

Department of the Treasury
Information Collection Request – Supporting Statement

Emergency Rental Assistance Program (ERA2)
OMB No. 1505-0270

Summary of Changes:

- Addition of Reallocation Portal: Non-ERA Expenditures on Rental or Utility Assistance (Sections 1, 6 & 12)
- Burden modified to account for second round of Requests for Reallocated Funds and updated estimates based on previous filings during first round.

Part A. Justification

1. Circumstances necessitating the collection of information

On March 11, 2021, the President signed the American Rescue Plan Act of 2021 (the “Act”), Pub. L. No. 117-2. Title III, Subtitle B, Section 3201 of the Act authorized the Emergency Assistance (ERA 2) program and provides \$21.55 billion for the U.S. Department of the Treasury (Treasury) to make payments to States (defined to include the District of Columbia), U.S. Territories (Puerto Rico, U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa), and certain local governments with more than 200,000 residents (collectively the “eligible grantees”) to provide financial assistance and housing stability services to eligible households, and cover the costs for other affordable rental housing and eviction prevention activities for eligible households.

Acceptance of Award Terms Form

An eligible grantee that elects to receive payment under the Emergency Rental Assistance program must complete and sign a form that will indicate its agreement to the award terms, including, most importantly the requirement set forth in section 3201(e) for Treasury to reallocate funds not yet paid beginning on March 31, 2022. Treasury does not have rulemaking authority with respect to this program, so it must obtain the agreement of eligible grantees to require them to comply with these provisions.

Recipient Payment Information Form

In order to ensure proper payment by Treasury, each eligible grantee must supply basic identifying and bank routing information. This information should be readily available to officials completing the form.

Assurances of Compliance with Title VI of the Civil Rights Act of 1964

As a condition of receipt of federal financial assistance from Treasury, eligible grantees under the ERA 2 program are required to provide assurances pursuant to 31 C.F.R. § 22.5 that they will

comply with the requirements of Title VI of the Civil Rights Act of 1964 and Treasury's Title VI implementing regulations.

ERA Interim Report and Interim Reporting Guidance

Treasury developed brief (two-question) ERA 2 monthly reports and the accompanying reporting guidance to enable ERA 2 grantees submit summary information on their utilization of ERA award funds monthly. This reporting will facilitate Treasury's obligations to effectively monitor the ERA 2 grantees' compliance with the requirements of the ERA 2 award.

ERA 2 Quarterly Reports, Bulk Upload Template, Instructions, and Treasury's Portal User Guide

Treasury developed ERA 2 quarterly report forms, the accompanying bulk upload templates, and instructions to enable ERA 2 grantees to submit the required information on their utilization of ERA 2 award funds quarterly. This information can be submitted electronically via Treasury's portal. Treasury has developed a guide to using the portal for grantees. The information collection is important and will permit Treasury to effectively monitor the ERA 2 grantees' compliance with the requirements of the ERA2 award.

ERA 2 Additional Funds Request Form

Under Section 3201(c) of the Act, Treasury was directed to deliver each grantee an initial payment equal to 40% of its allocation and deliver the remainder in tranches. In order to request funds from their remaining allocations, ERA 2 grantees must demonstrate that at least 75% of their earlier payments have been spent or obligated for expenditure. To ease administrative burdens for eligible grantees while ensuring compliance with these requirements, Treasury has developed a standard funding request form. The form requires eligible grantees to disclose the amount of funds already spent or obligated, state the requested payment amount, and confirm the grantee's compliance with program requirements.

Reallocation Portal: Request for Reallocated Funds & Request to Voluntary Reallocate Funds

Under the ERA2 program, Treasury pays each grantee portions of its initial ERA2 allocation in tranches as the grantee obligates funds already received. Section 3201(e) provides that "[b]eginning March 31, 2022, the Secretary shall reallocate funds allocated to eligible grantees ... but not yet paid ... according to a procedure established by the Secretary."

Treasury has developed a standard reallocation portal for eligible grantees to utilize when requesting an award of additional funds from those Treasury has determined to be excess among those initially allocated for use in other jurisdictions. Per the statutory requirements, excess funds may only be reallocated to grantees who have obligated at least 50% of their own initial ERA2 allocations. The portal will allow Treasury to collect the information needed to confirm that a requesting eligible grantee meets this requirement.

