

May 29, 2024

Supporting Statement for Paperwork Reduction Act Submissions

OMB Control Number: 1660 – 0103

Title: Property Acquisition and Relocation for Open Space

Form Number(s): FEMA Form FF-206-FY-21-124 (Formerly 086-0-31), Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space.

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR §1320.5(a)(1)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 or the OMB Form 83-I is checked “Yes”, Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

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. Provide a detailed description of the nature and source of the information to be collected.

On September 16, 2009, FEMA published a Final Rule on Property Acquisition and Relocation for Open Space (44 CFR Part 80) that governs property acquisitions for FEMA’s four Hazard Mitigation Assistance (HMA) grant programs, three of which, Pre-Disaster Mitigation, the Hazard Mitigation Grant Program, and the Safeguarding Tomorrow

Revolving Loan Fund (RLF) program are authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Pub. L. 93-288, as amended) (42 U.S.C. §§ 5133, 5170c, and 5135) and the fourth (Flood Mitigation Assistance) under Section 1366 of the National Flood Insurance Act (NFIA) of 1968 (Pub. L. 90-448, as amended) (42 U.S.C. § 4104c.). 44 CFR Part 80 requires the collection of information from grant applicants to ensure the voluntary nature of the property acquisitions and to ensure that the property acquired remains in open space in perpetuity.

In 2014, FEMA adopted 2 CFR Parts 200, and 3002, which supersede the Office of Management and Budget (OMB) Circulars A-21, A-87, A-110, and A-122 (2 CFR Parts 215, 220, 225, and 230); OMB Circulars A-89, A-102, and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up.

Terminology references in HMA program regulation (44 CFR Part 80) and guidance should be read in conjunction with the corresponding definition in 2 CFR Part 200. All grantees, subgrantees, applicants, and subapplicants must comply with the relevant requirements prescribed throughout 2 CFR Part 200. The following terminology references in applicable program regulations are subject to the corresponding requirements of 2 CFR 200: (subgrant/subaward), (subgrantee/subrecipient), (grant/federal award), and (grantee/recipient).

All references to subgrant in applicable program regulations are subject to the requirements of a subaward. All references to a subgrantee in the applicable program regulations and guidance are subject to the requirements of a subrecipient. All references to grant in the applicable program regulations and guidance are subject to the requirements of a federal award. All references to grantee in the applicable program regulations and guidance are subject to the requirements of a recipient.

States, Federally-recognized Tribes (Tribes) and territories as applicants/recipients, per 44 CFR 80.5(b)(3), are responsible for collecting and reviewing applications for acquisition projects to ensure that the proposed activities comply with 44 CFR Part 80. States, territories and Tribes must ensure that the property acquisition is voluntary in nature. The subapplication they submit to FEMA for proposed projects must include information to enable FEMA's determination of eligibility, technical feasibility, cost effectiveness, and environmental and historic preservation compliance. (44 CFR 80.5(b)(4)). Per 44 CFR 80.5(b), once the property is acquired, states, territories and Tribes, as well as FEMA and the subrecipients, must enforce the terms of 44 CFR Part 80 and the deed restrictions to ensure that the property remains committed to open space use in perpetuity. States, territories and Tribes must report on property compliance with open space requirements after the grant is awarded.

Subrecipients coordinate with property owners to ensure they understand the benefits and responsibilities of participating in the program including that the program is voluntary. Subrecipients prepare an application which they submit to the Recipient. As part of this application, they provide assurances that they agree to all the terms of the deed restrictions and agree to restrict the land to uses and structures that are compatible with open space.

State agencies, territory agencies, Tribes, and local government as subrecipients, through the states, territories or Tribes as recipients, will submit a report certifying that the subrecipient has inspected the property within the month preceding the report and that the property continues to be maintained consistent with the provisions of this part, the property conveyance, and the grant award (44 CFR 80.19(d)).

FEMA is responsible for reviewing applications for eligibility and compliance with 44 CFR Part 80, for reviewing proposals for subsequent transfer of an acquired property (or property interest) and approving appropriate transferees, determining the compatibility of proposed uses with the open space purpose, and enforcing the grant terms, in accordance with 44 CFR 80, and the deed restrictions.

