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## COVID-19 Related Frequently Asked Questions (FAQs) for Tribes and Tribally Designated Housing Entities (TDHEs)

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May 2021

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**About these FAQs:** The following Frequently Asked Questions (FAQs) have been designed to assist Tribes and TDHEs while they navigate the impact of COVID-19 on their day-to-day functions. These FAQs will be updated as needed and responses to questions may change based on waivers and alternative requirements issued by ONAP. The most recent FAQs are in **blue**.

Please note that subsequently issued PIH Notices will supersede this posted guidance.

In order for HUD staff to address all questions in a timely manner, please send all communications via e-mail. For a directory of ONAP staff contact information, please visit [www.hud.gov/codetalk](http://www.hud.gov/codetalk) and select the link for your area ONAP office on the right side of the front page. Further questions can also be sent to: [codetalk@hud.gov](mailto:codetalk@hud.gov).

### Frequently Referenced Links:

- [PIH Notice 2021-14](#), which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#): Coronavirus Aid, Relief, and Economic Security (CARES) Act Waiver Notice
- [PIH Notice 2020-06](#): Indian Housing Block Grant (IHBG) CARES Implementation Notice
- [PIH Notice 2020-11](#): Indian Community Development Block Grant (ICDBG)-CARES Implementation Notice
- [PIH Notice 2021-11](#): IHBG-ARP Implementation Notice
- [Abbreviated Indian Housing Plan \(IHP\) form for IHBG-CARES/ARP](#)
- [Guidance on submitting Abbreviated IHP for IHBG-CARES/ARP](#)
- [IHBG-ARP Funding Allocations](#)
- [Office of Management and Budget \(OMB\) Memo M-21-20](#)

## Emergency Funding

### IHBG-ARP – NEW

**1. Q: NEW: How does a Tribe/TDHE apply for Indian Housing Block Grant - American Rescue Plan (IHBG-ARP) funds?**

A: Tribes and TDHEs that are eligible to receive IHBG-ARP grants are listed here: [IHBG-ARP Funding Allocations](#). To apply for its allocation, the Tribe/TDHE would complete and submit an Abbreviated IHP. The fillable pdf version is available here: [Abbreviated IHBG-CARES/ARP IHP/APR](#). Guidance on completing the Abbreviated Indian Housing Plan (IHP) can be found here: [Abbreviated IHBG-CARES/ARP IHP Guidance](#).

At this time, there is no deadline to submit an IHBG-ARP Abbreviated IHP though grantees are highly encouraged to submit their Plan as soon as possible. Because unawarded IHBG-ARP funds may be used to fund additional ICDBG-ARP grants pursuant to the ARP, HUD may publish a deadline for submission of IHBG-ARP Abbreviated IHPs in the future.

Refer to [PIH Notice 2021-11](#): IHBG-ARP Implementation Notice for more information. Additional resources are available at the [ONAP ARP 2021](#) website. Contact your area ONAP office for technical assistance.

Please note that because IHBG-ARP funding that is not accepted may be used to fund additional ICDBG-ARP grants, HUD may establish a deadline in the future for submission of Abbreviated IHPs with respect to the IHBG-ARP program.

**2. Q: NEW: Are the waivers and alternative requirements that applied to the IHBG-CARES grants also applicable to the IHBG-ARP grants?**

A: The waivers applicable to the IHBG-ARP program are specified in PIH Notice 2021-11. They are substantially similar to the waivers previously established by HUD for the IHBG-CARES program.

**3. Q: NEW: How is the IHBG-ARP different from IHBG-CARES?**

A: IHBG-ARP waivers do not apply to FY21 IHBG formula funds, unlike IHBG-CARES waivers which could apply to FY20 IHBG formula grant funds. For example, FY21 Formula Funds cannot be reallocated to a different BLI code under IHBG-ARP, even though such action was permissible with FY20 IHBG formula funds under IHBG-CARES.

**4. Q: NEW: Would a Tribe/TDHE's IHBG-CARES funds need to be 100% expended before applying for IHBG-ARP funds?**

A: No, it is not required that a Tribe/TDHE's IHBG-CARES funds be completely expended before applying for, or using, IHBG-ARP funds. Because they are both provided to assist Tribes/TDHEs to prevent, prepare for and respond to the pandemic, both grants should be used expeditiously.

**5. Q: NEW: If a Tribe/TDHE did not take the previous CARES Act funding, will they be allocated ARP Act funding?**

A: Yes, a Tribe/TDHE that did not utilize the IHBG-CARES funds they were allocated can utilize the IHBG-ARP funds they are allocated. Tribes and TDHEs that are eligible to receive IHBG-ARP grants are listed here: [IHBG-ARP Funding Allocations](#). Additionally, if a Tribe/TDHE did not submit and IHP for IHBG-CARES but would like to do so now. Separate Abbreviated IHPs are required the IHBG-CARES and IHBG-ARP grants.

**6. Q: NEW: If a Tribe/TDHE received Treasury's Emergency Rental Assistance (ERA) program funds, can it also apply for IHBG-ARP?**

A: Yes, Treasury's ERA funds are distinct and separate from HUD funds.

**7. Q: NEW: Do IHBG-ARP funds require an environmental release of funds to be issued before expending?**

A: Yes, there are no environmental waivers applicable for IHBG-ARP funds, so an environmental release of funds is required before IHBG-ARP funds can be expended.

**8. Q: NEW: What reporting is required for IHBG-ARP funds?**

A: Like the IHBG-CARES grants, IHBG-ARP requires an Abbreviated Annual Performance Report (AAPR) requiring information identical to the CARES AAPR, quarterly Federal Financial Report (SF-425), and would be included in the annual audit for the program year(s) they were expended. See PIH Notice 2021-11. Also, like all grant funding, they will be subject to FFATA reporting.

HUD is considering whether IHBG-ARP recipients will be required to comply with reporting requirements like the IHBG-CARES quarterly reporting or other reporting requirements under ARP. If it is determined additional IHBG-ARP reporting is necessary, the Department will work in coordination with the Office of Management and

Budget to ensure that any reporting requirements can be fulfilled by recipients of ARP funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden. If additional reporting is necessary, further guidance will be released by the Department. See [PIH Notice 2021-11](#) and the updated IHBG-CARES/ARP FAQ Section below for additional information.

The CARES/ARP Required Reporting chart below shows the required reporting for the IHBG-CARES and IHBG-ARP grants and notes when they are due.

<b>Required Reporting</b>	<b>IHBG-CARES Grant # 20BV-</b>	<b>IHBG-ARP Grant # 21AH-</b>
Indian Housing Plan (IHP)	Abbreviated IHP Due at application.	
Annual Performance Report (APR)	Due 90 Days after Program Year End <u>and</u> 90 Days after project completion.	
Federal Financial Report (SF-425)	Due 30 Days after quarter end, and Final SF-425 due 90 Days after project completion. Reports Cumulative expenditure for the life of the grant.	
Annual IPA Audit	If grantee meets annual \$750,000 federal funds expended threshold, required IPA audit due 9 months after Fiscal Year End.	
FFATA	Due for all contracts and sub-grants that meet the thresholds.	
Other Reporting	Quarterly CARES ACT reporting due in CARS Portal (once website is live).	

**9. Q: NEW: Do the IHBG-ARP grant funds expire? Are they recaptured if not spent before they expire?**

A: Tribes/TDHEs are encouraged to expend IHBG-ARP funds expeditiously. There is a five-year period of performance. Funds remaining unexpended after expiration may be recaptured. See updated IHBG-CARES/ARP FAQ section below for greater detail on CARES and ARP Act applications eligible activities, waivers, and reporting.

**10. Q: NEW: How would a Tribe/TDHE request an extension for expending CARES/ARP grant funding?**

A: Per [OMB M-21-20](#), requests for an extension of a grant's Period of Performance (POP) for select grants may be submitted to the Area ONAP with an updated Implementation Schedule and Grant Agreement Addendum. No extensions can be made to a grant's appropriations expiration date. Contact your Area ONAP for more information about POP extensions for grants.

**11. Q: UPDATED: Can a Tribe or TDHE use CARES/ARP funds to serve Tribal citizens that live outside our normal IHBG service area?**

A: Yes. This is a decision for the Tribe or TDHE to make. If a Tribe or TDHE decides to do so, it should include the types and level of assistance in the program description of the abbreviated IHP.

**12. Q: UPDATED: Can a Tribe or TDHE use IHBG-CARES/ARP funds on NAHASDA units, privately owned units, former FCAS units or Tribally funded homes?**

A: Yes, so long as the activities undertaken comply with IHBG-CARES/ARP program requirements.

**13. Q: UPDATED: The CARES and ARP Acts authorize the use of IHBG-CARES/ARP funds to maintain normal operations and carry out eligible activities during the period a Tribe or TDHE program is impacted by COVID-19. What does this mean?**

A: All activities carried out with IHBG-CARES/ARP funds must be used to prevent, prepare for or respond to COVID-19. This includes maintaining operations and carrying out normal activities while the recipient's IHBG program is impacted by COVID-19. The following are some examples of uses of IHBG-CARES/ARP funds that meet these purposes, and are not exhaustive:

- Prior to the pandemic, an IHBG recipient intended to rehabilitate units for low-income families with IHBG formula funds. Due to the pandemic, the IHBG recipient had to change the planned use of these funds to respond to the pandemic and provide homelessness prevention in the form of emergency shelter to help mitigate the spread of the virus. The IHBG recipient may draw IHBG-CARES/ARP funds to carry out the originally planned rehabilitation because this qualifies as carrying out normal activities impacted by the pandemic.
- Due to the pandemic, tenants are not able to pay rent due to job loss and shelter in place orders. Therefore, the Tribe or TDHE has received significantly less program income that it relies on to operate. The IHBG recipient may draw down IHBG-CARES/ARP funds to pay for its current and future normal operating expenses that it would have paid for using the unearned program income. The recipient may not draw down funds to pay itself using IHBG-CARES/ARP funds for any lost program income that it did not earn due to COVID-19. However, it can use IHBG-CARES/ARP funds to cover IHBG-CARES/ARP eligible costs

prospectively or carry out IHBG-eligible activities that it would have normally paid for using the IHBG program income that it did not earn due to the pandemic.

