



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Administrators, Offices of Native American
Programs; and Tribes, Tribally Designated
Housing Entities

Notice PIH-2020-10

Issued: May 13, 2020

Expires: This Notice
remains in effect until amended,
superseded, or rescinded.

Cross Reference(s):
83 FR 23710; 81 FR 10880;
2 CFR Part 200

Subject: Procedural Guidance for Tribal HUD-VA Supportive Housing (Tribal HUD-VASH)
Renewal Grant Applications

- I. Purpose.** This Tribal HUD-Veterans Affairs Supportive Housing (Tribal HUD-VASH) Notice announces renewal requirements and procedural guidance for existing recipients of the program. Pursuant to the authority provided by the Consolidated Appropriations Act, 2018, P.L. 115-141 and Consolidated Appropriations Act, 2019 P. L. 116-6 (“Appropriations Acts”), the Department of Housing and Urban Development (HUD) will renew rental assistance and associated administrative fees to all eligible Tribal HUD-VASH recipients initially funded with appropriated funds from Fiscal Year 2015, provided they meet applicable program requirements. This notice specifies the criteria for renewal grants, including data on the utilization of assistance reported by recipients under the demonstration program.
- II. Eligibility.** Tribal HUD-VASH recipients eligible for renewal funding are Indian tribes and tribally designated housing entities (TDHEs) that were awarded assistance under the rental assistance and supportive housing demonstration program for Native American Veterans authorized under the Federal Register Notice, “Tribal HUD-VA Supportive Housing Program Awards, Fiscal Year 2015” (81 FR 10880).

HUD will award renewal grants based on the requirements described in this notice.

- III. Award Information and Overview.** HUD intends to award renewal funds in one round during calendar year 2020. The renewal funds will cover the funding period of July 1, 2020 – June 30, 2021.

To receive a renewal grant, Tribal HUD-VASH recipients must submit a renewal package as outlined in this notice, including reporting information, such as rental assistance payments, number of lease renewals, and Veteran enrollment.

Renewal funding amounts will be based on a recipient's rental assistance payment and leasing information, plus an inflation factor. In addition, recipients will receive an administrative fee. The administrative fee will be \$92 per month per unit leased during the leasing period.

IV. Renewal Package Submission

A. Receipt Deadline. Recipients must submit the renewal information outlined in this notice electronically to tribalHUDVASH@hud.gov. The application window for renewal packages will be from May 13, 2020 to July 13, 2020. Electronic packages must be received no later than 11:59:59 p.m. Eastern Standard Time on July 13, 2020.

B. Renewal Package Content. Recipients must submit the following information in their renewal package:

1. Cover Letter: A one-page letter on the organization's letterhead that includes the following information:

- a. Contact Information:** Provide the current Tribal HUD-VASH recipient's point of contact information, including mailing address, telephone number, and email address.
- b. Tribal Resolution (if applicable):** Provide a statement whether the original tribal resolution for participation in the Tribal HUD-VASH program is still applicable. *If the original tribal resolution is no longer applicable, then the recipient should submit a new resolution.*
- c. Authorized Representative signature:** The cover letter should be signed by the person authorized to submit the renewal package on behalf of the recipient.

2. Program Update and Overview: Provide a report on the Tribal HUD-VASH program's progress as outlined in Section VII.A of this notice.

3. Renewal Funding Information: Provide a completed *Leasing Performance Report*. The report must reflect actual data from the period of April 1, 2019 - March 31, 2020.

4. Federal Financial Report (SF-425): If not previously submitted, provide a copy of the latest Federal Financial Report (Standard Form-425). If applicable, report any program income used towards meeting Tribal HUD-VASH program objectives.

V. Corrections to Deficient Renewal Package Submissions. If HUD identifies any deficiency in the renewal package, HUD will email the recipient's point of contact included in the cover letter, describe the deficiency, and request a cure. The recipient must carefully review the request for cure and provide the response in accordance with the instructions contained in the deficiency notification.

Deficiency clarifications or corrections must be received by HUD within the time limits specified in the deficiency notification. If a response to the deficiency is not received or not in accordance with the instructions contained in the deficiency notification, the recipient will not be considered for renewal funding.