FEMA is also responsible for ensuring that the property is dedicated and maintained in perpetuity as open space in compliance with 44 CFR Part 80. It is important that the Agency maintain awareness of the recipient's actions to monitor compliance. 44 CFR 80.19(e) requires that enforcement notices and actions be completed by states, territories and Tribes, if there are violations of open space. The recipient must take corrective action to ensure that the subrecipient complies with the terms of the deed restrictions. Although requirements for transfers and enforcement activities are included in the acquisition regulation, the frequency of related responses from recipients is low. Since 1988 (when the Hazard Mitigation Grant Program was first authorized), the number of properties acquired with Federal funds that have required these types of activities has been minimal. We estimate that only 4-6 requests for transfers or notices of enforcement actions have been initiated since FEMA mitigation grants for acquisition activities started in 1988. Recipients are responsible for monitoring and taking measures to bring the property back into compliance if the property is not maintained in accordance with the terms of 44 CFR Part 80. Some recipients may not notify FEMA of all non-compliance actions when the issues are resolved informally before official enforcement notices are sent.

With this revision, FEMA is removing five instruments off the inventory for this information collection because each of these five instruments are approved for use in a different information collection with its own OMB Control Number.

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. Provide a detailed description of: how the information will be shared, if applicable, and for what programmatic purpose.

FEMA and state, territory and Tribal recipients of FEMA mitigation grant funds will use the information collected from grant subapplicants (local jurisdictions) to ensure the voluntary nature of the property acquisitions (per 44 CFR 80.11) and to ensure that when the state, territory or Tribe acquires the property, it remains in open space in perpetuity consistent with 44 CFR Part 80. FEMA and recipients will also use the information to monitor and enforce the open space requirements for all properties acquired with FEMA mitigation grants.

Acquired land must remain as open space and is restricted in perpetuity to uses that are “compatible with open space, recreational, or wetlands management practices” and “conserve the natural floodplain functions.” When the state, territory or Tribe acquires the property, verification of monitoring and reporting is submitted by the state, territory and/or Tribe to FEMA. Every three years the subrecipient, through the recipient, must submit to FEMA a report certifying that the subrecipient has inspected the property within the month preceding the report and that the property continues to be maintained consistent with provisions of the grant. This requirement is necessary to enforce the continued open space land use in accordance with the terms of the deed restrictions for properties acquired with FEMA mitigation grants.

FEMA Form FF-206-FY-21-124 (formerly 086-0-31), Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space is used by state, territorial, and Tribal recipients to collect information from each property owner prior to award and submit copies to FEMA as part of the grant agreement. The statements must be signed by property owners and local community officials. These statements will enforce the requirement that all acquisitions using FEMA mitigation grants are voluntary, and that no property is acquired using state, territorial, local, or Tribal eminent domain authorities or other forcible acquisition procedures. See 44 CFR 80.11.

The state, territorial and/or Tribal applicant must provide in the application assurance that the title to the property to be purchased is clear. The title search and title insurance requirements are completed by the state, local community, territory and/or Tribe to ensure that any incompatible easements or other encumbrances to the property are extinguished before acquisition.

The recipient ensures that the subrecipient (local jurisdiction) informs each property owner, in writing, of what the subrecipient considers to be the market value of the property, the method of valuation and basis for the purchase offer, and the purchase offer amount. This

requirement demonstrates that the grant recipient is offering an amount consistent with the required method of valuation and provides the property owner an opportunity to negotiate the fair market value offered prior to purchase.

Information from the following Standard Forms (SF) is collected within the subgrant application. Approval for the collection of this information is provided under a government-wide OMB control number used throughout the Federal government.

FEMA Form FF-206-FY-22-157, FEMA Model Deed Restriction must be recorded when the state, territory, or Tribe acquires the property with each individual property by the recipient and local community or Tribe to restrict the land uses allowed for properties acquired with FEMA funds. The deed language identifies compatible uses for open space as allowed by regulation or guidance. FEMA will collect copies of the deed restriction language from applicants as a pre-award requirement for mitigation grants to ensure that the deed to be recorded meets the minimum legal and program requirements. For property acquired by the state, territory, or Tribe, no disaster assistance is allowed on that property in the future and no flood insurance payments will be made. This instrument is approved for use under OMB Collection 1660-0072 – Mitigation Grant Programs and is scheduled to expire on April 30, 2026.