Contact your Area ONAP office with any specific questions on eligible uses of IHBG-CARES/ARP funds.

**14. Q. UPDATED: Can Tribes and TDHEs switch to using electronic signatures for leases, procurement documents, and forms?**

**A:** Yes. Utilizing electronic signatures is advisable, as permitted by Tribal policy. The purchase of equipment and software to enable remote processing is an allowable cost under CARES and ARP as it prevents, prepares for and responds to the COVID-19 pandemic.

**Treasury’s Emergency Rental Assistance (ERA) Program - NEW**

**Background:** On January 5, 2021, the U.S. Department of the Treasury launched the Emergency Rental Assistance (ERA) program established by the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260). The ERA program provides direct payments to Tribes and TDHEs to assist households that are unable to pay rent and utilities due to the COVID-19 pandemic.

The Treasury Department has responsibility for administering ERA and all questions related to ERA should be directed to Treasury. However, Tribes and TDHEs have asked for clarification on the intersection between ERA and the IHBG program and other ONAP programs. For these purposes, HUD is publishing these FAQs.

**15. Q: NEW: Do IHBG-assisted residents qualify for ERA assistance from the Tribe or TDHE?**

**A:** Yes. An “eligible household” is defined as a renter household in which at least one or more individuals meets the following criteria:

- Qualifies for unemployment or has experienced a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19;
- Demonstrates a risk of experiencing homelessness or housing instability; and
- Has a household income at or below 80 percent of the area median.

Rental assistance provided to an eligible household should not be duplicative of any other federally funded rental assistance, including IHBG, provided to such household.



**16. Q: NEW: Does ERA assistance received by a family count as income for purposes of IHBG program eligibility and for purposes of determining the amount of IHBG assistance that the family is eligible to receive?**

**A:** No. The ERA payments do not count as income for purposes of determining both eligibility and level of assistance that a family is eligible for under the IHBG program or other ONAP programs.

**17. Q: NEW: Can a Tribe or TDHE utilize ERA assistance to pay itself for rent or utilities initially owed by an IHBG-assisted family that has already been forgiven under the IHBG program and that is no longer owed?**

**A:** No. ERA funds may not be used to pay back rent or utilities that have been forgiven pursuant to the discretion that Tribes and TDHEs have under the IHBG program.

**18. Q: NEW: Can ERA be used to provide assistance to homeowners who are behind on their Section 184 mortgage payments?**

**A:** No. ERA assistance may be provided only to eligible households, which includes only households obligated to pay rent. ERA funds may be used to pay for rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, housing stability services, including case management and other services intended to keep households stably housed, and other expenses related to housing.

However, a Tribe or TDHE may use their IHBG, IHBG-CARES, or IHBG-ARP funds to assist Section 184 borrowers with mortgage or foreclosure prevention assistance provided these borrowers meet IHBG program eligibility requirements, including income requirements. Tribes and TDHEs should also determine whether assistance under Treasury's [Homeowner Assistance Fund \(HAF\)](#) is available to help these homeowners.

**19. Q: NEW: Are there any HUD reporting requirements for ERA?**

**A:** Reporting on the use of ERA funds will be submitted to the Treasury Department. Treasury's reporting requirements have not yet been published. Updates to the ERA program will be available here: [Treasury ERA funds](#). The only HUD reporting requirements specific to ERA funds would be to track any program income generated from the use of ERA funds.

**20. Q: NEW: How should IHBG recipients account for rental assistance provided under the Department of Treasury's Emergency Rental Assistance to tenants residing in IHBG-assisted units?**



**A.** Emergency Rental Assistance can be used to provide rental assistance to families residing in IHBG-assisted units which are owned by an IHBG recipient or subrecipient, including units developed under the 1937 Housing Act (FCAS units). ERA is considered IHBG program income and should be treated like any other third-party source of rental receipts. It would be included in the IHBG recipient's or subrecipient's program income calculation for the program year in which the assistance was actually applied to a tenant payment ledger.

See [PIH Notice 2019-07](#), "Determining and Using Program Income Under NAHASDA," for a complete description of the calculation and reporting requirements that apply to income realized (generated) from the disbursement or use of IHBG funds.

**21. Q: NEW: Who should I contact if I have questions about the ERA?**

**A:** The Treasury Department email address for questions related to ERA is: [EmergencyRentalAssistance@treasury.gov](mailto:EmergencyRentalAssistance@treasury.gov).

**22. Q: NEW: Where can I locate more information about ERA program requirements?**

**A:** Visit the Emergency Rental Assistance webpage located at: <https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program> for the latest program updates and FAQs.

**ICDBG-CARES**

**23. Q: Can we still submit an application for an ICDBG-CARES grant?**

**A:** Due to the high demand for the ICDBG-CARES funds, the appropriations have been exhausted.

**24. Q: Where can I find guidance and resources on the ICDBG-CARES program?**

**A:** Grantees should review the HUD sub-regulation guidance on ICDBG-CARES Implementation at [PIH Notice 2020-11](#). The ICDBG-CARES funds are intended to assist Tribes and TDHEs to prevent, prepare for, and respond to COVID-19.

Presentation slides and a recording of the May 15, 2020 [ICDBG-CARES Implementation Training](#) can be found here, at [ONAP's Code Talk](#).

**25. Q: Are matching funds required for ICDBG-CARES?**

**A:** No. Matching funds are not required for the ICDBG-CARES applications. However, applicants for economic development projects must provide an analysis which shows public benefit commensurate with the ICDBG-CARES assistance requested will result from the assisted project. This analysis should also establish that to the extent practicable: reasonable financial support will be committed from non-Federal sources prior to disbursement of Federal funds; the ICDBG-CARES grant provided will not substantially reduce the amount of non-Federal financial support for the activity; not more than a reasonable rate of return on investment is provided to the owner; and, that grant funds used for the project will be disbursed on a pro rata basis with amounts from other sources. For more information see HUD sub-regulation guidance at [PIH Notice 2020-11](#).

**26. Q: Will delinquent audits prohibit our Tribe from applying for or receiving ICDBG-CARES funds?**

**A:** No, delinquent audits do not preclude an applicant from receiving ICDBG-CARES funds. The ICDBG-CARES grants are imminent threat grants awarded on a first come, first served basis to address the impact of the COVID-19 pandemic.

**27. Q: Are public safety/security services and construction of public/community facilities activities eligible under ICDBG-CARES?**

**A:** Yes, these types of activities may be eligible if the activity is an ICDBG-eligible activity and will prevent, prepare for, or respond to COVID-19. Please see the [ICDBG-CARES Implementation Notice PIH Notice 2020-11](#) for additional information and requirements. Contact your Area ONAP for specific questions.

**IHBG-CARES/ARP – UPDATED**

**28. Q: UPDATED: Can a Tribe or TDHE use FY 2019 Indian Housing Block Grant (IHBG) funds on COVID-19 activities? If so, do they need to be moved to the 1620 COVID-19 Budget Line Item in Line of Credit Control System (LOCCS)?**

**A:** For IHBG-ARP grant funds, it is not necessary to reassign or reallocate any IHBG-formula funds in LOCCS.

For IHBG-CARES: If the people being served by the activity are Native American Housing Assistance and Self Determination Act (NAHASDA)-eligible families and the activity is NAHASDA-eligible without the need to apply the waivers outlined in HUD sub-regulation guidance at [PIH Notice 2021-14](#), which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#), then any fiscal year's IHBG funding included in the IHBG 55 Grant can be used for activities to prevent, prepare for, or respond to COVID-19. Moreover, these funds would not need to be transferred to the 1620 COVID-19 Budget Line Item in LOCCS and would be reported on the FY 2020 Annual Performance Report (APR) as required of any NAHASDA-eligible activity.

The waivers in [PIH Notice 2021-14](#), which replaced [PIH Notice 2020-33 Rev-2](#), are only available for FY 2020 IHBG funds and IHBG-CARES funds. Therefore, if the activity is only permitted pursuant to the waivers/alternative requirements or the families being served are only considered eligible as a result of the waivers, only FY 2020 IHBG and IHBG-CARES funds can be used to carry out such activities or serve such families.

Accordingly, it is important to avoid using funds from years prior to FY 2020 to conduct activities that are only eligible under the waivers/alternative requirements as this would be non-compliant uses of those IHBG funds and such expenditures will be subject to repayment.

This is why it is critical that before using FY 2020 IHBG grant funds on COVID-19 related activities only eligible under the waivers/alternative requirements, a recipient contacts its local Area ONAP, advises its Grants Management or Grants Evaluation Specialist how much FY 2020 IHBG grant funds it intends to use and makes certain that amount is transferred to the 1620 COVID-19 Budget Line Item in LOCCS by ONAP where the recipient can withdraw it. Multiple transfers can be made, as needed. Recipients wishing to use FY 2020 funds can call their local Area ONAP and should also consult [ONAP guidance](#) on doing so.

If prior to the availability of the 1620 COVID-19 Budget Line Item, IHBG 55 funds have already been expended on COVID-19 activities that are only eligible uses with FY 2020 or CARES Act funds under a waiver, the recipient should immediately inform its local Area ONAP Office so that ONAP can ensure the funding came from the proper account.

If the FY 2020 IHBG funds are expended on COVID-19 activities, the recipient should amend its 2020 IHP accordingly as soon as possible and then report the use when appropriate in its 2020 APR. The Abbreviated IHP and APR should only be used to report and track the use of the IHBG-CARES grant.

