questions and completing the information collection instrument; scheduling any necessary appointment or required phone call; consulting with any third parties (as needed); and waiting to speak with SSA employees (as needed). Based on our current management information data, the current burden information we provided is accurate. The total burden for this ICR is 6,667 burden hours (reflecting SSA management information data), which results in an associated theoretical (not actual) opportunity cost financial burden of \$510,890. SSA does not charge respondents to complete our applications or this form.

13. **Annual Cost to the Respondents (Other)**

This collection does not impose a cost burden on the respondents.

14. **Annual Cost To Federal Government**

The annual cost to the Federal Government is approximately \$191,825. This estimate accounts for costs from the following areas:

Description of Cost Factor	Methodology for Estimating Cost	Cost in Dollars*
Designing and Printing the Form	Design Cost + Printing Cost	\$287
Distributing, Shipping, and Material Costs for the Form	Distribution + Shipping + Material Cost	\$0*
SSA Employee (e.g., field office, 800 number, DDS staff) Information Collection and Processing Time	GS-9 employee x # of responses x processing time	\$182,333
Full-Time Equivalent Costs	Out of pocket costs + Other expenses for providing this service	\$0*
Systems Development, Updating, and Maintenance	GS-9 employee x man hours for development, updating, maintenance	\$9,205
Quantifiable IT Costs	Any additional IT costs	\$0*
Total		\$191,825

* We have inserted a \$0 amount for cost factors that do not apply to this collection

SSA is unable to break down the costs to the Federal government further than we already have. In addition, it is difficult for us to break down the cost for processing a single form, as field office staff often help respondents fill out several forms at once, and the time it takes to do so can vary greatly per respondent. In addition, because so many employees have a hand in each aspect of our forms, we use an estimated average hourly wage, based on the wage of our average field office employee (GS-9) for these calculations. Finally, SSA prefers not to provide breakdowns of estimated payment to employees who process these items for a variety of reasons (only one of which is that it is not possible to do this entirely accurately). However, we have calculated these costs as accurately as possible based on the information we collect for creating, updating, and maintaining these information collections.

15. **Program Changes or Adjustments to the Information Collection Request**

There are no changes to the public reporting burden.

***Note:** The total burden reflected in ROCIS is **23,167**, while the burden cited in #12 of the Supporting Statement is **6,667**. This discrepancy is because the ROCIS burden reflects the following components: field office waiting time + a rough estimate of a 30-minute, one-way, drive burden + learning costs. In contrast, the chart in #12 of the Supporting Statement reflects actual burden.

16. **Plans for Publication Information Collection Results**

SSA will not publish the results of the information collection.

17. **Displaying the OMB Approval Expiration Date**

OMB granted SSA an exemption from the requirement to print the OMB expiration date on its program forms. SSA produces millions of public-use forms with life cycles exceeding those of an OMB approval. Since SSA does not periodically revise and reprint its public-use forms (e.g., on an annual basis), OMB granted this exemption so SSA would not have to destroy stocks of otherwise useable forms with expired OMB approval dates, avoiding Government waste.

18. **Exceptions to Certification Statement**

SSA is not requesting an exception to the certification requirements at *5 CFR 1320.9* and related provisions at *5 CFR 1320.8(b)(3)*.

B. Collections of Information Employing Statistical Methods

SSA does not use statistical methods for this information collection.