

U.S. Small Business Administration
SUPPORTING STATEMENT
OMB CONTROL NUMBER 3245-XXXX
Certification as to State and Local Compliance

A. JUSTIFICATION

1. Need & Method for the Information Collection.

SBA is publishing an interim final rule on January 29, 2026, titled, “Improving SBA Disaster Loan Ability to Provide Meaningful and Timely Assistance.” Consistent with the regulation, this information collection provides for certification as to state and local compliance.

An SBA Disaster Loan borrower and any contractors, subcontractors, or agents of such borrower, who seek to engage in Disaster-Related Activities without complying with a State or Local Requirement preempted under § 123.803 may do so only where the SBA Disaster Loan borrower has provided to SBA, prior to commencement of Disaster-Related Activities, , a certification by the borrower’s builder(s) that the builder has so far, and will in the future, comply with and adhere to any applicable state and local rules and regulations not preempted under § 123.803. Such non-preempted rules and regulations include, but are not limited to, building codes, health and safety requirements, inspection requirements (which may be conducted by local government inspectors or qualified, independent third-party inspectors), and any other processes required to obtain a certificate of occupancy at the completion of Disaster-Related Activities.

2. Use of the Information.

SBA will use the certification to determine compliance with 13 CFR 123.800-808. A borrower relying on preemption under these sections shall be considered to be in default of the borrower’s SBA Disaster Loan if the borrower fails to comply with the provisions of § 123.805 and shall be considered a violation of 13 C.F.R. 123.9.

3. Use of Information Technology.

This information will be collected through SBA’s Unified Lending Platform.

4. Non-duplication.

SBA is collecting this information only from borrowers who are exercising the preemption under § 123.803. There is no other source of this information.

5. Burden on Small Business

This information collection will involve small businesses. The burden applied to small businesses is the minimum possible to show compliance with SBA regulations.

6. Less Frequent Collection

The information is only collected the first time a borrower elects to exercise the preemption under 13 CFR 123.803. There may be instances in which a borrower needs to provide the certification more than once, including if the borrower changes builders or is using multiple builders. However, SBA is collecting this information the fewest possible times to still meet the regulatory requirements. Because this certification is necessary to show compliance prior to commencement of Disaster-Related Activities, it cannot be collected less frequently.

7. Paperwork Reduction Act Guidelines.

There are no details of the requested information collection that meet any special circumstances.

8. Consultation and Public Comment.

This new collection is being submitted for review in accordance with emergency procedures (5 CFR 1320.13). As such, advanced public notice and comment has not been conducted on the current collection.

9. Gifts or Payment.

No payments or gifts are made to respondents, other than loan payments made in accordance with loan terms and conditions.

10. Privacy & Confidentiality.

The information collected, including any Personally Identifiable Information, is protected to the extent permitted by law, including the Privacy Act, 5 U.S.C. 552a, and the Freedom of Information Act, 5 U.S.C. 552, and is part of SBA's Privacy Act System of Records. The System of Records Notice (SORN) for the SBA disaster program is titled Disaster Loans Case Files (SBA 20 - <https://www.govinfo.gov/content/pkg/PAI-2017-SBA/xml/PAI-2017-SBA.xml#sba20>) and was published on April 1, 2009, 74 FR 14911 (E9-7050.pdf (govinfo.gov) page 23).

11. Sensitive Questions.

There are no questions of a sensitive nature.

12. Burden Estimate.

SBA is anticipating 6,000 responses with each response taking an average of 30 minutes. The hourly rate for a person expected to complete this form is \$84.76, the average national income per hour.

Burden per Response:

	Time Per Response (in minutes)	Hours	Cost Per Response
Reporting	30	.5	\$42.38
Record Keeping	0	0	0
Third Party Disclosure	0	0	0
Total	30	.5	\$42.38

Annual Burden:

	Annual Time Burden (Hours)	Annual Cost Burden (Dollars)
Reporting	3,000	\$254,280
Record Keeping	0	0
Third Party Disclosure	0	0
Total	3,000	\$254,280

13. Respondent Costs Other Than Burden Hour Costs.

There are no non-labor costs associated with this collection.

14. Estimated Cost to the Government.

The analysis of these submissions will be performed by salaried SBA staff; there are no expected additional costs for this analysis besides the ordinary and expected costs of SBA employee salaries and benefits.

15. Reasons for changes.

This is a new collection.

16. Publicizing Results.

There is no planned publication of information for statistical use; while SBA may publicize the broader outcome of its review through a press release or other means, there are no plans for the publication of individual, specific information for statistical use.

17. OMB Not to Display Approval.

SBA is not seeking approval to not display the expiration date for OMB approval of the information collection.

18. Exception to “Certification for Paperwork Reduction Submissions.”

There are no exceptions to the certification statement.

B. COLLECTION OF INFORMATION EMPLOYING STATISTICAL METHODS

The collection does not employ statistical methods.