

Supporting Statement for Paperwork Reduction Act Submissions
Eviction Protection Grant Program
(OMB Control Number: 2528-0331)

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.**

Collection of this information is authorized by the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260, approved December 27, 2020), Consolidated Appropriations Act, 2022 (Pub. L. No. 117-103, approved March 15, 2022), Consolidated Appropriations Act, 2023 (Pub. L. No. 117-328, approved December 29, 2022), and Consolidated Appropriations Act, 2024 (Pub. L. No. 118-42, approved March 9, 2024), which each provided \$20,000,000 for competitive grants to nonprofit or governmental entities to provide legal assistance (including assistance related to pretrial activities, trial activities, post-trial activities and alternative dispute resolution) at no cost to eligible low-income tenants at risk of or subject to eviction. The Eviction Protection Grant Program (EPGP) may receive future appropriations in subsequent fiscal years; HUD expects this information collection to apply to future appropriations. The approved pre award collection of information, OMB Control Number: 2501-0044, Exp. Date: 2/28/2027, will be used by the Office of Policy Development and Research to evaluate Notice of Funding Opportunity (NOFO) applicants and determine eligibility to receive award funds. This post award collection of information will enable HUD to meet its program monitoring obligations under the Act, including ensuring that eligible tenants living in rural areas are served. The House of Representatives Explanatory Statement of the Consolidated Appropriations Act, 2021 Congressional Record 166, no. 218, book IV, at H8828, December 21, 2020, further emphasized the importance of implementing and overseeing this grant as a “demonstration program.” Accordingly, the collection of information will enable HUD to meet its research and demonstration obligations under the Housing and Urban Development Act of 1970, section 501 (12 U.S.C. § 1701z-1) for this program.

Changes are now required because EPGP was instituted as a new program during the COVID-19 pandemic. Ongoing program execution has revealed grantee reporting questions and challenges, and the need for additional standardization, fillable formats, and data point clarifications and revisions. The forms are also revised to integrate the new Office of Management and Budget (OMB) race and ethnicity data standards. This supporting statement addresses a revised version of HUD 52698 and three additional forms. While these forms will require additional time to complete, they are expected to reduce confusion and corrections of administrative requirements, benefitting both HUD and grantees.

- 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 present revision addresses only the post award collection of information, as a parallel pre award update was completed through the Generic NOFO PRA process. The post award collection of information will be used by the Office of Policy Development and Research to meet its statutory program monitoring and demonstration obligations for the program. This is a recently initiated and developing grant program and therefore requires additional collection. Failure to collect post award information would further prevent HUD from ensuring funds are used in a manner consistent with Congressional appropriations.

Data Collection

Post Award Submission

HUD awarded 21 grants in FY21 and FY22 under this program. The grantees submitted detailed work plans accompanied by updated budgets, Form 424 CBW, where the actual award differed from the requested amount.

Grant Management

Grantees must submit quarterly grant activity reports and a final report, including information about tenants served, services provided, and associated forms 52698, 52698a, 52699, and 52700, using whatever system the grantee uses to collect such information.

- 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.**

Grantees may collect information for quarterly grant activity reports and final reports electronically, using whatever format the grantee uses to collect such information, and will be permitted to submit such information to HUD electronically. The post award forms are intended to further streamline data collection through standardization and the enhanced use of information technology.

- 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.**

This is a recently initiated and funded grant program, so no similar information is available outside of this information collection. The present document amends the initial PRA package in response to needs revealed by execution across the initial operational years.

- 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.**

This information collection is the same for all entities regardless of size, and it is considered to deliver the minimal information required for HUD to effectively administer the program. These post award forms were designed to increase consistency and flexibility, reduce complexity, and be accessible to small organizations that lack dedicated case management software.

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.

Failure to collect post award information would prevent HUD from meeting its statutory program monitoring and demonstration obligations. In addition, failure to conduct the proposed data collection will prevent HUD from fulfilling statutory, Executive Order, and regulatory obligations to ensure the equitable disbursement of critical eviction protection services.