Again, recipients wishing to use FY 2020 IHBG funds for activities only permitted under the waivers in HUD sub-regulation at [PIH Notice 2021-14](#), should also consult [relevant ONAP guidance](#) on how to do so.

**29. Q: UPDATED: How should a Tribe or TDHE document the provision of IHBG-CARES/ARP emergency services to non-low-income families, or those not yet verified as low-income, in the Abbreviated IHP?**

**A:** When completing the Abbreviated IHP for IHBG-CARES or IHBG-ARP funds, the individuals being served by each program activity must be identified as low-income, non-low income or non-Native/Essential. If the same activity is being provided to all three types, the Abbreviated IHP will include a separate program activity for each group with separate planned expenditures. See the [PIH Notice 2020-06](#) and accompanying [guidance](#). For IHBG-ARP, see [PIH Notice 2021-11](#).

Note that this assistance may only be provided to such otherwise ineligible families if:

- It is provided during the COVID-19 emergency;

- It is designed to protect the health and safety of low-income Native American families;
- It is provided on an urgent basis (as documented by the IHBG recipient); and
- It is temporary in nature.

When providing this assistance, IHBG recipients must maintain records documenting that all these criteria were met at the time that such assistance was provided. IHBG-CARES/ARP recipients may still provide assistance to non-low-income and non-Native/Essential families pursuant to the current IHBG program regulations. See 24 CFR § 1000.110 and [PIH Notice 2021-11](#) and PIH Notice 2021-14 (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for additional information.

**30. Q: UPDATED: The Abbreviated IHP for IHBG-CARES/ARP requires separate program line items for the same activity that identify the groups of people served: Low-income, non-low income, non-Native essential. If it is not practical to verify the income eligibility or status at the time the emergency assistance is provided, how can Tribes or TDHEs estimate the assistance provided to the different income groups? And how should Tribes and TDHEs plan to document which groups received what amount of assistance?**

**A:** ONAP recognizes it will often not be practical to verify income eligibility at the time emergency assistance is provided. Broad-reaching mitigation activities, like providing PPE and establishing mobile testing centers, are most effective when serving the community at large to prevent the spread of COVID-19 to low-income Tribal members. In these cases, the recipient should do its best to reasonably identify the income level of the persons served in the Abbreviated IHP, however even though in some cases it may not be practical to estimate the incomes based on the population demographics.

Other activities that are specific to individual or families, like temporary housing for quarantine purposes, can more easily be tracked and identified as serving current program participants (low-income) or serving families as part of the emergency response (non-low income or essential non-Natives). Contact your area ONAP to discuss specific questions on how to best document services provided with IHBG-CARES/ARP funds.

**31. Q: UPDATED: Is the IHBG-CARES/ARP Abbreviated IHP different from the FY 2020 or 2021 IHBG Formula IHP that our Tribe or TDHE already submitted for the year?**

**A:** Yes, the IHBG-CARES/ARP funding will be provided as a separate grant with a different grant number than the annual IHBG formula grant. The Abbreviated IHP is a modified version of the IHP/APR form and is intended to address activities or projects to prevent, prepare for, and respond to COVID-19 with the IHBG-CARES/ARP funding.

**32. Q: UPDATED: Is there a due date for the IHBG-CARES/ARP Abbreviated IHP?**

**A:** No. There is no due date for submitting the Abbreviated IHP. However, the sooner the Abbreviated IHP is submitted, the earlier the IHBG-CARES/ARP funds can be provided. Please note that because IHBG-ARP funding that is not accepted may be used to fund additional ICDBG-ARP grants, HUD may establish a deadline in the future for submission of Abbreviated IHPs with respect to the IHBG-ARP program. Tribes and TDHEs are strongly encouraged to apply for this funding soon.

**33. Q: UPDATED: Does the annual 20% cap on administrative and planning costs apply to IHBG-CARES/ARP grants?**

**A:** Yes. The IHBG-CARES/ARP grants are subject to the administrative expense caps defined in 24 CFR § 1000.238. These IHBG regulations do allow recipients to request approval from ONAP to exceed the cap when justified. Contact your area ONAP with questions or to request approval.

**34. Q: UPDATED: If Tribal Certifications cannot be obtained due to emergency office closures or shelter in place directives, can the Abbreviated IHP be submitted without them?**

**A:** Yes, the Abbreviated IHP can be submitted for the IHBG-CARES/ARP funds without the usually required Tribal Certifications, provided the conditions under the waivers specified in [PIH Notice 2021-11](#) and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) are met. HUD recognizes the urgency of responding to COVID-19 while normal business operations are suspended or compromised. The registered authorized official can submit the Abbreviated IHP now, without these Tribal authorizations, and obtain those certifications once normal business resumes.

**35. Q: UPDATED: If you repurpose the IHBG-Formula funds for COVID related expenses, can these then be reimbursed with IHBG-CARES/ARP funds?**

**A:** No. Only costs incurred by the recipient with non-federal funds used for COVID-19 related expenses can be reimbursed with IHBG-CARES/ARP funds. For purposes of reimbursement, non-Federal funds include Tribal funds and non-program income. However, IHBG-CARES/ARP funds can be used to maintain normal operations and carry out eligible activities during the period that the recipient's program is impacted by COVID-19. For example, this could include, but is not limited to, planned IHBG activities that were not completed as planned due to the disruption caused by COVID-19. In this scenario, the IHBG-CARES/ARP grant funds can be used to carry out the original IHBG activity that the recipient planned on carrying out, but did not carry out, due to COVID-19. These activities should be identified on the Abbreviated IHP as "COVID-19

Respond 202X-X Maintaining Normal Operations Impacted by COVID-19 National Emergency” in the drop-down menu.

**36. Q: UPDATED: What are examples of eligible activities under IHBG-CARES/ARP?**

**A:** IHBG-CARES/ARP funds are provided for activities that prevent, prepare for, or respond to the COVID-19 pandemic. Grantees should consider that activities addressing general housing scarcity and overcrowding by building, rehabbing, or acquiring new units are responding to COVID-19 and preparing for similar pandemics. For a non-exhaustive list of examples of eligible activities that may be tied to one or more of the eligible purposes of the CARES/ARP Acts, see: [PIH Notice 2020-06: IHBG-CARES Act Implementation Notice](#) and [PIH 2021-11 IHBG-ARP Implementation Notice](#).

**37. Q: UPDATED: Is there an expenditure deadline that applies to the IHBG-CARES/ARP funds?**

**A:** HUD is setting a 5-year period of performance for grants under the CARES/ARP Acts. However, IHBG-CARES/ARP recipients are strongly encouraged to expend their IHBG-CARES/ARP grants expeditiously to ensure that activities carried out using these funds can meet an eligible purpose under the CARES/ARP Acts.

**38. Q: UPDATED: If the National Emergency is declared to be over before a CARES or ARP grant recipient has completed all planned activities, projects, or programs, what effect would this have on the funding? Would the recipient have to cease carrying out activities, projects and programs and return the unexpended funds?**

**A:** CARES and ARP Act grant funds are available to prevent, prepare for, and respond to COVID-19. HUD recognizes that not all eligible planned activities, projects, and programs are short-term, and may extend beyond the National Emergency. Accordingly, depending on the planned activities, recipients will not necessarily be required to return all unexpended funds solely because the National Emergency is declared to be over. However, recipients must continue to demonstrate that all expenditures under these programs are to prevent, prepare for, and respond to COVID-19, and it may become more challenging for recipients to demonstrate that their activities, projects, and programs prevent, prepare for, and respond to COVID-19 once the National Emergency is declared to be over. Accordingly, HUD strongly encourages recipients to expend their CARES and ARP Act funds expeditiously to ensure that the recipients can clearly demonstrate that they are meeting an eligible purpose.

**39. Q: UPDATED: Is there a limit on how much can be spent on purchasing, renting, or rehabilitating units?**



**A:** Total Development Costs (TDC) limits do apply to IHBG-CARES/ARP funding; however, HUD did issue a waiver governing TDCs under the IHBG-CARES/ARP programs. An IHBG-CARES/ARP recipient may exceed the current TDC maximum by 20 percent without HUD review or approval if the purpose of the development, acquisition, rehabilitation, or assistance is to prevent, prepare for, and respond to COVID-19. Please see [PIH Notice 2019-19](#) on Total Development Costs, [PIH Notice 2021-11](#) and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for additional TDC requirements under the waiver.

**40. Q: UPDATED: Can a Tribe or TDHE provide rental assistance, mortgage assistance, or utility assistance to Tribal members living in homes the Tribe or TDHE does not own or manage?**

**A:** Yes. IHBG-CARES/ARP funds can be used to provide rental assistance, mortgage assistance, or utility assistance to eligible families living in homes the Tribe or TDHE does not own or operate.

**41. Q: UPDATED: When verifying annual income of residents or applicants for assistance, can Tribes and TDHEs rely on self-certified statements via telephone or email while social distancing is recommended due to COVID-19?**

**A:** Yes, self-certification is allowable. IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email. IHBG recipients may also conduct more frequent income recertifications to allow families that have experienced a reduction in wages or income due to COVID-19 to qualify for more assistance.

**42. Q: UPDATED: Some individuals who have experienced unemployment during the COVID-19 Emergency have received enhanced unemployment assistance under the Federal Pandemic Unemployment Compensation (FPUC) program under the CARES Act and ARP. This amount is in addition to their unemployment benefits. Would this enhanced unemployment benefit be considered income for purposes of calculating annual income and adjusted income under the IHBG and IHBG-CARES/ARP programs? What about other types of unemployment benefits?**

**A:** Depending on the method the Tribe or TDHE uses to calculate income, the answer to this question would vary:

- Section 8: If the Tribes or TDHE adopts the Section 8 definition of annual income in 24 CFR § 5.609, the regular unemployment benefits are considered income but the FPUC amount would not be included in the calculation of



annual income because these payments are temporary income and excluded under the definition of annual income.

