SUPPORTING STATEMENT FOR PAPERWORK REDUCTION ACT SUBMISSION

Date: **August 14, 2024**
OMB Cont.: **#0937-0191, reinstatement, with no change**
Title: **Application Packets for Public Health Purposes**
Program: **DHHS/ASA/PSC/REL/RPMS/Federal Real Property Assistance Program**
Contact: **Theresa Ritta, Program Manager**
202-823-1348

A. Justification

1. Need and Legal Basis

This is a request, from the Office of Assistant Secretary for Administration, Program Support Center, Federal Real Property Assistance Program, for an approval by OMB, on an extension to a currently approved information collection request, 0937-0191, Application Packets for Real Property for Public Health Purposes. 40 U.S.C. § 550, as amended, provides authority to the Secretary of Health and Human Services to convey or lease surplus Federal real property to States and their political subdivisions and instrumentalities, to tax-supported institutions, and to nonprofit institutions which (except for institutions which lease property to assist the homeless) have been held exempt from taxation under Section 501(c)(3) of the 1954 Internal Revenue Code, and 501(c)(19) for veterans organizations.

The Stewart B. McKinney-Vento Homeless Assistance Act, Section 501 in Title V, (McKinney Act) (42 U.S.C. § 11411)**,** directs that assistance to the homeless be included as a permissible use in the protection of public health within the meaning of section 203(k) of the Federal Property and Administrative Services Act of 1949. The Federal Asset and Transfer Act of 2016 (P.L. 114-287) streamlined the McKinney Act, bifurcating the application process.

All excess/surplus properties in the General Services Administration's inventory must be considered for facilities to assist the homeless before other disposal actions can be taken. HHS is required to accept and process applications for all property determined suitable for use by the homeless by the Department of Housing and Urban Development including unutilized and underutilized, as well as properties reported as excess/surplus.

The National Environmental Policy Act, (42 U.S.C § 4321-4370a, P.L. 91-190).

Implementing Authority (Regulation)

Applicable provisions of 40 U.S.C. § 550, as amended, and the McKinney Act, have been implemented by the Department in its regulations under Title 45 C.F.R., Subtitle A, Parts 12 and 12a. Revisions to Title 45 C.F.R. Part 12a are underway as a result of the Federal Asset and Transfer Act of 2016 (P.L. 114-287).

Program Authority (Delegations)

Authority for administering the Federal Real Property Assistance Program has been delegated, to the Program Manager, Federal Real Property Assistance Program, Program Support Center, or his/her successor in function.

2. Program and Use of Information Collection

An eligible institution must complete an application (which includes environmental information) to obtain a property and establish that the property is needed for health and/or homeless assistance purposes. There are three types of applications: (1) an Application for Purchase of Real Property at Public Benefit Allowance for Public Health Purposes; (2) an Application for Purchase of Real Property at Public Benefit Allowance for Homeless Purposes**;** and (3) an Application for Purchase of Real Property at Public Benefit Allowance for Off-Site.

The application must establish eligibility of the institution/organization, assure that it is a health and/or homeless program within the language of the Law, and that the proposed use will carry out program requirements. In addition, it must contain all information to show organizational and financial ability to acquire the property and carry out the proposed program. It must also include an assurance that in carrying out the program there will be no discrimination because of race, color, sex, handicap, age, religion, or national origin in the use of the property. Environmental information, including historic preservation, must also be provided to enable the Department to carry out its responsibilities under the National Environmental Policy Act. These applications are reviewed for completeness of information and evaluated by the appropriate staff. Subsequently, a report and recommendation is provided to the Program Manager, Federal Real Property Assistance Program/Real Property Management Services/Real Estate, Logistics, and Operations Portfolio, Program Support Center who makes the final decision to approve or disapprove the application. The application is the only source of information available from an applicant and the program could not function without it.