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; **N/A**
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it; **N/A**
- requiring respondents to submit more than an original and two copies of any document; **N/A**
- requiring respondents to retain records other than health, medical, government contract, grant-in-aid, or tax records for more than three years; **N/A**
- in connection with a statistical survey, that is not designed to produce valid and reliable results than can be generalized to the universe of study; **N/A**
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB; **N/A**
- 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 **N/A**
- 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. **N/A**

There are no special circumstances that would cause this information collection to be conducted in a manner that would impose one or more of the additional requirements identified under this item.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

- **Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping**

disclosure, or reporting format (if any) and the data elements to be recorded, disclosed, or reported.

- **Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that preclude consultation in a specific situation. These circumstances should be explained.**

HUD published a 60-Day Notice of Proposed Information Collection for the program on November 16, 2023, Docket No. FR-7075-N-13. The present package addresses necessary revisions to HUD-52698, as well as three additional forms (52698a, 52699, and 52700) designed to reduce known program execution issues.

HUD received public comments from eight parties or groups in response to the November 16, 2023, 60-Day Federal Register Notice. The respondents included EPGP grantees, housing legal organizations, research firms, and individuals. HUD continues to propose the bulk of the changes it initially presented for Form 52698 and continues to propose adding three additional documents: Forms 52698a, 52699, and 52700.

HUD agreed with a variety of suggested changes and clarifications. Some of these included: (1) distinguishing between cases involving legal representation versus those with light service and moving these from the 52698 case form to aggregate reporting on the 52699, (2) clarifying the differences between “at risk of” and “subject to” eviction, (3) clarifying language about emergency assistance, and (4) adding or revising several 52698 Item 10 case outcome options. HUD declined to accept several suggestions that would increase the response burden and/or go beyond the scope of EPGP.

After the 60-day comment period closed, OMB released a March 28, 2024 update to Statistical Policy Directive 15 (SPD 15) with revisions to the required federal race and ethnicity reporting categories. In response, HUD proposes incorporating the required changes in this PRA update, as the present update is well timed for the changes, and they are expected to improve the quality of data collected. The most significant updates include the addition of the Middle Eastern or North African (MENA) category, plus moving the Hispanic or Latino category to a combined race and ethnicity question from a separate ethnicity question. HUD proposes new instructions for the application of these race and ethnicity categories.

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

There are no payments or gifts to respondents with respect to this collection.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation or agency policy. If the collection requires a system of records notice (SORN) or privacy impact assessment (PIA), those should be cited and described here.

HUD will not release any personally identifiable information pursuant to the Freedom of Information Act. HUD will secure and protect the electronic transfer of sensitive information by using firewall protection, encryptions, and restricted access security.

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.**

HUD maintains standard precautions regarding the electronic transfer of information, including firewall protection, encryptions, and access security. Some tenant information collected on Form HUD-52698 and 52698a may be considered sensitive, such as information about English proficiency, gender (including gender transition), race, ethnicity, disability status, income, eviction risk, or rental address. Collection of this information is required for HUD to meet its statutory program monitoring and demonstration obligations for the program, as well as its obligation to collect demographic information on applicants and beneficiaries under fair housing and other civil rights authorities. In addition to taking standard precautions for the electronic transfer of information, including firewall protection, encryptions, and access security, HUD is minimizing the collection of personally identifying information about tenants such as not requiring name or date of birth. Instead, grantees will be asked to assign unique identifying numbers to tenants for grant activity reporting. Additionally, the information provided is subject to the Privacy Act.

12. **Provide estimates of the hour burden of the collection of information. The statement should:**
- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices;**
 - **If this request covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I; and**
 - **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead this cost should be included in Item 13.**

The initial years of program execution resulted in the requirements and estimates shown below for the post award phase. The pre award burden has been addressed in Child IC package (OMB

Control Number: 2501-0044, Exp. Date: 2/27/2027). In early 2024 OMB released an update to the federal race and ethnicity categories and revised its rules for implementation. This affected the HUD 52698 draft in progress, and it was modified to meet the minimal data collection requirements. The minimal collection was proposed because it parallels the data previously collected by EPGP, and because additional collections increase burden and may affect the relationships between tenants and their legal service providers. Requiring more detailed race and ethnicity data may deter the participation of some tenants at risk of eviction. HUD does not believe that changing to the new minimal categories will affect the response burden.