Treasury anticipates that certain eligible grantees will determine their allocated funds exceed their jurisdictional needs, or that other grantees in the same state or jurisdiction may be better positioned to administer all or part of the grantee's ERA allocation. Treasury has also developed, within its reallocation portal, a standard form that will be used by grantees to initiate this voluntary reallocation process. In accordance with statutory requirements, a grantee may transfer up to 60% of its initial ERA2 allocation.

Reallocation Portal Addition: Non-ERA Expenditures on Rental or Utility Assistance

To distribute ERA2 funds subject to reallocation among eligible grantees, Treasury has developed a prioritization system that considers: whether recipient grantees are located in the same state as reallocating grantees; recipient grantees' rate of expenditure; and grantees' jurisdictional needs. Starting with reallocation based on the Quarter 2 assessment, Treasury also intends to prioritize grantees that have expended non-ERA funds, including State and Local Fiscal Recovery Funds, for rental or utility assistance substantially similar to eligible uses under ERA1 or ERA2 since the enactment of the ERA1 statute on December 27, 2020, in an amount exceeding 20% of their initial ERA2 allocation. For example, a grantee that surpasses this threshold using State and Local Fiscal Recovery Funds to provide for rental and utility assistance may be prioritized. To receive this prioritization, a Grantee must submit to Treasury a certification of, among other things, the amount of non-ERA funding expended on ERA-eligible uses, the sources of these expenditures, and the number of households served.

To implement this prioritization system for the Quarter 2 assessment, Treasury has developed an addition to its reallocation portal to collect information needed to confirm that a requesting eligible grantee is entitled to prioritization based on its non-ERA expenditures. Specifically, the portal prompts grantees to list the source and amount of non-ERA funds expended on rental or utility assistance substantially similar to eligible uses under ERA1 or ERA2. The portal also provides grantees with examples of such "substantially similar uses," to ensure the accuracy of information collected.

2. Use of the data

The information reported will allow Treasury to ensure proper payments to the eligible grantees and carry out the reallocation process. The information reported in the ERA2 Quarterly reports will allow Treasury to monitor the recipients' compliance with the program requirements and provide Treasury with a better understanding of the recipients' ERA program activity.

3. Use of information technology

Treasury will manage the submission process with the use of existing and widely available technology such as a web portal and e-mail.

4. Efforts to identify duplication

The information collections are under new statutory mandates. The information is not known to overlap with any other data collected under any other information collections at Treasury.

Furthermore, the information collection is tailored to leverage data that already exists and require only additional data that is necessary.

5. Impact on small entities

The collection of information will not directly affect small entities as they were not eligible under the statute.

6. Consequences of less frequent collection and obstacles to burden reduction

Treasury will collect only the information required to make any payments to the eligible grantees. The eligible grantees will submit a limited amount of information that should be readily available to the entity in the ordinary course of business. If the eligible grantees are unable to provide their completed recipient payment information form, acceptance of award terms form, and additional funds request, Treasury would not be able to make payment to those eligible grantees.

If ERA2 grantees fail to complete and submit the brief monthly reports to Treasury, Treasury will be less able to meet its requirements to monitor ERA 2 grantees' compliance with the ERA 2 program requirements. Likewise, if ERA 2 grantees fail to complete and submit their quarterly reports to Treasury, Treasury will not be able to effectively monitor each ERA 2 grantee's compliance with the ERA 2 program requirements.

Furthermore, if ERA2 grantees fail to complete and submit voluntary reallocation request and requests for reallocated funds—which includes information regarding certain non-ERA expenditures—through the reallocation portal, Treasury will be unable to carry out the reallocation procedure contemplated in the ERA2 statute and prioritization process outlined in the ERA2 Reallocation Guidance, updated on June 28, 2022.

7. Circumstances requiring special information collection

There are no special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

8. Solicitation of comments on information collection and justification for expedited processing pursuant to 5 C.F.R. § 1320.13

This ICR is being submitted under emergency clearance procedures in order to align Treasury's reallocation procedure with the timeline contemplated by the ERA2 statute, expedite payments to eligible grantees, and provide timely notice to grantees of Treasury's reallocation procedure. As such, advance public notice and comment is not possible.