- IRS: If the IRS definition of annual income is adopted by the Tribe or TDHE, the FPUC amount would be included in the calculation of an individual or family's annual and adjusted income because this amount is considered taxable income.
- Census: If the Census definition of annual income is adopted by the Tribe or TDHE, this amount would also be considered unemployment income that is included in the definition of annual and adjusted income under the IHBG and IHBG-CARES/ARP programs.

Additionally, the following types of unemployment benefits should be treated as income because they mirror, or are an extension of, regular unemployment insurance benefits:

- Pandemic Unemployment Assistance (PUA) for individuals who are self-employed, seeking part-time employment, or otherwise would not qualify for regular unemployment insurance (UI). This program provides up to 50 weeks of benefits and is available starting with weeks of unemployment beginning on or after January 27, 2020 and ending on or before March 14, 2021. PUA funds are administered according to the same regulations that apply to the Disaster Unemployment Assistance program (20 CFR Part 625), which is funded under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) ("Stafford Act").
- Pandemic Emergency Unemployment Compensation (PEUC) allows regular unemployment compensation recipients to receive up to 24 weeks of additional benefits. This extends unemployment insurance from 26 weeks to 50 weeks in most states, though the following states provide fewer than 26 weeks of UI: AL, AR, FL, ID, MO, NC, SC.

**43. Q. Do Economic Impact Payments (EIP) provided as part of stimulus and recovery programs count towards a family's annual or adjusted income for purposes of determining eligibility or level of assistance under the IHBG program?**

**A.** No, EIP are not considered income based on the following exemptions:

- Section 8: If the Tribes or TDHE adopts the Section 8 definition of annual income in 24 CFR § 5.609, these payments are excluded from a family's annual or adjusted income because they are considered temporary, nonrecurring or sporadic income.
- IRS: If the IRS definition of annual income is adopted by the Tribe or TDHE, (adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS)) Form 1040 series for individual Federal annual

income tax purposes) these payments are excluded from annual or adjusted income under the IHBG program because they are not taxable income.

- Census: If the Census definition of annual income is adopted by the Tribe or TDHE, these payments are excluded from annual income because they are not regularly received income or otherwise included in the income definition under the most recent decennial Census long-form as required by 24 CFR § 1000.10.

**44. Q: NEW: How should the Enhanced Child Tax Credits received by families under the ARP be treated for purpose of calculating annual income under ONAP programs?**

**A: The ARP provided an enhanced Child Tax Credit payment of up to \$300 per week that will be provided starting in July of 2021. This payment is excluded from counting towards a family's annual income under ONAP programs, regardless of the calculation method used.**

**45. Q: UPDATED: Where can I find information on the CARES and ARP grants?**

**A:** Information on CARES/ARP Act funding can be found at ONAP's [Code Talk](#) and [HUD ONAP's COVID-19 Recovery Resources page](#).

**46. Q: UPDATED: If a Tribe or TDHE did not submit an IHP or was not approved for FY 2020/21 funding are they still eligible for IHBG-CARES/ARP Act funding?**

**A:** Yes. The Tribe or TDHE would submit an Abbreviated Indian Housing Plan (IHP) and provide any additional information requested by ONAP to ensure that ONAP has the most up-to-date information.

Instructions for applying for the IHBG-ARP funds can be found in the IHBG-ARP Implementation Notice published on April 13, 2021 in [PIH Notice 2021-11](#).

Guidance on completing and submitting the IHBG-CARES/ARP IHP can be found here: [https://www.hud.gov/sites/dfiles/PIH/documents/IHBG-CARES\\_IHP-APR\\_Guidance.pdf](https://www.hud.gov/sites/dfiles/PIH/documents/IHBG-CARES_IHP-APR_Guidance.pdf)

A fillable .pdf form of the Abbreviated IHP can be found here: [IHBG-CARES/ARP IHP fillable .pdf form](#).

**47. Q: UPDATED: Can recipients reprogram their FY 2020/21 IHBG Formula grants (that are already obligated by HUD and available) in order to help address COVID-19?**

**A:** Yes. [PIH Notice 2021-11](#) for ARP and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES, waive

the requirement in 24 CFR § 1000.230 that Tribes and TDHEs get HUD approval before reprogramming FY 2020 funds. This waiver allows IHBG recipients to expend IHBG FY 2020 funds on IHBG activities that meet the eligible purposes of the CARES Act (to prevent, prepare for, and respond to COVID-19), without first having to amend their IHBG-Formula IHPs. The FY 2020/21 IHBG-Formula IHP must still be amended, but this can be completed at a later date.

**48. Q: UPDATED: Are Tribes and TDHEs required to submit certifications with their Abbreviated IHP?**

**A:** Yes. Pursuant to [PIH Notice 2021-11](#) for ARP and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES Act, IHBG recipients are required to provide HUD with all required IHP certifications in their Abbreviated IHPs. However, if an authorized official of a Tribe or TDHE provides a statement to HUD indicating that it is not practical or safe for the Indian tribe or TDHE to secure new certifications due to the impact of COVID-19 on its operations, or the operations of a beneficiary Indian tribe, HUD will accept all IHP certifications that were previously submitted and accepted by HUD for FY 2020/21 IHBG grants.

**49. Q: UPDATED: Can IHBG-CARES/ARP Act funds be used to address public health services?**

**A:** Yes. [PIH Notice 2021-11](#) for ARP and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES Act, waive Section 202(3) and establishes an alternative requirement to the extent necessary to allow IHBG funds to be used to carry out a wide range of public health services under this category of eligible activities. Accordingly, in addition to the housing services normally eligible under Section 202(3), IHBG recipients may be used on a wide range of public health activities designed to allow IHBG-eligible residents and staff of the IHBG recipient prepare for, prevent, or respond to COVID-19.

Eligible uses of IHBG funds under this waiver and alternative requirement include, but are not limited to: providing support for the vaccination effort (e.g. paying for transportation costs of residents and staff to get vaccinated), testing, diagnosis or other related services to residents; establishing a fixed or mobile location to conduct testing and treatment; paying for necessary equipment, supplies, and materials, including personal protective equipment (PPE); carrying out public health services designed to help staff, eligible residents, and other third-party providers serving eligible residents, prepare for, prevent, or respond to COVID-19; delivering meals on wheels or other food delivery services to eligible residents that are sheltered-in-place and complying with a stay at home order, or otherwise maintaining recommended social distancing.

**50. Q: UPDATED: What type of services can Tribes and TDHEs provide to non-low-income and non-Native families?**

**A:** In [PIH Notice 2021-11](#) for ARP and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES Act, HUD waived Section 201(b) and its implementing regulations, and established alternative requirements to the extent necessary to allow IHBG funds to be used by recipients to prevent, prepare for, and respond to COVID-19 through the following limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status: temporary shelter-in-place, isolation centers, purchasing and making medical testing kits available, purchasing and distributing masks and other personal protection equipment, emergency food preparation and distribution, cleaning and decontamination, and other directly related activities. Permanent rental assistance, mortgage assistance, housing rehabilitation and new housing construction may not be provided for the benefit of such otherwise ineligible families under this waiver and alternative requirement.

This assistance may only be provided to such otherwise ineligible families: if it is provided during the COVID-19 emergency; if it is designed to protect the health and safety of low-income Native American families; if it is provided on an urgent basis (as documented by the IHBG recipient); and if it is temporary in nature. When providing this assistance to non low-income and non-Native families, IHBG recipients must maintain records documenting that these criteria were met at the time that such assistance was provided.

**51. Q: UPDATED: Are Tribes and TDHEs required to establish useful life for the activities conducted to prevent, prepare for or respond to COVID-19?**

**A:** [PIH Notice 2021-14](#) provides a revised wavier regarding useful life.

Tribes and TDHEs are not required to establish an affordability determination or useful life period for assistance related to cleanup of COVID-19 contamination or temporary use of dwellings units used to quarantine families to inhibit the spread of COVID-19. This waiver **only** applies during the period that a unit is being temporarily used to prevent, prepare for, or respond to COVID-19. Useful life restrictions are required for other housing activities conducted with IHBG CARES funding. For example, if a unit is acquired for the purpose of quarantining families, no useful life restriction will apply to the unit during this temporary period when the unit is being used for COVID-19 related purposes.

It is important to note that after the unit is no longer needed to temporarily quarantine families and is no longer needed for other COVID-19 related purposes, the recipient must either place a useful life restriction on the property and continue to make it available for NAHASDA-eligible families for an affordability period set by the recipient consistent with its IHBG program or dispose of the unit.

**52. Q: UPDATED: May Tribes or TDHEs invest IHBG-CARES/ARP funds?**

**A:** No. HUD is waiving Section 204(b) of NAHASDA and 24 CFR § 1000.58 and prohibiting the investment of any IHBG funding provided under the CARES/ARP Acts. Such funding is to be used by recipients to prevent, prepare for, and respond to COVID-19, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that each recipient's program is impacted by COVID-19.

**53. Q: UPDATED: What costs or expenses incurred by Tribes or TDHEs to prevent, prepare for or respond to COVID-19 can be reimbursed at a later date under IHBG-CARES/ARP funds?**

**A:** Non-federal funds (e.g., Tribal funds and non-program income) spent by a Tribe or TDHE to prevent, prepare for, or respond to COVID-19 on or after January 21, 2020 may be reimbursed by IHBG-CARES funds. Non-federal funds (e.g., Tribal funds and non-program income) spent by a Tribe or TDHE to prevent, prepare for, or respond to COVID-19 after January 21, 2020 may be reimbursed by IHBG-ARP funds. HUD will request the Tribe to provide documentation that identifies the date preparation for COVID-19 began. That date cannot predate January 21, 2020 for IHBG-CARES (or January 22, 2020 for IHBG-ARP).