FEMA Form FF-104-FY-21-128 (formerly 009-0-3) (English), Declaration and Release or FF-104-FY-21-128-A (formerly 009-0-4) (Spanish), Declaración Y Autorización to certify an individual's information and eligibility. These instruments are approved for use under OMB Collection 1660-0002 – Disaster Assistance Registration and are scheduled to expire on June 30, 2026.

FEMA Form FF-206-FY-23-103 (formerly 086-0-35a) (Pages 10-11) NFIP Repetitive Loss Update Worksheet is used by the state, territory or Tribe when acquiring a property to update the status of properties classified as NFIP repetitive loss to indicate if they have been acquired, retrofitted, or mitigated in another way. These pages are included of use under OMB Collection No. 1660-0022 – Community Rating System (CRS) Program – Application Letter and CRS Quick Check, Community Annual Recertification, Environmental and Historic Preservation Certifications and NFIP Repetitive Loss Update Form and an extension for that collection was submitted to OMB on October 18, 2023, and it still pending.

SF-429, Real Property Status Report is required for subrecipients to submit with the closeout documentation for all real property purchased with grant funds. Subrecipients are expected to use real property they have acquired or modified using mitigation grant funds for its originally authorized purpose for as long as needed for that purpose, per the

requirements of 2 CFR 200.311. This instrument must be submitted every three years by all recipients. The comments section is used to certify that the Recipients have coordinated with all subrecipients to inspect acquired property and that the properties continue to be maintained consistent with the provisions of the award/subaward. This instrument is approved for use under OMB No. 4040-0016.

Form SF-429-A, Attachment A (General Reporting) must be submitted by the subrecipient to the recipient every three years. A separate form for each property acquired for the purposes of open space is completed. Questions 15 and 18 are used to certify that the subrecipients have inspected the property and that the properties continue to be maintained consistent with the provisions of the subaward.

Form SF-429-B, Attachment B (Request to Acquire, Improve, or Furnish) must be submitted by the subrecipient to the recipient when they seek FEMA approval to improve or develop a property acquired for open space. Questions 14a and 15 will be used to collect data about the request and facilitate review by the recipient and FEMA.

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.

FEMA Form FF-206-FY-21-124 (formerly 086-0-31), Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space is available on FEMA's website at https://www.fema.gov/pdf/government/grant/resources/hbf_ii_9.pdf or from the appropriate FEMA Regional Office. Signed VPS documents can be downloaded and submitted to FEMA by email.

Usability testing has been conducted on this collection. As a result, a reduction of 10,955 burden hours has been recognized and included as an update to the collection.

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 is not collected elsewhere in any form and therefore is not duplicated elsewhere.

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.

Small businesses or other small entities may be involved in these efforts, but the Agency will minimize the burden on them of instruments approved under this clearance by sampling, asking for readily available information, and using short, easy-to-complete information collection instruments.

6. Describe the consequence to Federal/FEMA program or policy activities if the collection of information is not conducted, or is conducted less frequently as well as any technical or legal obstacles to reducing burden.

If the collection of information is not conducted, or is conducted less frequently, FEMA and its state, territory and Tribe grant recipients will be unable to ensure the voluntary nature of the property acquisitions and verify the voluntary participation of homeowners whose property was purchased. They will be unable to enforce uniform requirements for open space land uses in perpetuity for acquisition and relocation of properties acquired under HMA grant programs. This may have the effect of not complying with the eligibility requirement for voluntary participation of property owners, and of increasing the risk to life and property if development recurs in these parcels.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

(a) Requiring respondents to report information to the agency more often than quarterly.

This information collection does not require respondents to report information more than quarterly.

(b) Requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it.

This information collection does not require respondents to prepare a written response in fewer than 30 days after receipt of it.

(c) Requiring respondents to submit more than an original and two copies of any document.

This information collection does not require respondents to submit more than an original and two copies of any document.

- (d) Requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years.**

This information collection does not require respondents to retain records (other than health, medical, government contract, grant-in-aid, or tax records) for more than three years.

- (e) 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 information collection does not include a statistical survey.

- (f) Requiring the use of a statistical data classification that has not been reviewed and approved by OMB.**

This information collection does not use a statistical data classification that has not been reviewed and approved by OMB.