Information Collection	Number of Respondents	Frequency of Response	Responses Per Year	Burden Hours Per Response	Annual Burden Hours	Hourly Cost per Response	Total Annual Respondent Cost
Grant work plan	21	1	21	2	42	\$61.33	\$2,575.86
Detailed Budget Worksheet, 424 CBW	21	1	21	3	63	\$61.33	\$3,863.79
Household Services and Outcomes Report, 52698	21	*1,000	21,000	0.25	5,250	\$61.33	\$321,982.50
Household Services and Outcomes Submission Report 52698(a)†	21	4	84	1	84	\$61.33	\$5,151.72
Benchmarks Plan and Report, 52699	21	4	84	0.5	42	\$61.33	\$2,575.86
Grant Detailed Voucher Worksheet, 52700	21	4	84	1	84	\$61.33	\$5,151.72
Grant reporting (narratives, existing process)	21	4	84	2	168	\$61.33	\$10,303.44
Total	21	18	21,378	9.75	5,733	\$61.33	\$351,604.89

* Anticipated average number of annual responses per respondent (grantee), to be reported to HUD quarterly with grant activity report.

† The 52698(a) combines individual 52698 form data into a comprehensive database document. We expect this document to require about one hour per submission, assuming that most grantees will use automated database software and a small number will use manual entry.‡ The “Avg. Hourly Wage Rate” for each respondent reflects a wage of \$35.87 pre award (2021) and \$42.01 post award (2024) for professional and business services and a 1.46 multiplier to reflect a fully loaded wage rate.

13. **Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
 - **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s) and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers**

and software; monitoring, sampling, drilling and testing equipment; and record storage facilities;

- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10) utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.
- Generally, estimates should not include purchases of equipment or services, or portions thereof made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no additional costs to respondents for the bulleted items above.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

The number of hours and costs for staff to review are reflected in the following chart:

Information Collection	Number of Submissions	Frequency	Responses per year	Hrs. per Review	Total Hrs (per person).	Average Pay per Hr.	Total staff cost
Assistance Award/Amendment (HUD-1044)	21	1	21	.3	6.3	\$110.89	\$698.61
Grant work plan	21	1	21	2	42	\$110.89	\$4,657.38
Detailed Budget Worksheet, 424 CBW	21	1	21	1	21	\$110.89	\$2,328.69
Household Services and Outcomes Report, 52698*	21	1,000	21,000	NA	NA	\$110.89	NA
Household Services and Outcomes Submission Report 52698(a)	21	4	84	1	84	\$110.89	\$9,314.76
Benchmarks Plan and Report, 52699	21	4	84	.5	42	\$110.89	\$4,657.38
Grant Detailed Voucher Worksheet, 52700	21	4	84	1	84	\$110.89	\$9,314.76
Grant reporting (narratives, existing process)	21	4	84	1	84	\$110.89	\$9,314.76
Total post award	168	198	399	6.8	363.3	\$110.89	\$40,286.34

*Grantees collect and track individual 52698 forms on internal systems. The new 52698(a) data table report facilitates rapid aggregate grantee reporting of 52698 data to HUD and more efficient analyses by federal staff.

† The “Avg. Hourly Wage Rate” for each respondent reflects a wage of \$67.15 pre award (2021) and \$75.95 post award (2024) and a 1.46 multiplier to reflect a fully loaded wage rate for GS 14, step 5 in the Washington DC Locality Area (2024 OPM table)

There are no additional costs for contractor, facilities, computer hardware and software, equipment maintenance, travel, printing, or postage.

15. Explain the reasons for any program changes or adjustments reported in Items 12 and 14 of the Supporting Statement.

The present revision addresses only the post award collection of information, as a parallel pre award update was completed through the Generic NOFO PRA process. This is a renewal with changes to improve operational management of EPGP, meant to facilitate required data analyses and reduce the number of grantee errors that have increased the burden on grantees. The approved burden was 9,774 hours while the new request has a burden of 10,793 hours. However, this increase is expected to be offset by time savings per fewer errors and less time required to correct issues.

16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

HUD will publish the names of the grantees and reports on program activity and outcomes as necessary to meet its statutory program monitoring and demonstration obligations for this program, inform stakeholders of the number of households served and evictions prevented, and respond to legislative inquiries.

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

HUD is not seeking approval to avoid displaying the OMB expiration date.

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

There is no exception to Item #19 “Certification of Paperwork Reduction Act Submissions.”