Only non-Federal funds (like Tribal revenue, non-program income) spent to prevent, prepare for, or respond to COVID-19 can be reimbursed. IHBG grant funds, other Federal grant funds, and IHBG program income may not be reimbursed using IHBG-CARES/ARP funds. Additional guidance on eligible costs is included in [PIH Notice 2020-06](#), the IHBG-CARES Implementation Notice and [PIH Notice 2021-11](#), the IHBG-ARP Implementation Notice.

**54. Q: UPDATED: Is this additional funding or is it going to be subtracted from our yearly allocation?**

**A:** The IHBG-CARES/ARP grants are additional funding and are not an advance or interim funding. IHBG-CARES/ARP funds will not be subtracted from annual IHBG formula awards.

**55. Q: Will a summary of ONAP Webinars and On-Line Training Sessions with Tribes and TDHEs be provided?**

**A:** Yes. The recordings and summaries of all COVID-related webinars and training sessions will be posted to [CodeTalk](#). Many of the questions raised in these webinars and sessions are featured in this FAQ.

**56. Q: Tribes and TDHEs administering an IHBG program are concerned that they are going to lose a substantial amount of program income because many assisted families are not able to go to work and earn an income to pay rent due to the impact by COVID-19. What can Tribes and TDHEs do?**

**A:** HUD understands that the current crisis is having a severe impact on all IHBG recipients' ability to conduct and fund operations. The CARES Act and ARP both provide additional IHBG funding. This funding must be used by IHBG recipients to prevent, prepare for, and respond to COVID-19, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by COVID-19. Accordingly, IHBG-CARES and IHBG-ARP funds may be used by a Tribe or TDHE to maintain normal operations that may have been disrupted by the ongoing crisis.

**57. Q: UPDATED: Can Tribes and TDHEs use NAHASDA-assisted units, including Formula Current Assisted Stock (FCAS) units, to quarantine individuals diagnosed with COVID-19?**

**A:** Yes. The CARES/ARP Acts allow for NAHASDA-assisted units, including FCAS units, to be utilized in the emergency response to the pandemic, to quarantine individuals in order to safeguard the health of the local community members.

**58. Q: UPDATED: Can Tribes and TDHEs use IHBG funds to deliver food, goods, and services to families as part of the emergency response?**

**A:** Yes. To safeguard the health of the local community members, funding under both the IHBG-CARES and IHBG-ARP may be used in response to the pandemic to deliver subsistence services such as food, goods, and other assistance to eligible families.

**59. Q: UPDATED: Can Tribes and TDHEs pay hazard pay to those staff required to work during the pandemic?**

**A:** Yes, the IHBG-CARES and IHBG-ARP allow for Tribes and TDHEs to pay hazard pay to employees working during the pandemic, provided such pay is reasonable for the services rendered, and conforms with the established written policies of the Tribe or TDHE, and is consistently applied against the IHBG grant. Tribes and TDHEs should adhere to the recommendations of the Centers for Disease Control and Prevention (CDC) to limit exposure to COVID-19 and eliminate the spread of the virus. If Tribes or TDHEs do not have written policies governing hazard pay, they may adopt such policies, and are advised to do so in a manner that is safe and feasible under the current circumstances.

**60. Q: UPDATED: What additional HUD funding is available to Tribes and TDHEs to cover costs related to the coronavirus pandemic?**



**A:** On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which includes more than \$2 trillion to alleviate some of the worst effects of the coronavirus disease (COVID-19). Of this total, \$200 million is included for the Indian Housing Block Grant (IHBG) program and \$100 million is included for the Indian Community Development Block Grant program. In addition, the CARES Act grants the U.S. Department of Housing and Urban Development statutory and regulatory waiver authority to help facilitate the expedient use of funds.

The \$200 million included for the IHBG program was distributed promptly to Tribes and Tribally Designated Housing Entities (TDHEs) according to the same funding formula used to award Fiscal Year 2020 funds. This funding is referred to as IHBG-CARES funding and is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19, including to maintain operations while the program is impacted by COVID-19.

The \$100 million included for the ICDBG program, referred to as ICDBG-CARES funding can be used for emergencies that constitute imminent threat to health and safety and was also fully awarded. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19.

On March 11, 2021, President Biden signed the American Rescue Plan Act of 2021 (ARP) (Public Law 117-2), which provided \$750 million in HUD resources to Indian Country to support the continued fight against COVID-19. Specifically, the ARP includes \$450 million for the Indian Housing Block Grant program (referred to as IHBG-ARP), \$280 million for the Indian Community Development Block Grant program, \$5 million for the Native Hawaiian Housing Block Grant program, and \$10 million for related technical assistance resources. Please visit the [ONAP-ARP 2021](#) website for specific program details, guidance and resources.

HUD will continue to provide updates on these programs.

## **Key COVID-19 Information Resources**

### **61. Q: UPDATED: Where can the guidelines from the CDC be found?**

**A:** UPDATED CDC Guidance, April 2021:

- General [CDC Guidance](#)
- [COVID-19 Vaccine Information](#)
- [CDC Resources for Tribal Communities](#)
- [Caring for Infected Individuals](#)
- [Precautions to Prevent COVID-19 infection](#)

### **62. Q: How should Tribes and TDHEs handle the quarantine of infected tenants in managed units?**



**A:** Tribes and TDHEs should coordinate with their Tribal Health Departments to consistently communicate with their Tribal members and help adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus. A link to the CDC recommendations is provided here: [CDC Multifamily Housing guidance](#).

**63. Q: Who can I contact with questions about emergency preparedness efforts for Tribes and TDHEs?**

**A:** Tribes and TDHEs should stay in touch with their area ONAP offices via [email](#). Questions can also be sent to [codetalk@hud.gov](mailto:codetalk@hud.gov) as this mailbox is monitored daily.

**64. Q: How will my Tribe or TDHE learn about a positive COVID-19 case?**

**A:** Tribes or TDHEs will learn about COVID-19 cases and activities in the community from their local health departments. Tribes or TDHEs should communicate with their tribal or local health department if they are concerned that residents/workers in their facility might have COVID-19. Residents can be encouraged to self-report in a broader pandemic emergency policy.

**65. Q: How does a Tribe or TDHE notify residents when there is a positive COVID-19 case in their building or property?**

**A:** CDC COVID-19 communication resources in both print and digital form are available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>.

**66. Q: How should a Tribe or TDHE inform residents/staff within a tribal housing unit that there is a positive COVID-19 case? How should a Tribe or TDHE share this information within their unit without breaking HIPAA/other privacy laws?**

**A:** Tribes or TDHEs should follow the recommendations of their local or tribal health clinic. Tribes or TDHEs can provide notification of positive COVID-19 cases without sharing the name/apartment number/other personally identifiable information to their residents and staff.

**67. Q: UPDATED: Can IHBG-CARES/ARP funds be used to support the vaccination effort?**

A: Yes. Eligible uses of IHBG funds for the health and safety of residents include, but are not limited to:

- Paying for transportation costs to get families vaccinated
- Coordinating with health clinics to provide on-site vaccinations at a housing subdivision, community center, or other mutually agreed upon site
- Paying to cover the costs of providing public health information to residents so they can be knowledgeable about the benefits of getting vaccinated and how to get vaccinated.

Please refer to the IHBG-CARES/ARP Implementation Notices for a more comprehensive listing of eligible activities.

**68. Q: Is there a place I can refer residents who are experiencing distress?**

A: The [Disaster Distress Helpline](#), 1-800-985-5990, is a 24/7, 365-day-a-year, national hotline dedicated to providing immediate crisis counseling for people who are experiencing emotional distress related to any natural or human-caused disaster.

## **Waivers and Reporting Extensions**

**69. Q: Can a Tribe or TDHE waive, suspend, or postpone annual inspections?**

A: Yes. Though there is no waiver, all non-essential inspections and maintenance needs can be addressed once the health and safety of occupants and staff can be reasonably assured. Any maintenance, repairs, appliance replacements that are life-threatening should be done as soon as possible. Tribes/TDHEs are encouraged to resume inspections for ONAP-funded housing programs when it is deemed safe to do so.

**70. Q: UPDATED: Is a bathroom or bedroom addition to an existing privately-owned house IHBG-CARES/ARP eligible if it enables Tribal members to be safely housed, avoiding homelessness or overcrowding?**

A: If the homeowner is income eligible, IHBG-CARES/ARP funds can be used to prevent, prepare for, or respond to COVID-19 by building additional bathrooms or bedrooms to existing privately owned homes. This option may be more feasible to address overcrowding than acquisition or new construction under the constraints of the pandemic.

If the homeowner is non-low income or non-Native, such housing rehabilitation will likely be an ineligible use of IHBG-CARES/ARP funds since HUD expressly prohibited the use of IHBG-CARES/ARP funds for housing rehabilitation under the waivers in HUD sub-regulation at [PIH Notice 2021-11](#) for ARP Act and [PIH Notice 2021-14](#) (which

replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES Act unless the IHBG-CARES/ARP recipient is providing such assistance pursuant to 24 CFR § 1000.110, which allows for IHBG assistance to otherwise ineligible families in limited circumstances.

Again, please review HUD sub-regulation guidance at [PIH Notice 2021-11](#) and [PIH Notice 2021-14](#) for information regarding the waivers for IHBG-CARES/ARP, as well as [PIH Notice 2020-06](#), the IHBG-CARES Implementation Notice. Please also reach out and contact your area ONAP for further assistance.

