



ASSISTANT SECRETARY FOR
PUBLIC AND INDIAN HOUSING

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

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

Notice PIH 2021-28

Issued: October 6, 2021

This notice remains in effect until
amended, superseded, or rescinded

Cross Reference:

24 CFR Part 1000

OMB APPROVAL NUMBER

2577-0218 (IHP/APR)

PIH Notice 2002-24

PIH Notice 2012-49

PIH Notice 2013-29

SUBJECT: Providing Interim Funding to Recipients of Indian Housing Block Grants

- 1. PURPOSE:** This notice provides updated information to Indian tribes and tribally designated housing entities (TDHEs) on the process for requesting an advance on Indian Housing Block Grant (IHBG) formula funds, or interim funding, while under a Continuing Resolution (CR).

This notice supersedes PIH Notice 2013-29.

- 2. BACKGROUND:** The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) was enacted on October 26, 1996, and became effective on October 1, 1997. Under NAHASDA, grants are provided to Indian tribes to carry out affordable housing activities. Every year, when the full-year appropriation is enacted, the Office of Native American Programs (ONAP) awards funding based on the final appropriated amount and the IHBG formula.

A full-year appropriation for the Department of Housing and Urban Development (HUD) is often not enacted by the start of the Federal fiscal year (October 1st). Under a CR, HUD programs receive limited funding, so there are delays in allocating to recipients that fiscal year's IHBG funds. To provide relief, IHBG formula grant recipients may request interim funding, as outlined below.

Note: HUD reserves the right to revise any terms of eligibility for interim funding based on any special terms of a future CR, including the availability of funding.

- 3. ELIGIBILITY:** Indian tribes and TDHEs are eligible for interim funding under the following conditions:
- a.** The recipient's Indian Housing Plan (IHP), form HUD-52737, for the current Federal fiscal year has been submitted and determined to be in compliance with NAHASDA; and
 - b.** The recipient has a low undisbursed balance of IHBG funds available in the Line of Credit Control System (LOCCS), and any funds invested in accordance with 24 CFR §1000.58 are excluded, except as provided at Section 6.c of this Notice, Interim Funding Justification. For purposes of this Notice, low undisbursed balance is defined as a combined total balance of all IHBG grant funds in LOCCS that is equal to 25 percent or less of the recipient's most recent IHBG formula allocation.

In the event of one or more CR extensions, additional interim funding may be provided by HUD again upon request of the eligible IHBG recipient after HUD has determined that the above conditions are met.

- 4. AMOUNT OF INTERIM FUNDING:** Eligible recipients may receive an amount of interim funding that is roughly proportionate to the amount of funding available under the applicable CR, as determined by the Secretary, as compared to their current fiscal year IHBG formula estimate. Upon request, HUD will provide eligible recipients an amount approximating the length of the CR (usually 25 percent of the estimated formula amount).

If a recipient requires additional funds, the recipient shall identify the need and submit a justification of the need to their Area Office of Native American Programs (AONAP), as discussed in Submission Requirements, below. If the AONAP finds the justification sufficient, the AONAP may approve a higher amount of funds.

In the event of one or several CR extensions, HUD may, upon request, provide an additional amount of interim funding proportionate to the CR extension. For example, if the CR is extended by another three months, up to another 25 percent of funds may be available, as determined by HUD. Finally, if the amounts of interim funding provided are insufficient upon enactment of a full-year appropriation, HUD may, upon request that explains and justifies that the funds are insufficient as described in Section 6.c, provide an additional interim funding amount that may not exceed the equivalent of 60 days of the recipient's current fiscal year formula estimate.

- 5. ELIGIBLE EXPENSES:** Eligible expenses include all eligible IHBG affordable housing activities, including modernization of 1937 Housing Act units, development, housing services, crime prevention and safety activities, and model activities as described in Section 202 of NAHASDA.

6. SUBMISSION REQUIREMENTS:

Interim Funding Request: To receive an interim funding award of current fiscal year formula funds, an IHBG grant recipient must submit the following, as applicable:

- a. *Interim funding request:* The IHBG grant recipient must submit an interim funding request. This request should be submitted by an authorized representative of the IHBG recipient and must be in writing. The request should be sent by email to the AONAP Administrator.
- b. *IHP (if applicable):* If an IHP for the current Federal fiscal year has not been submitted and determined to comply with NAHASDA, the IHBG grant recipient may submit the IHP at that time.
- c. *Interim Funding Justification (if applicable):* Recipients requesting interim funding that exceeds the amount of interim funding proportionate to the amount of funding available under the applicable CR, and recipients requesting interim funding even though they do not have a low undisbursed balance in LOCCS, may still request interim funding. However, such recipients must submit a justification to the AONAP Administrator when requesting interim funding. The justification must include, as applicable:
 - i. *Additional interim funding amount:* If an IHBG recipient has a low total combined undisbursed balance of IHBG funds available in LOCCS but identifies that it will need more than an amount of interim funding proportionate to the amount of funding available under the applicable CR, as compared to their current fiscal year formula estimate, the justification must explain in detail why additional funds are needed.
 - ii. *Undisbursed balance more than 25 percent:* If a recipient identifies that its total combined undisbursed balance of IHBG funds available in LOCCS is more than 25 percent of its most recent IHBG formula allocation, but it needs interim funding, the IHBG recipient must explain in detail why the additional funds are needed, and why its undisbursed balance in LOCCS is insufficient to meet its immediate needs.

The AONAP Administrator will review the recipient's request and determine if the request meets the criteria specified in this Notice and, if applicable, determine whether the justification provided by the recipient is sufficient. The AONAP will contact the recipient regarding any issues promptly to resolve them to the extent possible.

Depending on the availability of CR funds, the AONAP Administrator may determine the request is or is not eligible to be funded. If denied, the AONAP will provide notice of denial. For each approved interim funding request, the AONAPs will send an Approval Letter and Form HUD-52734-B by email to the authorized representative to review, sign and return. Recipients will have the option to either scan and upload the signed document or sign electronically. For scanned documents, recipients will be responsible

for maintaining the original document. Funds will be available to draw down from the Line of Credit Control System (LOCCS) as soon as the signed grant agreements are returned by the applicant and processed by HUD. All documents will be provided in electronic format and must be returned in electronic format.

If you have any questions, please contact your AONAP. Persons with hearing or speech impairments may access their AONAP via TTY by calling the Federal Information Relay Service at (800) 877-8339.

/s/

Dominique Blom
General Deputy Assistant Secretary
for Public and Indian Housing