- (g) 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.**

This information collection does not include a pledge of confidentiality that is not supported by established authorities or policies.

- (h) 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.**

This information collection does not require respondents to submit trade secrets or other confidential information.

8. Federal Register Notice:

- a. **Provide a copy and identify the date and page number of publication in the Federal Register of the agency’s notice 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.**

A 60-day Federal Register Notice inviting public comments was published on February 14, 2024, at 89 FR 11310. One public comment was received that is not germane to this information collection.

Comment 1 (FEMA-2024-0007-0002): The commenter stated, “FEMA should halt all program until it ensures a huge decline in its internal fraud” and then provided the abstract for the Office of the Inspector General’s (OIG) report OIG-19-55 (edited below for formatting) as support for their comment.

FEMA Must Take Additional Steps to Demonstrate the Importance of Fraud Prevention and Awareness in FEMA Disaster Assistance Programs.

The Federal Emergency Management Agency (FEMA) has instituted several effective mechanisms to demonstrate the importance of fraud prevention in its disaster assistance programs, but it needs to do more. In line with our 2011 audit report recommendations, FEMA now uses standard system queries and additional business rules to flag potentially fraudulent disaster assistance applications. However, FEMA must take additional, proactive steps to create and sustain a culture of fraud prevention and awareness.

Specifically, FEMA must –

- Adequately staff the Fraud Prevention and Investigation Branch to execute its mission effectively;
- Implement an effective process to monitor and discourage staff noncompliance with fraud prevent and awareness training requirements; and
- Establish a clear and consistent process for reporting suspected fraud.

See <https://www.oig.dhs.gov/sites/default/files/assets/2019-07/OIG-19-55-Jul19.pdf> (link corrected and last accessed 4/16/2024).

FEMA Response to Comment 1: This public comment is not germane to this information collection as the comment focuses on potential fraud in FEMA programs which is not relevant to this information collection.

A 30-day Federal Register Notice inviting public comments was published on May 29, 2024, at 89 FR 46412. The public comment period is open until June 28, 2024.

- b. 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.**

FEMA initiated consultations with the National Emergency Management Association (NEMA) and the Association of State Floodplain Managers (ASFPM) prior to rulemaking and/or program development for each of the grant programs. FEMA has developed the information collection requirements over time as a result of its increased understanding of State and Tribal program implementation and has determined that they are the minimum required to enforce the property acquisition and open space requirements.

Additionally, FEMA considered the public comments received during the initial 60-day Federal Register Notice comment period from a variety of sources, including State and local government, non-profit organizations, individuals, and anonymous sources. These comments were reviewed and adjudicated to ensure that input was gathered from multiple sources and stakeholders.

- c. Describe consultations with representatives of those from whom information is to be obtained or those who must compile records. Consultation should occur at least once every three years, even if the collection of information activities is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

During grant application, award, implementation of acquisition activities, and closeout of grant awards, FEMA routinely consults with recipients to ensure that they have complied with the open space requirements. This occurs more frequently than once every three years.

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

FEMA does not provide payments or gifts to respondents in exchange for a benefit sought.

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

A Privacy Threshold Analysis (PTA) was approved by DHS for the Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space (FEMA Form FF-206-FY-21-124 (formerly 086-0-31) on March 29, 2024, and will expire on March 29, 2027.

A Privacy Impact Assessment (PIA) for this collection was determined to be needed and provided by two existing PIA's: the DHS/FEMA/PIA-006 FEMA National Emergency Management Information System Mitigation Electronic Grants Management System, and DHS/FEMA/PIA-025 Hazard Mitigation Grant Program (HMGP) System.

While System of Record Notice (SORN) coverage is not required for either form in this collection, coverage is provided by an existing SORN, DHS/FEMA-009 – Hazard Mitigation Disaster Public Assistance and Disaster Loan Programs, 79 FR 16015 approved by DHS on March 24, 2014.

There are no assurances of confidentiality provided to the respondents for this information collection.

11. Provide additional justification for any question 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.

There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

a. Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated for each collection instrument (separately list each instrument and describe information as requested). 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 desired. 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.