**71. Q: UPDATED: Can grantees use IHBG-CARES/ARP funds to rehabilitate the homes of over-income families to address water/sewer problems?**

**A:** The rehabilitation of homes for over-income households is expressly prohibited under the CARES/ARP Act Waivers and Alternative Requirements detailed in HUD sub-regulation guidance at [PIH Notice 2021-11](#) for ARP and [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#), for CARES) “Permanent rental assistance, mortgage assistance, housing rehabilitation and new housing construction may not be provided for the benefit of such otherwise ineligible families under this waiver and alternative requirement”.

However, the safety of the water/sewer infrastructure shared by a community may be eligible if it can be demonstrated that the health and safety of low-income families that utilize the same system is at risk. Contact your area ONAP to consult on a specific situation.

**72. Q: UPDATED: Can a Tribe or TDHE distribute gift cards for groceries and supplies to eligible Tribal members using IHBG-CARES/ARP?**

**A:** Because recipients must be able to document that all IHBG-CARES/ARP funding is spent on activities to prevent, prepare for, or respond to COVID-19, using IHBG-CARES/ARP funds to purchase gift cards presents significant documentation challenges and risks. Instead, HUD strongly advises program designs that will ensure that a recipient can clearly document that IHBG-CARES/ARP funds are used on eligible costs and for the benefit of the eligible family receiving the assistance.

For example, a Tribe or TDHE should consider purchasing eligible food, goods and supplies from a store and distributing them to Tribal members directly. A Tribe or TDHE may also establish lines of credit with third party providers (e.g., grocery stores) on behalf of specific beneficiary families, provided all expenses can be properly documented and all IHBG-CARES/ARP funds used for this purpose are expended on eligible activities.

**73. Q: UPDATED: If a Tribe or TDHE is approved to invest IHBG funds and has already drawn and invested the FY 2020 IHBG funds, how should it document pulling the invested funds to use to prevent, prepare for, and respond to COVID-19 under the waivers?**

**A:** IHBG recipients that have been approved to invest IHBG funds may use any of their invested funds for COVID-19 activities as long as the activity and its beneficiaries are NAHASDA eligible. However, if an activity is eligible only because of the waivers and alternative requirements specified in HUD sub-regulation at [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) for CARES, then only FY 2020 IHBG funds can be used. The waivers and alternative requirements do not apply to IHBG funds prior to FY 2020 or after FY2020.

If an investment-approved IHBG recipient chooses to use invested FY 2020 IHBG funding for COVID-19-related activities that are allowable only due to the waivers and alternative requirements, the recipient should consult ONAP guidance because it must retain documentation detailing:

- The amount it withdraws from its investment account for COVID-19 activities,
- What COVID-19 activities it carries out under the waivers and alternative requirement set forth in [PIH Notice 2021-14](#),
- The contracts, subgrant agreements, jobs created, invoices, and any other information required by [PIH Notice 2020-06](#) supporting how and where the funds were expended.

These reporting requirements are subject to change through future notice.

In accordance with [PIH Notice-2020-06](#), the investment-approved IHBG recipient must amend its FY 2020 IHP as soon as possible and detail the amounts of FY 2020 IHBG invested funds expended on COVID-19-related activities.

Likewise, the investment-approved IHBG recipient must report the use of the FY 2020 IHBG funds for COVID-19-related activities on its Annual Performance Report and on its quarterly Financial Reports (SF-425) in Line 12 or on an attached page.

Additionally, in accordance with [PIH Notice 2021-14](#), IHBG-ARP [PIH Notice 2020-06](#), IHBG-CARES/ARP funding can only be used for COVID-19 activities and may not be invested.

**74. Q: UPDATED: What special Reporting Requirements do the CARES and ARP Act recipients need to comply with?**

**A:** Recipients should consult [PIH Notice 2021-11](#) (IHBG-ARP), [PIH Notices 2020-06](#) (IHBG-CARES) and [2020-11](#) (ICDBG-CARES) regarding the reporting requirements

for each grant. Recipients will be required to submit separate Quarterly Federal Financial Reports (SF-425) for both sources of funding, separate Abbreviated APRs for the IHBG-CARES/IHBG-ARP and separate Annual Status and Evaluation Reports (ASERs) for the ICDBG-CARES. HUD will issue further guidance on reporting requirements for recipients that received over \$150,000 in CARES Act funding in the near future.

**75. Q: UPDATED: What audit deadlines were changed by the Office of Management and Budget (OMB)?**

**A:** On March 19, 2021, OMB issued [M-21-20](#), Promoting Public Trust in the Federal Government through Effective Implementation of the American Rescue Plan and Stewardship of the Taxpayer Resources. This memo extended the audit due dates by 6 months, as reflected in the updated chart below.

OMB [M-20-26](#) rescinded OMB M-20-17, and thereby required ONAP to change the deadlines for filing audits required by Single Audit Act (chapter 75 of title 31, United States Code), implemented by 2 CFR Part 200, subpart F. Importantly, it shortened the extension provided for single audits for program years ending 12/31/2019, to be due 12/31/2020.

On December 31, 2020, OMB issued an Addendum to [OMB 2 CFR Part 200, Appendix XI, Compliance Supplement](#) (Addendum) that specifically addresses unique COVID-19 and CARES Act funding issues for auditors. The Addendum also provides a 3-month audit submission extension for single audits of 2020 year-ends through September 30, 2020, year-ends - for the recipient that received COVID-19 funding.

**OMB Extensions to Single Act Audit Due Dates**

Fiscal Year End	Original Due Date	Previous	Previous	NEW Due Date
		Extension Date	OMB Reference	<a href="#"><u>M-21-20</u></a>
6/30/2019	3/31/2020	9/30/2020	<a href="#"><u>M-20-26</u></a>	N/A
9/30/2019	6/30/2020	12/31/2020		N/A
12/31/2019	9/30/2020	12/31/2020		3/31/2021
3/30/2020	12/31/2020	3/31/2021	<a href="#"><u>Compliance Supplement: For COVID Fund Recipients Only</u></a>	6/30/2021
6/30/2020	3/30/2021	6/30/2021		9/30/2021
9/30/2020	6/30/2021	9/30/2021		12/31/2021
12/31/2020	9/30/2021			3/31/2022
3/31/2021	12/31/2021			6/30/2022
6/30/2021	3/31/2022			9/30/2022

HUD is not authorized to grant additional extension requests for single act audits. Should OMB further revise due dates for single audits, HUD will advise TDHEs and Tribes as soon as possible. If you have any questions, contact your Area ONAP for guidance.

### **Environmental- UPDATED**

**76. Q: Are there any waivers for environmental review requirements?**

**A:** No, there are no waivers for Environmental Review Requirements. HUD's Office of Environment and Energy has published Guidance on COVID-19 and environmental reviews, and will continue to update it, available [here](#).

This guidance covers submitting Form 7015.15, posting reviews for public comment, accepting public comments, consultation under Section 106 of the National Historic Preservation Act, and more.

**77. Q: Is an Environmental Review Request for Release of Funds needed prior to use of the CARES Act funds?**

**A:** The environmental requirements for CARES Act are not different from IHBG or ICDBG programs. If an activity requires a Request for Release of Funds (RROF) under 24 CFR Part 58 because it is categorically excluded and subject to the related laws (24 CFR § 58.35(a)) or requires an environmental assessment (24 CFR § 58.36), then a RROF for CARES Act funding is required.

**78. Q: UPDATED: How do Tribes meet environmental compliance requirements when reimbursing eligible and allowable CARES and ARP funded activities?**

**A:** Environmental requirements apply when CARES and ARP Act funds are used to reimburse costs incurred by the recipient, including costs incurred prior to the enactment of the CARES and ARP Acts. For projects that the Tribe has determined are exempt or categorically excluded and not subject to the related laws (CENST) pursuant to 24 CFR §§58.34 and 58.35(b), the Tribe may complete the environmental review by documenting the exemption or CENST and ensuring compliance with 24 CFR § 58.6 before committing its CARES or ARP Act funds as reimbursement after the underlying exempt/CENST activities took place. See the below FAQ for a chart of activities that are exempt or categorically excluded not subject to the related laws and authorities.

**79. Q: UPDATED: What CARES or ARP Act funds do not require an Environmental Review Request for Release of Funds?**

**A:** For activities that the Tribe has determined are exempt or categorically excluded and not subject to the related laws pursuant to 24 CFR §§58.34 and 58.35(b), the Tribe may

provide IHBG-CARES/ARP assistance to the entity undertaking the project after ensuring compliance with 24 CFR § 58.6. The tribe may complete the environmental review by documenting the exemption or CENST and ensuring compliance with 24 CFR § 58.6 before committing its IHBG CARES/ARP fund as reimbursement after the underlying exempt/CENST activities took place.