3. Use of Improved Information Technology and Burden Reduction

Priority mail, overnight mailing, email, and a computer generated tracking system and inventory are used to facilitate the exchange of information. In addition to individual program staff email addresses, the FRPAP has a main, general email address for the transmittal of information. Technology improvements have expedited the sending and receiving of information (including the subject applications), and processing of property actions. As technology improves we may continue to experience increased efficiencies. Data collection through the above-means, including e-mail submission (preferred), is acceptable. A website, https://psc.gov/services/property-assistance-program is also

maintained to provide program information to the public. A SharePoint document management system is utilized for the storage, retrieval and sharing of program information, as applicable.

4. Efforts to Identify Duplication and Use of Similar Information

The majority of the information (environmental information being excluded) requested in the applications is not duplicative of another information collection. The program, the only of its kind in the Federal government, is specific to the acquisition and use of surplus Federal real property for public health or homeless purposes.

HHS is required to include environmental consideration in its decision making activities, and therefore, requires pertinent environmental information from applicants. If an environmental assessment has been prepared on the proposed project for another local, State, or Federal agency which addresses all of the information required, it may be included in the application as supporting documentation to HHS's environmental questionnaire.

5. Impact on Small Businesses or Other Small Entities

The following actions have been taken to minimize the impact in the collection of information by small businesses or other small entities. The applications provide step-by-step instructions for responding to each question, as well as a format for the resolution, and a perforated sheet that may be certified and returned with the application, along with the ability to submit applications electronically (preferred). Technical assistance is provided to eligible organizations. Applicants can phone or send e-mail for clarification on any part of the application. In some cases, staff can refer applicants to potential sources of information from other government agencies. Additionally, the program website contains video instructions relating to environmental report data collection and additional instructional videos are contemplated for future creation and use.

6. Consequent of Collecting the Information Less Frequent Collection

The application is only required as necessary/occasionally; that is, if an applicant wishes to acquire surplus/excess or underutilized/unutilized Federal real property for public health or homeless purposes. We know of no legal or technical obstacles to reducing the burden, as application submittal is necessary to consideration of acquisition of Federal surplus real property for health or homeless assistance purposes.

7. Special Circumstances Relating to Guidelines of 5 CFR 1320.5

There are no special circumstances that would cause an information collection to be conducted in a manner that is inconsistent with the seven situations listed in this item. The request fully complies with the regulation.

8. Comments in Response to the *Federal Register* Notice/Outside Consultation

A 60-day Federal Register Notice was published in the *Federal Register* on June 11, 2024, Vol. 89, Number 113, Page 49180. There were no public comments.

The basic application packet has been in use for many years. It is not possible to determine if consultation with persons outside the agency was conducted at the time of its inception. The instructions have been slightly modified in the past for McKinney Act requirements, including the most recent amendment, the Federal Asset and Transfer Act of 2016. The Law Center for Homelessness and Poverty provided input, specific to homeless programs, on previous revisions to the application.

No recent outside consultants have occurred. In past years, outreach/consultant has included: staff members conducted an educational webinar covering the Title V of the McKinney-Vento Homeless Assistance process; and staff participation in Department of Defense Outreach Seminars, other educational forums, and specific property site tours. These interactions provided opportunities to stress and clarify the need for the information required by a particular application. For example, providers questioned the time limitations on when use of the property must take place and the extent to which information should be included in the application. In recent years these outreach opportunities have been limited. HHS makes concerted efforts to participate in site tours of properties during the screening process, in addition to, being available by telephone or email to address program inquires.

For excess/surplus property, assignment must be received from the disposal agency and negotiation of the use or deed document must be completed before the property can be conveyed. In addition, in some instances a property may require that environmental concerns are remedied before transfer.

For underutilized property, the landholding agency negotiates directly with the provider on terms and conditions of the occupancy document.

9. Explanation of any Payment/Gift to Respondents

No payments or gifts are provided to respondents.

10. Assurance of Confidentially Provided to Respondents

The applications do not request a significant amount of information containing personal identifiers. It requests such information as applicant contact information, evidence of tax-exemption, and financial information. Information is not provided to third parties without first obtaining approval from the applicant or without processing requests for information through the Freedom of Information Office.