FEMA may provide mitigation assistance for states and tribes to acquire as many as 573 properties nationally each year among states, territories and Tribes under HMA programs. Between 2017 and 2022, there were 3,139 properties acquired. The average number of properties acquired by states or territories in a year has been 523. Because federally-recognized Tribes are now eligible to apply directly for a presidential disaster declaration independent of the state's declaration and apply directly to FEMA for Hazard Mitigation Grant Program funding, we have increased our estimate to 573. Tribal participation in property acquisition activities has been lower than states or territories because some interested tribes have not been able to address eligibility requirements to demolish a structure on a property they already owned. In addition, relocation of tribal rental structures and occupants from properties acquired by FEMA has shown to be comparatively difficult and expensive and has deterred tribal owners from participating in a property acquisition project.

Properties Acquired Under Hazard Mitigation Assistance Programs	
Calendar Year Approved/Awarded	Final Number of Properties Acquired
2017	2,483
2018	623
2019	1,017
2020	259
2021	65
2022	21
Total	3,139
States and Territories Project Projections	523
Tribal annual projection	50
Combined Average for States, Territories and Tribes	573

FEMA Form FF-206-FY-21-124 (formerly 086-0-31), Statement of Voluntary Participation for Acquisition of Property for Purpose of Open Space is submitted by 573 respondents once per year for a total of 573 total annual responses (573 responses x 1 response per year = 573 total responses). Each response is estimated to require 1 burden hour to complete for a total of 573 total burden hours (573 responses x 1 hour per response = 573 total burden hours).

After conducting usability testing there is a 10,955 burden hour reduction on the OMB inventory.

- b. 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.**

Please see our response for 12a above and 12c below.

- a. Provide an estimate of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. NOTE: The wage-rate category for each respondent must be multiplied by 1.61 and this total should be entered in the cell for “Avg. Hourly Wage Rate”. The cost to the respondents 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.**

Estimated Annualized Burden Hours and Costs								
Type of Respondent	Form Name / Form Number	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response	Total Annual Burden (in hours)	Avg. Hourly Wage Rate	Total Annual Respondent Cost
State, Local or Tribal Governments	Property Owners Voluntary Participation Statements / FEMA Form FF-206-FY-21-124	573	1	573	1 hour	573	\$59.78	\$34,254
Total		573		573		573		\$34,254

Instruction for Wage-rate category multiplier: Take each non-loaded “Avg. Hourly Wage Rate” from the BLS website table and multiply that number by 1.61. For example, a non-loaded BLS table wage rate of \$38.24 would be multiplied by 1.61, and the entry for the “Avg. Hourly Wage Rate” would be \$61.20.

According to the U.S. Department of Labor, Bureau of Labor Statistics¹, the May 2022 Occupational Employment and Wage Estimates wage rate for Urban and Regional Planners (Occupational Code 19-3051) employed by State Governments is \$37.13. Including the wage rate multiplier of 1.61², the fully loaded wage rate is \$59.78 per hour. Therefore, the estimated annual burden hour cost is estimated to be \$35,068 (\$59.78 x 573 hours = \$34,253.94, rounded up to \$34,254).

¹ Information on the mean wage rate from the U.S. Department of Labor is available online at: <https://www.bls.gov/oes/tables.htm>.

² Bureau of Labor Statistics, Employer Costs for Employee Compensation, Table 1. Available at https://www.bls.gov/news.release/archives/eccec_03132024.pdf. Accessed March 13, 2024. The wage multiplier is calculated by dividing total compensation for State and local government workers of \$60.56 by Wages and salaries for State and local government workers of \$37.53 per hour yielding a benefits multiplier of approximately 1.61

The following Standard Forms (SF) are utilized for the FEMA grant programs. Approval for the collection of this information is provided under a government-wide OMB control number used throughout the Federal government; burden hours specific to these forms are not submitted for approval of this collection:

Estimated Annualized Burden Hours and Costs

Type of Respondent	Form Name / Form No.	No. of Respondents	No. of Responses per Respondent	Total No. of Responses	Avg. Burden per Response (in hours)	Total Annual Burden (in hours)
State, Local, and Tribal Governments	FEMA Form FF-206-FY-22-157, FEMA Model Deed Restriction (OMB No. 1660-0072)	59	21	1,239	4	4,956
State, Local, and Tribal Governments	FEMA Form FF-104-FY-21-128 (formerly 009-0-3) (English), Declaration and Release or FF-104-FY-21-128-A (formerly 009-0-4) (Spanish), Declaración Y Autorización (OMB No. 1660-0002)	2,478	1	2,478	0.08	198
State, Local, and Tribal Governments	FEMA Form FF-206-FY-23-103 (formerly 086-0-35a), NFIP Repetitive Loss Update Worksheet (OMB No. 1660-0022)	59	21	1,239	0.08	99
State, Local, and Tribal Governments	Form SF-429-A, Real Property Status Report - Attachment A (General Reporting) (OMB No. 4040-0016)	59	21	1,239	4	4,956
State, Local, and Tribal Governments	Form SF-429-B, Real Property Status Report - Attachment B (Request to Acquire, Improve, or Furnish) (OMB No. 4040-0016)	59	0.33	20	4	80

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. (Do not include the cost of any hour burden shown in Items 12 and 14.)

The cost estimates should be split into two components:

Annual Cost Burden to Respondents or Recordkeepers				
Data Collection Activity/Instrument	*Annual Capital Start-Up Cost (investments in overhead, equipment, and other one-time expenditures)	*Annual Operations and Maintenance Costs (such as recordkeeping, technical/professional services, etc.)	Annual Non-Labor Cost (expenditures on training, travel, and other resources)	Total Annual Cost to Respondents
[Form Name/#]				
Total	\$0	\$0	\$0	\$0

a. Operation and Maintenance and purchase of services component. These estimates should take into account cost associated with generating, maintaining, and disclosing or providing 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.

There are no operations and maintenance associated with this information collection.

b. Capital and Start-up-Cost should include, among other items, preparations for collecting information such as purchasing computers and software, monitoring sampling, drilling and testing equipment, and record storage facilities.

There are no annual capital or start-up costs associated with this information collection.

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 have been incurred without this collection of information. You may also aggregate cost estimates for Items 12, 13, and 14 in a single table.

Annual Cost to the Federal Government	
Item	Cost (\$)
Contract Costs [Describe]	0
Staff Salaries* Three (3) GS-13, Step 5 employees ¹ spending 8 hours to review and enforce the requirements for 573 Property Acquisitions as part of the Property Acquisition and Relocation for Open Space Project = [(8 hours x 573 properties x (\$64.06 per hour x 1.45)) = \$425,794]	\$425,794
Facilities [cost for renting, overhead, etc. for data collection activity]	0
Computer Hardware and Software [cost of equipment annual lifecycle]	0
Equipment Maintenance [cost of annual maintenance/service agreements for equipment]	0
Travel	0
Printing [number of data collection instruments annually]	0
Postage [annual number of data collection instruments x postage]	0
Other	0
Total	\$425,794
*Wage rate includes a 1.45 multiplier to reflect the fully-loaded wage rate. ¹ Office of Personnel Management 2024 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB.pdf . Accessed January 2, 2024.	

The Property Acquisition and Relocation for Open Space project is one type of activity allowed under FEMA mitigation grant programs. Costs to the Federal Government to administer and manage the required information collected with this activity are limited to the staff salaries associated with administering FEMA mitigation grants. Generally, each FEMA Region has assigned one staff person per state who reviews all applications from that state. On average, each Region would review 21 applications per state and territory (56 states and territories x 21 applications). For Tribes, there are regional tribal specialists who review applications. FEMA is projecting that three Tribes would submit acquisition applications. (3 Tribes x 21 applications). The review duties are only a portion of the time for the regional staff; when taken in aggregate, it is three full-time equivalents (FTE). While staff is spread out through the regions, FEMA is estimating staff costs based on the Washington, DC rate, which provides a good national average of staff costs.

Approximately 573 properties are subject annually to review and enforcement for the purpose of assuring compliance with the requirements of 44 CFR Part 80, resulting in an hourly burden of approximately 8 hours per property at a fully loaded wage rate of \$92.89 per hour (the GS-13, Step 1 2024 wage rate in Washington DC of \$64.06 per hour multiplied by a load factor of 1.45 results in a fully loaded wage of \$92.89).³

Reviewing and enforcing the requirements for property acquisitions represents a small subset of project applications and thus, a small portion of each regional and tribal hazard mitigation specialist's work hours. The total estimated time spent specifically on property acquisitions will equate to the full-time workload of 3 FEMA employees. Therefore, the annualized cost to the Federal Government to enforce Property Acquisition requirements is

³ Office of Personnel Management 2024 Pay and Leave Tables for the Washington-Baltimore-Arlington, DC-MD-VA-WV-PA locality. Available online at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/DCB.pdf>. Accessed January 2, 2024.

estimated to be 8 hours x 573 properties x \$92.89= \$425,794(\$425,808-\$14 due to rounding).