Exempt and categorically excluded not subject to the related laws and authorities, include but are not limited to:

<b>Level of environmental review and type of activity</b>	<b>Regulation: 24 CFR</b>
<b>Exempt and CENST activities</b>	<b>§§ 58.34 and 58.35(b)</b>
Development of plans and strategies. Such as gathering data and develop non-project specific emergency infectious disease response plans.	§ 58.34(a)(1)
Payment of principal and interest on loans made or obligations guaranteed by HUD.	§ 58.34(a)(11)
Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.	§ 58.34(a)(9)
Provide testing, diagnosis or other services at a fixed or mobile location.	§ 58.35(b)(2)
Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.	§ 58.35(b)(2)
Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.	§ 58.34(a)(4)
Provide technical assistance, grants, loans, and other financial assistance to microenterprises for in-home services, food/medicine delivery, cleaning, and other services to support home health and quarantine without acquisition, construction, rehabilitation.	§ 58.35(b)(2) § 58.34(a)(9) (for technical assistance)
Provide equipment, supplies, and materials necessary to carry-out a public service. For example, protective equipment for healthcare workers, patients, homeless people, individuals, including telehealth equipment, personal protective equipment (PPE) (gloves, sanitizers, face mask/goggles, soap, hand/bath wipes, temporary washing/shower stations), and supplies to clean and disinfect a residential building, facility, or public space.	§ 58.35(b)(3)
Short term payments for rent/mortgage/utility costs, assistance accessing government benefits and services, mental health services; legal services; housing services; in home assistance; employment assistance; and homeless prevention services.	§ 58.35(b)(2)



Provide assistance to communities to address the needs of low- and moderate-income students to access online classes where schools have been closed to prevent the spread of infection.	§ 58.35(b)(2)
Provide assistance to community food banks and mobile food pantry services to increase food inventory and provide pick-up/drive-up food services.	§ 58.35(b)(2)
Administrative expenses	§ 58.34(a)(3)

**80. Will COVID-19 related work require environmental reviews?**

**A:** Yes, if HUD funding is being used for that work. The HUD Office of Environment has published Guidance on COVID and environmental reviews, and will continue to update it, available here: <https://www.hudexchange.info/programs/environmental-review>. Guidance covers submitting Form 7015.15, posting reviews for public comment, accepting public comments, consultation under Section 106 of the National Historic Preservation Act, and more.

**81. Q: Should Tribes and TDHEs prepare for onsite monitoring visits or remote monitoring by Area ONAP staff?**

**A:** At this time, the impact of COVID-19 continues to hinder normal operations at many Tribal Nations. Therefore, the 2021 monitoring schedule will be reduced in scope and number of reviews. The monitoring reviews will primarily be conducted remotely unless both HUD and the recipient deem on-site monitoring reviews safe to conduct. The 2021 Monitoring Schedule will be shared with grantees and posted to CodeTalk once available.

**82. Q: How will ONAP handle Training and Technical Assistance while many parts of the country are required to shelter in place?**

**A:** Currently, ONAP continues to respond to TA requests and provide direct technical assistance remotely. The TA Request Form can be found on ONAP's Training webpage at: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/training](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/training)

Your area ONAP continues to be available to answer general technical assistance questions.

**Eviction Moratorium – UPDATED**

**83. Q: UPDATED: Is there an eviction moratorium under the CARES Act?**

**A:** Section 4024 of the CARES Act imposed a temporary moratorium on evictions, as well as a moratorium on fees and penalties related to nonpayment of rent. The eviction moratorium was in effect for a 120-day period beginning on March 27, 2020. The eviction moratorium under Section 4024 of the CARES Act expired on July 24, 2020.

A separate eviction moratorium was issued by the [Centers for Disease Control and Prevention \(CDC\) on September 4, 2020](#) providing tenants with protections against evictions for nonpayment of rent through December 31, 2020. The Order applies to all tenants, lessees, or residents of residential property in the country who are subject to eviction for nonpayment of rent and who sign and submit a declaration, as described in the Order, under penalty of perjury. On December 27, 2020, the [Consolidated Appropriations Act of 2021](#) extended the CDC eviction moratorium until January 31, 2021. The CDC has further extended the moratorium until March 31, 2021 and most recently to June 30, 2021.

On May 5, 2021, a U.S. District Court for the District of Columbia issued a decision holding that the CDC exceeded its authority in issuing the eviction moratorium. The Department of Justice filed to appeal this decision. The eviction moratorium remains in place as the case is litigated.

HUD will continue to update guidance on the CDC eviction moratorium over time.

More FAQs on the CDC eviction moratorium are available [here](#).

**84. Q: UPDATED: Does the CARES Act Section 4024 eviction moratorium apply to programs administered by the Office of Native American Program?**

**A:** The CARES Act eviction moratorium, that expired on July 24, 2020, applied to units where a Tribe or Tribally Designated Housing Entity (TDHE) is the mortgage borrower under the Section 184 Indian Home Loan Guarantee Program, units subject to a mortgage loan guaranteed under the Section 184A Native Hawaiian Home Loan Guarantee program, and units currently assisted under the Title VI Indian Loan Guarantee Program. In such cases, Section 4024 of the CARES Act applied, and the Indian Tribe/Tribally Designated Housing Entity could not charge fees for nonpayment of rent, nor initiate a legal action to evict or take possession of the unit for nonpayment of rent.

Units assisted under the Indian Housing Block Grant (IHBG) Program and the Indian Community Development Block Grant (ICDBG) Program were not subject to the eviction moratorium under Section 4024. However, some Indian Tribes may have issued similar eviction moratoriums under their respective programs, or pursuant to Tribal law. Tenants subject to a possible eviction should contact their respective Tribal government or TDHE for more information.

An additional and separate eviction moratorium, was issued by the [Centers for Disease Control and Prevention \(CDC\) on September 4, 2020](#) banning evictions through December 31, 2020. On December 27, 2020, the [Consolidated Appropriations Act of 2021](#) extended the CDC eviction moratorium until January 31, 2021. This date has been further extended by the CDC to March 31, 2021 and most recently to June 30, 2021.

For additional information, refer to the [HHS/CDC eviction moratorium FAQs](#) and [HUD/PIH CDC eviction moratorium FAQs](#), updated February 5, 2021.

**85. Q: UPDATED: Although the eviction moratorium in the CARES Act expired, is the 30-day notice to vacate requirement still in effect for CARES Act covered properties?**

A: Notwithstanding the expiration of the CARES Act eviction moratorium, the CARES Act 30-day notice to vacate requirement for nonpayment of rent, in Section 4024(c)(1), is still in effect for all CARES Act covered properties.

**86. Q: NEW: When the CDC Eviction Moratorium is no longer in effect, what can Tribes and TDHEs do to prevent evictions for nonpayment of rent?**

A: Once the CDC eviction moratorium is no longer in effect, many families may be at risk of eviction for nonpayment of rent. HUD reminds Tribes and TDHEs that Treasury ERA funds may be used to provide critical rental assistance and utility assistance to eligible families to prevent them from being evicted for nonpayment of rent. Additionally, IHBG, IHBG-CARES, and IHBG-ARP funds may be used to provide assistance to these families. Please contact your Area ONAP office if you have questions on how funds can be used to provide assistance to prevent evictions and homelessness.

**87. Q: Our Tribe or TDHE determined that, given the extent of the outbreak in our area and the impact on our staff, we may have significant disruptions in regular services, including Indian Housing Plans/Annual Performance Reports, and other required documents. Can HUD grant any relief on these regulatory requirements?**

A: As part of planning efforts related to COVID-19, HUD encourages tribes and TDHEs to evaluate which functions can be done remotely if the office closes or staff are quarantined. However, HUD recognizes that local circumstances may impact a tribe or TDHEs' ability to comply with certain requirements, including deadlines. As such, and in an abundance of caution, HUD encourages Tribes and TDHEs to prioritize efforts to reduce or mitigate the risk of infection.

HUD may waive Indian Housing Plan (IHP) requirements for a period of up to 90 days beyond the IHP submission due date when an IHBG recipient cannot comply with IHP requirements due to exigent circumstances beyond the recipient's control. IHP waiver requests should be submitted to Area ONAPs. HUD may also grant APR deadline extensions.

**88. Q: What are HUD's procurement policies to meet response needs during this time (e.g., specialized cleaning)?**

A: Federal regulations at 2 CFR § 200.320(c) permit a Tribe or TDHE to procure from single source through noncompetitive proposals. A Tribe or TDHE can solicit a proposal from one source only when one or more of the following circumstances apply: (1) An item is available only from a single source; (2) A public exigency or emergency for the

requirement will not permit a delay resulting from competitive solicitation; (3) HUD expressly authorizes noncompetitive proposals in response to a written request from a Tribe, or TDHE; or (4) Competition is determined inadequate after solicitation of a number of sources.

Tribes and TDHEs must maintain in their files, however, a rationale of the single source proposal and cost analysis (i.e., proposed cost data, cost projections, evaluation of specific elements of cost and profits). Labor costs are based on the going market rate at the time. Conflict of interest requirements continue to apply in this situation.

### **Emergency Operations and Tribal Policies**

**89. Q: Would direct, general welfare payments to Tribal members for living expenses be an eligible use of ICDBG-CARES funds?**

**A:** No. Cash payments to Tribal members in the form of general welfare payments are not eligible public service activities and would not be an eligible use of ICDBG-CARES funds. HUD did authorize the use of ICDBG-CARES funds for emergency payments, made to a provider of services on behalf of an individual or family, to cover certain expenses for a limited period of time. ICDBG-CARES applicants and recipients should review HUD sub-regulation guidance at [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)) closely for more information.

**90. Q: Is HUD approval of the use of force account labor required for new construction and renovation work proposed under ICDBG-CARES?**

**A:** Yes. Pursuant to 24 CFR § 1003.509, HUD review and approval of the force account capacity and management is still required under ICDBG-CARES if a recipient intends to use tribal work forces for construction or renovation activities funded with ICDBG-CARES funds.

**91. Q: UPDATED: Can a Tribe or TDHE use IHBG-CARES/ARP funds to purchase technology equipment for Tribal government or Tribal committees other than housing committees?**

**A:** The cost of equipment for Tribal committees that do not support the IHBG program cannot be paid with IHBG funds. If a portion of a Tribal committee's work directly supports the IHBG program to prevent, prepare for, or respond to COVID-19, a prorated proportion of the cost of the equipment may be charged to the FY 2020 IHBG or IHBG-CARES/ARP grants. If the costs are charged as indirect costs, the charges must be consistent with a recipient's approved indirect cost rate. Documentation of the Tribal committee's level of involvement must be maintained. Additionally, duplication of

benefits should be avoided if other federal funds are provided for this purpose and there is no unmet need as a result. Contact your area ONAP for specific guidance.