11. Justification for Sensitive Questions

The application requires certain information regarding an applicant's financial ability to maintain the real property it is requesting, to fund any construction or rehabilitation of that property, and to assure that funds are available to operate the proposed program. This may be considered sensitive information; however, it is necessary in order to determine an applicant's eligibility, to evaluate the potential for a successful program, and to ensure the protection of the real estate.

An applicant is required to provide its tax status, either tax-supported or tax-exempt under section 501(c)(3) of the IRS code of 1986 throughout the period of restrictions, in order to determine eligibility.

12. Estimates of Annualized Hour and Cost Burden

Type of Respondent	No. of Respondents	No. Responses per Respondent	Average Burden per Response (in hours)	Total Burden Hours
State, instrumentalities of the state, units of local gov't, nonprofit organizations	10	1	200	2,000
Total	10	1	200	**2,000**

We estimate 10 applicants per year who prepare one application for each property requested. The burden per response was based on previous conversations with people who filled out applications and who indicated a range of 20 to 1000 hours. The average of this estimate is 200 hours to complete an application. Therefore, the annualized hour burden is 10 applicants x 200 hours = 2,000 burden hours.

This request covers three types of applications. However, the information contained in the applications is very similar; therefore, no separate hour burden estimates are provided. The aggregate hour burdens are provided in item 13 of OMB Form 83-l.

Type of Respondent	Number of Respondents	Total Burden Hours	Hourly Wage Rate	Total Respondent Costs
State, instrumentalities of the state, units of local gov't, nonprofit	10	2,000	$35.00	$70,000.00

organizations				
Total				**$70,000.00**

We estimate the annualized cost to respondents for the hour burdens for collections of information to be between $20-$80 per hour burden which averages out to approximately $35 per hour burden times 200 hours x 10 = $70,000.

13. Estimates of other Total Annual Cost Burden to Respondents or Recordkeepers/Capital Costs (Maintenance of Capital Costs)

An applicant may contract for environmental expertise in completing the environmental questionnaire portion of the application. We estimate the cost of contracting to be approximately $100 to $150 for 2 to 3 hours. This averages out to approximately $250.00.

Applicants are required to submit estimates for capital costs to improve the property for its proposed program and provide the source of funding to pay for those costs.

14. Annualized Cost to Federal Government

We estimate 10 applications received annually requiring 700 hours of review and evaluation by staff ranging from GS 13 through GS 14 totaling, inclusively, $50,000.00, including mailing and miscellaneous expenses. Approximately 50 hours of professional staff time by realty specialists are required to process each application. At an average of $70.00 per hour, the cost to the Federal Government of processing 10 applications is $50,000.

15. Explanation for Program Changes or Adjustments

The burden has been adjusted to account for the yearly average number of applications submitted by applicants since the last OMB number renewal. The number of the yearly average of applications was adjusted from 15 applications to 10 applications. The U.S. Department of Health and Human Services (HHS), Federal Real Property Assistance Program, has no control over the number, type, location, or condition of Federal surplus real property that becomes available for application/acquisition. HHS also has no control over how many applications are submitted by eligible entities. The number of applications submitted is dependent on the need and interest of the properties that become available by eligible entities.

Additionally, the cost burden to applicants increased by $30.00 because the estimated cost to contract for expertise in completing portions of the application increased, again outside of HHS's control. This holds true for the annualized cost to the Federal government which was adjusted to account for increases in wages.

16. Plans for Tabulation and Publication and Project Time Schedule

There is no possibility that these information collection requirements will be published, tabulated or manipulated.

17. Reason(s) Display of OMB Expiration Date is Inappropriate

Not applicable.

18. Exceptions to Certification for Paperwork Reduction Act Submissions

There are no exceptions to the certification.

B. Collection of Information Employing Statistical Methods.

Not applicable.