

19. Certification for Paperwork Reduction Act Submissions

On behalf of the U.S. Department of Housing and Urban Development, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

Note: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320/8(b)(3), appear at the end of the instructions. The certification is to be made with reference to those regulatory provisions as set forth in the instructions.

The following is a summary of the topics, regarding the proposed collections of information that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of the information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to collected (see note in item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

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If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in item 18 of the Supporting Statement.

Signature of Program Official:

Date:

X

Signature of Senior Officer or Designee:

Date:

X
Lillian L. Deitzer, Departmental Paperwork Reduction Act Officer,
Office of the Chief Information Officer

OMB-83-I

10/95

**Supporting Statement for Revision of Existing Information Collection
To Provide Revision to the Public Housing Agency Plans
Under OMB Approval for
Public Housing Agency Plans
OMB Control No. 2577-0226**

A. Justification

1. Section 511 of the Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276, 112 Stat. 2461, approved October 21, 1998; 112 Stat. 2461) (referred to as the "Public Housing Reform Act:") added Section 5A to the U.S. Housing Act of 1937 (42 U.S.C. 1437 *et seq*; see 1437c-1) (a copy of the applicable section is attached) that set forth requirements for the public housing agency (PHA) plans - a 5-Year Plan and an Annual Plan. Through these plans a PHA will advise HUD, its residents, and the public of the PHA's mission for serving the needs of low-income and very low-income families, and the PHA's strategy for addressing those needs. The PHA Plan requirements also provides an easily identifiable means by which public housing residents, participants in the tenant-based assistance programs, and other members of the public may locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services.

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Subsequent to implementation of the PHA Plan, HUD in accordance with language in Section 5A allowed for submission of streamlined plans by high-performing PHAs, small PHAs with less than 250 public housing units that are not designated as troubled, or PHAs that only administer tenant-based assistance and do not own or operate public housing.

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Section 5A of the 1937 Act permits HUD to exempt certain elements from review, which it has done by the regulation at 24 CFR 903.23(b). This section limits HUD scope of review of the Annual Plan (and any significant amendments or modifications to the plan) to information required by: 903.7(b), statement of the PHA's deconcentration and other policies that govern eligibility, selections, and admissions; 903.7(g), statement of capital improvements; 903.7(h), a statement of any demolition and/or disposition; and 903.7(o), Civil Rights and any other element of the PHA's Annual Plan that is challenged. This collection allows for PHAs to submit for HUD review only those Plan elements required by law and/or regulations to the key elements described above.

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Section 5A of the 1937 Act permits HUD to exempt certain elements from review, which it has done by the regulation at 24 CFR 903.23(b). This section limits HUD scope of review of the Annual Plan (and any significant amendments or modifications to the plan) to information required by: 903.7(b), statement of the PHA's deconcentration and other policies that govern eligibility, selections, and admissions; 903.7(g), statement of capital improvements; 903.7(h), a statement of any demolition and/or disposition; and 903.7(o), Civil Rights and any other element of the PHA's Annual Plan that is challenged. This collection allows for PHAs to submit for HUD review only those Plan elements required by law and/or regulations to the key elements described above. ¶

The previous OMB-collection, submitted under emergency provisions on May 7, 2007, revised forms HUD-50075 (PHA Plans) and 50077 (Standard PHA Certifications of Compliance) and deleted forms HUD-50075-Small (PHAs Public Housing Agency Plans - Small PHAs), HUD-50075-SA (PHA Plan Streamlined Annual Version), HUD-SF (PHA Plans Streamlined 5-Year/Annual Version), and HUD-50076 (Streamlined PHA Certifications of Compliance). The proposed submission makes clear that HUD will review only those plan elements required for review as set forth in Section 5A.

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2. The information is collected from any local, regional or State agency that receive funds to operate Federal public housing or Section 8 tenant-based assistance (voucher) programs and serves as a comprehensive guide to a PHA's policies, programs, rules, operations, and strategies for meeting local housing needs and goals. Consequently, the collection information must be made available to residents participating in public housing and Section 8 voucher programs, and other members of the public.