VI. Review and Award Process. HUD staff from Headquarters and Area Offices will review each renewal package to confirm that recipients have met the criteria for renewal under this notice. HUD will look at factors including:

- A. Renewal package content:** Confirmation that a complete renewal package was submitted.
- B. Indian Housing Plan (IHP) and Annual Performance Report (APR):** Confirmation that the recipient's IHP and APR have been updated annually to include current Tribal HUD-VASH information.
- C. System for Award Management (SAM) registration:** Confirmation that the recipient's registration is current in SAM.

HUD staff will review the renewal package and will respond to recipients within 60 days of receipt. At HUD's sole discretion, HUD may contact the recipient to clarify items in the submission and establish deadline(s) for response(s).

Upon HUD's approval of the renewal package, HUD will issue a grant agreement to be signed by the recipient and will disburse funds through the HUD Line of Credit Control System (LOCCS). All documents will be provided in electronic format and must be returned in electronic format. Documents such as the grant agreement can be signed, scanned, and sent back to ONAP electronically. The recipient should maintain all documents with wet signatures in their records.

VII. Utilization of Assistance Summary. The recipient must report on its execution of the Tribal HUD-VASH program and request renewal funding request based on the criteria in this section. The renewal funding data must cover the leasing period of April 1, 2019 – March 31, 2020.

- A. Program Update and Overview.** The recipient must report how it has utilized its current funding to administer the Tribal HUD-VASH program, including the recipient's progress towards meeting the program's goals, current and projected program enrollment, challenges faced, measures taken to address issues, conducting interim/annual reexaminations, and the recipient's community involvement strategies (two-page maximum).
- B. Renewal Funding Information.** Upon publication of this notice, HUD will send to all Tribal HUD-VASH recipients an electronic version of the *Leasing Performance Report*, in a fillable PDF format. Recipients applying for renewal funding must fill out this report and include a copy with their renewal application

(see Section IV.B. of this notice).

HUD will review the data reported by recipients in *the Leasing Performance Report* and will base final renewal awards on the following factors:

- i. **Lease Period:** The start and end dates for each Veteran's lease. A Veteran may be under two separate leases during the leasing period.
- ii. **Total Unit Months Leased:** The number of months a unit was under lease during the leasing period.
- iii. **Monthly Rental Assistance Payment:** The recipient's monthly rental assistance payment under the Tribal HUD-VASH program (in other words, the total rent for the unit minus any Veteran contribution and any non-HUD funds used to pay rent).
- iv. **Fair Market Rent (FMR) review:** Section VI.H. of Federal Register Notice, "Tribal HUD-VASH Consolidation Notice" (83 FR 23710, published May 22, 2018) requires that for both housing units owned or operated by the tribe/TDHE, and privately-owned units, rents may not exceed 110 percent of FMR. Based on this, HUD will review the *Leasing Performance Report* to ensure compliance with FMR limits.

If a tribe/TDHE has deemed it necessary to charge more than 110 percent of FMR (or to place a veteran in a privately-owned unit with a rent that exceeds 110 percent of FMR), it must have obtained HUD's prior approval to do so. While HUD will review its records of prior approval, a tribe/TDHE that charges more than this limit is encouraged to submit a copy of HUD's prior approval with the renewal application in order to facilitate the review process.

If a tribe/TDHE has not sought HUD's prior approval to charge more than 110 percent of FMR, then it may include a request and justification in its renewal application. If the tribe/TDHE either does not request prior approval or if HUD denies the request to exceed FMR, then HUD will base the renewal amount at the 110 percent of FMR.

- v. **Total Administrative Fee:** Recipients will receive an administrative fee equivalent to \$92 per month, per unit leased during the leasing period. For more information on eligible administrative and planning expenses, see Section VI.M. of Federal Register Notice, "Tribal HUD-VASH Consolidation Notice" (83 FR 23710, published May 22, 2018).

The recipient must ensure the accuracy of the renewal data. HUD will validate the data and reserves the right to determine the final renewal amounts based on data validation and the availability of funds. Funding renewal may be denied for lack of verifiable program data.