9. Provision of payments to respondents

No payments or gifts are provided to respondents.

10. Assurance of confidentiality

Information collected will be kept confidential to the extent appropriate and consistent with the Freedom of Information Act and other applicable laws.

11. Justification of sensitive questions

No sensitive questions will be asked of eligible grantees.

12. Estimate of the hour burden of information collection.

The Recipient Payment Information form, Acceptance of Award Terms form, Title VI Assurances, Monthly Report, ERA 2 Quarterly Report, and Additional Funds Request Form burden estimates are as follows:

Reporting	# Respondents	# Responses Per Respondent	Total Responses	Hours per response	Total Burden in Hours	Cost to Respondent (\$47.50 per hour*)
Acceptance of Award Terms Form	482	1	482	0.25 (15 minutes)	121	\$5,748
Recipient Payment Information Form	482	1	482	0.25 (15 minutes)	121	\$5,748
Title VI Assurances	482	1	482	.50 (30 minutes)	241	\$11,448
ERA2 Monthly Report	376	3	1128	1	1,128	\$53,580
ERA2 Quarterly Report	376	4	1,504	32	48,128	\$2,286,080
ERA2 Additional Funds Request Form	482	1	482	0.50 (30 minutes)	241	\$11,448
Portal: Request for Reallocated Funds	200	1	200	0.75 hours (45 minutes)	150	\$7,125
Portal: Non-ERA	100	1	100	.167 hours (10 minutes)	17	\$792

Expenditures Report				minutes)		
Portal: Request to Voluntarily Reallocate Funds	200	1	200	1 hour	200	\$9,500
Total	482		5,060		50,347	\$2,391,469

* Bureau of Labor Statistics (BLS), U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the Internet at <https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm> (visited December 30, 2020). In 2019, the median pay for accounts and auditors was \$34.40/hour. To account for the fully-loaded employer cost of employee compensation, the median pay is increased by 38%, resulting in a fully-loaded wage rate of \$47.50. According to BLS's Employer Cost for Employee Compensation from September 2020 (released on December 17, 2020: <https://www.bls.gov/news.release/pdf/ecec.pdf>), employers provided 38% of total employee compensation in the form of non-wage compensation (i.e., benefits such as paid leave, health insurance, etc.) for state and local government workers.

13. Estimated total annual cost burden to respondents

There are no annualized capital/startup costs for the eligible recipients to provide the information in the form or certification.

14. Estimated cost to the federal government

There will be no annualized capital/start-up costs for the government to receive this information. The below table reflects the estimated time for a GS-13, Step 1 to review the information collected.

Collection Instrument	Number of Responses	Average Review Time per Response (in hours)	Total Time to Review (in hours)	Average Hourly Wage Rate ¹	Total Annual Government Cost
Emergency Rental Assistance Program (ERA 2) Acceptance of Award Terms, Payment Information, Title VI Assurances, Reporting, and Additional Funds Forms; Reallocation Forms	5,360	40	214,400	\$49.68	\$10,651,392

¹GS-13 wage rate from the 2021 GS-pay scale table for Washington-Baltimore-Arlington, DC-MD-VA-WV-PA, https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2021/DCB_h.pdf ,

Total	5,360		214,400		\$10,651,392
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15. Reasons for change in burden

There is an increase of approximately 3000 hours associated with the addition of certain questions related to affordable housing to the ERA2 Quarterly Report. There has also been an increase of 92 hours in the burden due to the addition of a Non-ERA Expenditures Report and a second round of Requests for Reallocated Funds. However there has been a decrease of 425 hours due to revised estimates of both the number of reallocation applications received and the time needed to prepare the reallocation request, based on the program's experience. Approximately 100 reallocation requests were received in the first round (instead of the previously estimated 400) and the same number of requests are estimated to be received for the second round.

16. Plans for tabulation, statistical analysis and publication

Treasury plans to publish the data for disbursements.

17. Display of the expiration date for OMB approval

Treasury plans to display the expiration date for OMB approval of the information collection on all instruments.

18. Exceptions to submission requirements

There are no exceptions to the submission requirements.

Part B. Describe the use of statistical methods such as sampling or imputation.

This collection does not employ statistical methods.