3. The information collection requirements covered by this submission require PHAs to download the 5-Year and Annual Plan template, and Capital Fund form (HUD-50075, including 50075.1 and 50075.2) from HUD's website, fill out the information, attach additional information as required, and transmit them by mail or electronically with scanned signatures to their local HUD Field Office for review/approval. HUD manually converts a submitted Plan into a uniform readable format and will post it to an internal HUD website so appropriate field offices can review the Plan for compliance. Approved Plans are posted on the HUD website. HUD is moving toward implementation of an internet-based system, where agencies can log on-line and respond to Plan questions directly without first downloading the template. PHAs are required to continue mailing all certifications to their local HUD Field Office for review/approval.

4. As part of this information collection request and to consolidate information, HUD is only revising previously OMB approved form HUD-50075 and not previously approved form HUD-50077.
5. This collection of information may impact small PHAs. “The Act” authorizes HUD to exempt elements from HUD review except for four elements 1) deconcentration, 2) demolition and disposition, 3) civil rights, and 4) capital improvements). The proposed form HUD-50075 will be used by all PHAs to PHA Plan elements, required by law and regulation that have been revised by the PHA since its last Annual Plan submission. Submission of a PHA plan to only those elements required by law to be reviewed by HUD eliminates unnecessary submission requirements, helping to reduce the administrative burden on PHAs, as well as associated costs. This collection reduces the burden not only on small PHAs, but all PHAs by requiring that only revised/updated elements of the 5-Year and Annual Plan.
6. Collection of this information is mandated by statute. The majority of the information collections are a routine part of the PHAs day-to-day operations.
7. There are no special circumstances related to this information collection. As stated above, the information collection relates to the day-to-day operation of the PHA. All elements of the plan that are deemed information collection are maintained by the PHA.
8. Notice of Proposed Information Collection was published in the Federal Register, Vol. 72, No. 87 / Monday, May 7, 2007, Docket No. FR-5117-N-39, Page 25770. Concurrent with the 60-day FR posting, the Department requested expedited approval of the information collection to facilitate HUD’s goal of transitioning public housing to an asset management concept in accordance with 24 CFR 990. OMB granted approval of the currently approved collection on May 16, 2007. There were 20 commenters with over 100 separate questions. Based on those comments received, the Department halted the release of the OMB approved form HUD-50075. Consequently, the Department made further changes and proposes additional revisions to this collection that address those concerns.

The PHA Plan, as proposed, now applies to all PHAs regardless of size or performance status. The proposed 5-Year and Annual Plan template addresses the following concerns: 1) some commenters understood the PHA Plan template to require certain information that is now exempted under 24 CFR 903. Small and High Performing PHAs today complete a “streamlined” plan. The proposed PHA template did not clearly indicate that these “exclusions” will continue to exist. Further, some Small and High Performing PHAs were not aware that, currently, they must indicate where non-required plan elements can be obtained by the public; 2) many commenters felt that the May 7 version of the proposed PHA Plan template could be further streamlined and recommended the deletion of the Housing Needs tables (Sections 9.1 and 9.3) and PHA Plan Elements (Section 6.0). As a result, the July version of the proposed PHA Plan template replaces the Housing Needs table with language consistent with both the statute and the regulation and revises Section 6 which permits PHAs to indicate either where plan elements not subject to HUD review can be found or in addressing required plan elements; 3) other commenters felt that the revised PHA Plan proposed by the Department would weaken access to required plan elements, inhibiting public participation in the planning process. The proposed PHA Plan does not eliminate any information required by statute or regulation. Further, PHAs are still required to make all required plan elements available to the public, which is consistent with both the statute and the regulations; and 4) a number of commenters objected to the emergency nature of the posting process. HUD has heard this comment and we did not effectuate the emergency approved form HUD-50075, 5-Year and Annual PHA Plan.

The submission for the Capital Fund Program remains unchanged, however: forms have been modified. PHAs will now use form HUD-50075.1, Capital Fund Program Annual Statement/Performance and Evaluation Report, for the following purposes: 1) to submit the initial budget for a new grant; 2) to report progress on any open grant previously funded; and 3) to record a budget revision on previously approved open grants. The new form HUD-50075.2, Five-Year Action Plan, must be completed at least once every five years for all proposed work.