VIII. Risk Evaluation. In accordance with 2 CFR §200.205, HUD will continue to consider risk and administrative capacity before making awards. HUD will examine a range of capacity indicators, including program performance, compliance with reporting requirements, outstanding financial audits, unresolved HUD monitoring findings, Office of Inspector General findings or audit findings, unresolved outstanding civil rights violations, high unexpended grant balances, compliance with mitigation plans, and overall administrative capacity to administer the Tribal HUD-VASH program. HUD may deny a renewal grant if it determines that a Tribal HUD-VASH recipient does not have adequate administrative capacity to administer the grant. HUD will follow the process outlined in Section VI.T of the Federal Register Notice, “Tribal HUD-VASH Consolidation Notice” (83 FR 23710, May 22, 2018) before making a final determination not to fund a renewal grant due to concerns regarding administrative capacity, notwithstanding the criteria in Section IV of this notice.

HUD may also impose new or revised mitigation plan requirements or special terms and conditions in accordance with 2 CFR §200.207, if any substantial administrative or programmatic concerns are identified in the review process.

IX. Funding Reduction and Reallocation. While some Tribal HUD-VASH recipients have been able to provide housing assistance to the total number of Veterans for whom they initially received grant funding, and, in turn, expend their funding from prior Tribal HUD-VASH grants, others have experienced barriers to doing so for a variety of reasons. HUD recognizes that for some recipients, delays in implementation were caused by initial difficulties in recruiting and hiring VA case managers that could be assigned to a specific recipient.

However, HUD is concerned that some recipients have been unable to provide assistance to the total number of Veterans for whom they initially were awarded funding and, in turn, unable to spend their funding, because of a lack of available housing, lack of need, lack of administrative capacity, or other reasons.

A recipient should contact HUD immediately at tribalHUDVASH@hud.gov to discuss a voluntary grant reduction if the recipient:

- A. Has unexpended funding remaining from prior Tribal HUD-VASH grants;
- B. Has been unable to provide assistance to the total number of Veterans for whom they initially were awarded funding; and
- C. Will not be able to house additional Veterans in the funding period of July 1, 2020 - June 30, 2021.

The unexpended grant funds may be returned to HUD and awarded to other Tribal HUD-VASH recipients that have available housing, need, and administrative capacity. Recipients are reminded that, in accordance with Section VI.T of Federal Register

Notice, “Tribal HUD-VASH Consolidation Notice” (83 FR 23710, May 22, 2018), HUD may terminate, reduce, or limit the availability of a grant for poor performance or substantial noncompliance with program requirements. Poor performance may include actions outside of the recipient’s responsibility, such as lack of adequate referrals, poor quality of supportive services provided by a contracted case management entity, or other reasons. Poor performance also includes an inadequate voucher utilization rate by the recipient.

X. Eligible Activities. Renewal funding awarded under the terms of this notice will be limited to current Tribal HUD-VASH program activities outlined in the Federal Register Notice, “Tribal HUD-VASH Consolidation Notice” (83 FR 23710, May 22, 2018).

XI. Reporting. Recipients of renewal funding awards will be subject to the reporting requirements in Section VI.O of the Federal Register Notice, “Tribal HUD-VASH Consolidation Notice” (83 FR 23710, May 22, 2018) and the terms and conditions of the grant award.

XII. General Tribal HUD-VASH Resources

A. Office of Native American Programs-Headquarters Office of Grants Management website:

https://www.hud.gov/program_offices/public_indian_housing/ih/tribalhudvash.

B. 2 CFR Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”: <https://www.ecfr.gov/cgi-bin/text-idx?SID=e891ff9b827f00ea9b9b773b97a609ac&node=pt2.1.200&rgn=div5>.

C. Fair Market Rents can be found at www.huduser.org/portal/datasets/fmr.html.

XIII. Paperwork Reduction Act: The information collection requirements contained in this notice are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501 et. Seq.). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The active information collections contained in this notice are approved under the PRA OMB Control Number 2577-0169.

If you have questions about the Tribal HUD-VASH grant renewal process, please contact the Tribal HUD-VASH program at tribalHUDVASH@hud.gov.

/s/
R. Hunter Kurtz, Assistant Secretary
for Public and Indian Housing