**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**


Notice of Proposed Information Collection for Public Comment: Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties

**AGENCY:** Office of the Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** Comments Due Date: February 26, 2013.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Reports Liaison Officer, Office of Policy Development & Research, Department of Housing and Urban Development, 451 7th Street SW., Room 8226, Washington, DC 20410–5000.

**FURTHER INFORMATION CONTACT:** Michael K. Hollar, (202) 402–5878, for copies of the proposed forms and other available documents. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology (e.g., permitting electronic submission of responses). This Notice also lists the following information:

- **Title of Proposal:** Statutorily-Mandated Collection of Information for Tenants in LIHTC Properties.
- **Description of the need for the information and proposed use:** Section 2835(d) of the Housing and Economic Recovery Act, or HERA, (Pub. L. 110–289, approved July 30, 2008) amends Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.) (1937 Act) to add a new section 36 (to be codified as 42 U.S.C. 1437z-8) that requires each state agency administering tax credits under section 42 of the Internal Revenue Code of 1986 (low-income housing tax credits or LIHTC) to furnish HUD, not less than annually, information concerning the race, ethnicity, family composition, age, income, use of rental assistance under section 8(o) of the U.S. Housing Act of 1937 or other similar assistance, disability status, and monthly rental payments of households residing in each property receiving such credits through such agency.
- **New section 36 requires HUD to establish standards and definitions for the information to be collected by state agencies and to provide states with technical assistance in establishing systems to compile and submit such information and, in coordination with other federal agencies administering housing programs, establish procedures to minimize duplicative reporting requirements for properties assisted under multiple housing programs. In 2010, OMB approved the first collection instrument used for the collection of LIHTC household information (OMB Approval No. 2528–0165, expiration date 05/31/2012). HUD used the previously approved form to collect data on LIHTC tenants in 2009, 2010 and 2011. Renewal of this form is required for HUD to remain in compliance with the statute. OMB Approval Number: 2528–0165. Agency form numbers: None. Members of Affected Public: There are sixty state and local housing finance agencies which allocate low-income housing tax credits and conduct program compliance. HERA directs these agencies to submit the requested data to HUD.

**Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:** This data collection includes two forms, one requesting data on properties placed in service in a single calendar year and a second requesting data on all tenants in LIHTC-subsidized units, and will be conducted annually. HUD expects completion of the properties placed in service form to average approximately eight person-hours per respondent. HUD expects completion of the tenant form to average approximately forty person-hours per respondent. In combination, the overall response burden totals 48 person-hours per respondent. The total estimated annual burden across all respondents for this data collection is 2,680 hours (60 respondents x 48 hours per respondent).

- **Status of the proposed information collection:** Pending OMB approval.

**Authority:** Section 2835(d) of the Housing and Economic Recovery Act, Public Law 110–289, Title I of the U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.)

**Dated:** December 20, 2012.

Erika C. Poethig, Acting Assistant Secretary for Policy Development and Research.

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This notice is soliciting comments from members of the public and affected agencies concerning the proposed information collection in order to: (1) Evaluate whether the proposed information collection is necessary for the proper performance of HUD’s program functions; (2) Evaluate the accuracy of HUD’s assessment of the paperwork burden that may result from the proposed information collection; (3) Enhance the quality, utility and clarity of the information which must be collected; and (4) Minimize the burden of the information collection on responders, including the use of appropriate automated collection techniques or other forms of information technology (e.g., permitting electronic submission of responses).


Office: Fair Housing and Equal Opportunity.

OMB Control Number: 2529–0046.

Description of the need for the information and proposed use: The Fair Housing Act [42 U.S.C. 3601 et seq.], prohibits discrimination in the sale, rental, occupancy, advertising, insuring, or financing of residential dwellings based on familial status (individuals living in households with one or more children under 18 years of age). However, under § 3607(b)(2) of the Act, Congress exempted three (3) categories of “housing for older persons” from liability for familial status discrimination: (1) Housing provided under any State or Federal program which the Secretary of HUD determines is “specifically designed and operated to assist elderly persons (as defined in the State or Federal program)” (2) housing “intended for, and solely occupied by persons 62 years of age or older”; and (3) housing “intended and operated for occupancy by at least one person 55 years of age or older per unit [‘55 or older’ housing]”. In December 1995, Congress passed the Housing for Older Persons Act of 1995 (HOPA) [Public Law 104–76, 109 STAT. 787] as an amendment to the Fair Housing Act. The HOPA modified the “55 or older” housing exemption provided under § 3607(b)(2)(C) of the Fair Housing Act by eliminating the requirement that a housing provider must offer “significant facilities and services specifically designed to meet the physical or social needs of older persons.” In order to qualify for the HOPA exemption, a housing community or facility must meet each of the following criteria: (1)