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PHAs identified the Annual Plan as a major target for administrative streamlining. While the 5-Year and PHA plans are required under Section 5A of the Housing Act of 1937 (the Act), HUD has discretion in determining the content of these plans. To permit implementation of the changes in the streamlined template, the form HUD-50075 is revised to consolidate all program types and sizes. ¶
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Each commenter was notified, via email, on July 3, 2007, that based on comments received the Department was redrafting the PHA Plan template and could expect a 60-day comment period.

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9. No payment or gifts to respondents is involved.

10. The PHA plans submitted to HUD are public information and do not lend themselves to confidentiality.

11. The PHA plans are not of a sensitive nature.

12. The estimated burden, based on the number of respondents, frequency of response, and annual burden is explained below:

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<u>PHA Plan - Form HUD-50075</u>	<u>PH/HCV</u>	<u>HCV only</u>	<u>Frequency</u>	<u>Total Responses</u>	<u>Estimated Hours</u>	<u>Annual Plan Burden Hours</u>	<u>5-Year Plan Burden Hours</u>
1.0 PHA Information	3163	976	1	4139	0.02	82.78	
2.0 Inventory	3163	976	1	4139	0.02	82.78	
3.0 Submission Type	3163	976	1	4139	0.02	82.78	
4.0 PHA Consortia	50	20	1	70	0.03	2.1	
5.0 Five-Year Plan	3163	976	1	4139	2		8278
6.0 Plan Elements not Subject to HUD Review	3163	976	1	4139	0.07	289.73	
7.0 Hope VI, Mixed Finance Modernization or Development, Demolition/Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers	1000	400	1	1400	2	2800	
8.0 Capital Fund Financing (CFFP)	316	0	1	316	0.02	6.32	
9.0 Housing Needs	3163	976	1	4139	1.3	5380.7	
9.1 Strategy for Addressing Housing Needs	3163	976	1	4139	1.3	5380.7	
10.0 Additional Information	200	0	1	200	1.5	300	
11.0 Required Submissions - forms HUD-50070, HUD-50071, HUD-50077, SF-LLL, SF-LLL-A	3163	976	1	4139	0.4	1655.6	
Form HUD-50075.1	3163	0	1	3163	8	25304	
Form HUD-50075.2	3163	0	1	3163	3	9489	
<u>Annual Plan Burden Hours</u>						50856.49	
<u>5-Year Plan Burden Hours</u>							8278
<u>Total Burden Hours - (Annual Plan Burden Hours * 5/yr + 5-year Plan burden hours)</u>	<u>262560</u>						
<u>Average Burden Hours for all PHAs - (Total burden hours/5yrs)</u>	<u>52512.1</u>						
<u>Average Burden Hours Per PHA - (Average burden hours for all PHAs/4139 PHAs)</u>	<u>12.6871</u>						

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Hours: 47,276.16 (236,380.80 (5-year burden/5 yrs))

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Burden hour estimates are based on a total of 4,139 PHAs (3163 PH/HCV and 976 HCV only)

Total Burden Hours this collection 262560
Average burden hours for all PHAs: 52512
Average Burden Hours Per PHA: 12.7

~~13.~~ There is no additional cost to respondents or recordkeeping for collection of this information for the elements: (a) total capital and start-up cost; and (b) total operation and maintenance and purchase of services. Respondents' costs were covered under the OMB approval for the standard PHA Plan at the time it was implemented. No proposed costs are associated with submission of a further streamlined annual Plan submission.

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~~14.~~ The cost to the Federal Government for a contract of approximately \$450,000 for 4,680 hours to manually convert submitted Plans into a uniform readable format, post them to the internal HUD website for HUD field office review, and then post approved Plans on the HUD website for public knowledge.

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~~15.~~ The burden hours in this collection represents the average number hours to complete the PHA Plan template based on the size and designation of the PHA, number of programs, and etc.. Standard and Troubled PHAs have to address all 19 PHA Plan elements and will take longer to complete its PHA Plan while Small, High Performing, and Section 8 only PHAs will take less time to complete the required 4 PHA Plan elements. Consequently, the reduction of burden hours is reflected in this proposed collection.

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16. This will not be published.

17. The expiration date will be displayed on the collection instrument.

18. No exceptions.

B. Collections of Information Employing Statistical Methods.

This collection of information will not be used for statistical purposes.

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While the Department has an urgency in making changes to the PHA Plan template to facilitate the transition to asset management, the Department is following the normal 60-day posting period for this revised version of forms HUD-50075.