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I in a narrative form. Present the itemized changes in hour burden and cost burden according to program changes or adjustments in Table 5. Denote a program increase as a positive number, and a program decrease as a negative number.

A "**Program increase**" is an additional burden resulting from a Federal Government regulatory action or directive. (e.g., an increase in sample size or coverage, amount of information, reporting frequency, or expanded use of an existing form). This also includes previously in-use and unapproved information collections discovered during the ICB process, or during the fiscal year, which will be in use during the next fiscal year.

A "**Program decrease**", is a reduction in burden because of: (1) the discontinuation of an information collection; or (2) a change in an existing information collection by a Federal Agency (e.g., the use of sampling (or smaller samples), a decrease in the amount of information requested (fewer questions), or a decrease in reporting frequency).

An "**Adjustment**" denotes a change in burden hours due to factors over which the government has no control, such as population growth, or in factors which do not affect what information the government collects or changes in the methods used to estimate burden or correction of errors in burden estimates.

Itemized Changes in Annual Burden Hours						
Data collection Activity/Instrument	Program Change (hours currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (hours currently on OMB Inventory)	Adjustment (New)	Difference
Property Owners Voluntary Participation Statements / FEMA Form FF-206-FY-21-124 (formerly 086-0-31) (a)				1,239	573	-666
FEMA Form FF-206-FY-22-157, FEMA Model Deed Restriction				4,956	0	-4,956
FEMA Form FF-104-FY-21-128 (formerly 009-0-3) (English), Declaration and Release or FF-104-FY-21-128-A (formerly 009-0-4) (Spanish), Declaración Y Autorización				198	0	-198
FEMA Form FF-206-FY-23-103 (formerly 086-0-35a), NFIP Repetitive Loss Update Worksheet				99	0	-99
SF-429-A, Real Property Status Report				4,956	0	-4,956
SF-429-B, Real Property Status Report				80	0	-80
Total(s)	0	0	0	12,528	573	-10,955

Explain: The reduction of 10,955 burden hours from this collection is mainly due to the removal of five instruments that were previously on the inventory for this collection, but are also approved for use under other OMB Control Numbers. That reduction is combined with a reduction in the estimated number of respondents for the remaining instrument (FEMA Form FF-206-FY-21-124) falling from 2,270 respondents to 573.

Itemized Changes in Annual Cost Burden						
Data collection Activity/Instrument	Program Change (cost currently on OMB Inventory)	Program Change (New)	Difference	Adjustment (cost currently on OMB Inventory)	Adjustment (New)	Difference
Property Owners Voluntary Participation Statements / FEMA Form FF-206-FY-21-124 (formerly 086-0-31) (a)				\$45,186	\$34,254	-\$10,932
FEMA Form FF-206-FY-22-157, FEMA Model Deed Restriction				\$315,805	\$0	-\$315,805
FEMA Form FF-104-FY-21-128 (formerly 009-0-3) (English), Declaration and Release or FF-104-FY-21-128-A (formerly 009-0-4) (Spanish), Declaración Y Autorización				\$9,911	\$0	-\$9,911
FEMA Form FF-206-FY-23-103 (formerly 086-0-35a), NFIP Repetitive Loss Update Worksheet				\$6,296	\$0	-\$6,296
SF-429-A, Real Property Status Report				\$314,805	\$0	-\$314,805
SF-429-B, Real Property Status Report				\$5,082	\$0	-\$5,082
Total(s)	0	0	0	\$697,085	\$34,254	-\$662,831

Explain: The decrease in cost burden follows the reduction in burden hours and is slightly offset by the general rise in wage rates.

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.

FEMA does not intend to employ the use of statistics or the publication thereof for this information collection.

17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain reasons that display would be inappropriate.

FEMA 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.**

FEMA seeks no exception to the certification of this information collection.

B. Collections of Information Employing Statistical Methods.

There is no statistical methodology involved in this collection.