**92. Q: UPDATED: Can a Tribe or TDHE suspend their restriction on housing Tribal members with a felony during the emergency period?**

**A:** Yes. Pursuant to Section 203(d) of NAHASDA, an IHBG-CARES/ARP recipient must have written policies governing the eligibility, admissions, and occupancy of families assisted under the program. Accordingly, it is the Tribes' and TDHEs' decision to determine whether individuals who have been convicted of a felony in the past may be served under their programs. The temporary suspension of any restriction on serving persons previously convicted of a felony should be documented as responding to COVID-19 in the Tribes' or TDHEs' emergency policies.

**93. Q: UPDATED: Can IHBG-CARES/ARP be used to rent hotels or units for quarantine outside of the service area, like for members that must quarantine before returning to the community?**

**A:** Yes. A Tribe may use IHBG-CARES/ARP funds to secure hotel rooms or units for quarantine purposes outside of its normal IHBG service area to prevent, prepare for, or respond to COVID-19.

**94. Q: UPDATED: Can you use the IHBG-CARES/ARP funds for housing students returning from college who have no place to stay?**

**A:** Yes, returning students would be included in emergency housing activities that prevent, prepare for, or respond to COVID-19. Such assistance must be provided in accordance with IHBG program requirements, including requirements governing rental assistance.

**Duplication of Benefits – UPDATED**

**95. Q: UPDATED: HUD has advised IHBG-CARES/ARP recipients not to duplicate benefits. What does that mean?**

**A:** Section 312 (42 U.S.C. 5155) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.), prohibits duplication of benefits for programs that provide financial assistance to people or entities suffering losses because of a major disaster or emergency. For COVID-19 emergency and subsequent major disaster declarations, duplication of benefits occurs when Federal financial assistance is provided for the same costs paid by any other source, or for costs to repair or replace losses that have or will be paid by private insurance, and the total amount received exceeds the total need for those costs. Practically, what this means is that IHBG-CARES/ARP funds cannot be used to pay for eligible costs that have already been paid for, or will be paid for, by another Federal program, insurance, or other

sources. If this occurs, the recipient must repay its IHBG-CARES/ARP program. This does not include the reimbursement of costs previously incurred by the recipient as authorized under the CARES and ARP Acts.

Recipients should check to see that subgrantees, assisted individuals or families, businesses, and other entities that receive assistance under IHBG-CARES/ARP have not previously received, or will not receive, duplicative assistance from another source before IHBG-CARES/ARP assistance is provided. This duplication of benefits analysis may be accomplished in various ways including by requiring them to provide a self-certification indicating that they have not received a duplicative benefit, requiring them to fill out a questionnaire listing potentially duplicative assistance that they have already received, or reasonably anticipate receiving, and through other means. The recipient must do this duplication of benefits analysis before providing IHBG-CARES/ARP-funded assistance and should only pay for unmet needs/needs not met by other sources of assistance. The recipient must also require that if a subgrantee, individual or family, business, or other entity subsequently receives a duplicative benefit, they agree to repay the recipient's IHBG-CARES/ARP program.

**96. Q: UPDATED: What is another option to complete a duplication of benefits analysis at a programmatic level?**

**A:** Another approach is to develop an overall budget for COVID-19 preparation, prevention and response that demonstrates the funding need for the activity and the funding reasonably anticipated. This budget should include all Federal and non-Federal funding, including in-kind donations. If the budget shows that the need is greater than the funding sources, there is no duplication of benefits.

The recipient must do this duplication of benefits analysis before providing IHBG-CARES/ARP-funded assistance and should only pay for unmet needs/needs not met by other sources of assistance.

**97. Q: UPDATED: How can recipients prevent a duplication of benefits?**

**A:** Recipients can prevent duplication of benefits by having an awareness of other assistance that their community may receive to prevent, prepare for, and respond to COVID-19 and designing their IHBG-CARES/ARP program and activities to target unmet needs.

In particular, recipients should ensure that any IHBG-funded or ICDBG-funded assistance provided is not duplicative of assistance provided under the Department of Treasury's Emergency Rental Assistance (ERA) and the Homeowners Assistance Fund (HAF) programs.

**98. Q: UPDATED: What happens if there is a duplication of benefits?**



**A:** The recipient will be required to ensure that the IHBG-CARES/ARP program is repaid with non-Federal funds.

**99. Q: How should a Tribe or TDHE interact with the community or tribal members to provide services during the COVID-19 pandemic while social distancing and sheltering in place is in progress?**

**A:** Tribes and TDHEs have utilized email, recorded telephone messages, radio announcements, mailings, and large-scale posters at crossroads or in front of Tribal departments to advise Tribal members of available resources and provide news. Coordinating outreach with other Tribal departments like Tribal police or a Tribal Health Department has been effective for some recipients.

**100. Q: How should public meetings be conducted while the public is restricted from attending due to social distancing and quarantine directives?**

**A:** Tribes and TDHEs are encouraged to hold such meetings remotely or online. Tribes and TDHEs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

**101. Q: How should my Tribe or TDHE prepare for COVID-19 virus infections among our assisted families?**

**A:** HUD recommends that Tribes or TDHEs that administer housing programs consider the potential impacts that may occur if a resident contracts COVID-19 virus or there is a state or local quarantine directive. These could be addressed in a pandemic emergency, or continuing operations plan.

Some topics to consider in your plan include:

- Staff Management and Communication
  - Reviewing personnel policies and labor agreements
  - Determining essential and non-essential positions, as well as remote work options
  - Providing access to health care providers and/or police
  - Guidance from CDC and Occupational Safety and Health Administration (OSHA) on worker protection and personal protective equipment (PPE)
- Resident Communication
  - Managing short-and long-term quarantines in a unit or a property
  - Working with resident groups
  - Providing access to health care providers and/or police if requested
  - Guidance from CDC and state, or tribal health departments
  - Residents with special needs, and any reasonable accommodations that may be requested
  - Encouraging residents to self-report illness or quarantines



- Continued operations of supportive services programs while closed and/or teleworking
- Resident Safety and Security
  - Policies, procedures and other measures to protect vulnerable populations
  - Identifying local service providers (e.g., private grocery delivery)
  - Residents with special needs, and any reasonable accommodations
  - Internet connectivity
- Modifying Regular Processes (if Advised)
  - Unit inspections
  - Rent Collection
  - Recertifications
  - Unit maintenance (if not performed by the owner)
  - Hardship policies
  - Public meetings
- Additional Considerations for Tribes/TDHE Boards of Commissioners
  - State, local or tribal laws about public meetings
  - Changes to standard communication methods
  - Procurement policies and approvals
  - Other Tribal policies (e.g., Admissions and Occupancy Policy).

**102. Q: If we must do specialized cleaning of a unit or building, what guidance should I follow?**

**A:** The following websites provide useful information for Tribes and TDHEs regarding specialized cleaning of units, but they should seek guidance from their tribal health department:

- CDC's main website: [www.cdc.gov/coronavirus/2019-ncov/](https://www.cdc.gov/coronavirus/2019-ncov/);
- Cleaning for community areas: [Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#);
- Cleaning for a household: [Interim Recommendations for US Households with Suspected/Confirmed Coronavirus Disease 2019](#);
- CDC's guidance covers recommended disinfectants and PPE. Additional information on disinfectants is also available at [www.epa.gov/coronavirus/](https://www.epa.gov/coronavirus/); and
- Guidance for workers and PPE is also at [www.osha.gov/SLTC/covid-19/](https://www.osha.gov/SLTC/covid-19/).

**103. Q: How should staff that regularly interact with residents and their homes perform their regular duties if there is a quarantine? Activities may include in-person rent collection, and income certification?**

**A:** Tribes and TDHEs should plan now for alternative procedures for these processes, as they may become restricted during a quarantine. Options may include electronic transmission of funds, online teleconference calls, or secure collection boxes for payments. As part of planning, follow CDC guidance to avoid virus transmission and to provide personal protective equipment (PPE) sufficient for the service performed. For more information, see CDC's guidance on PPE and cleaning at [www.cdc.gov/coronavirus/2019-ncov](https://www.cdc.gov/coronavirus/2019-ncov). As a reminder, HUD does not mandate in-person meetings for income certification or recertifications.

**104. Q: If IHBG maintenance staff are working in units, can we provide them with masks, safety suits, and other protection equipment?**

**A:** IHBG funds may be used to purchase personal protection equipment to allow Tribal and TDHE staff to carry out their necessary duties under the program. During this emergency, the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**105. Q: What activities can be supported with Indian Housing Block Grant (IHBG) funds?**

**A:** IHBG formula funds can be used to pay for the cost of a wide range of eligible activities and administrative and planning costs to protect the health and safety of families assisted under the program, Tribal or TDHE housing staff. This includes, but is not limited to, using IHBG funds to pay for:

- Staff salaries and expenses for planning and response
- Purchasing personal protective equipment (PPE) necessary for TDHE staff to administer the IHBG program
- Purchase and use of cleaning supplies such as disinfectants, sanitizers, waste disposal supplies, and other supplies to disinfect homes of residents, common areas, and housing related public facilities and other public spaces like playgrounds
- Purchase and use of supplies and materials to promote the safety of residents and Tribal housing staff including gloves, surgical masks and goggles, hand hygiene products, soap, paper towels, hand sanitizer, hand wipes, and tissues, thermometers, and more
- Transportation costs of staff to perform IHBG program functions
- Costs to upgrade equipment or technology to facilitate electronic communication and reduce reliance on in-person meetings and transactions. These costs are administrative expenses subject to the administrative cap in 24 CFR § 1000.238

- Temporary relocation assistance to families impacted by COVID-19, or to prevent exposure or spread of the virus
- Rehabilitation of housing to improve ventilation
- Housing services to educate residents on prevention and remediation measures to limit risks associated with COVID-19, and other related public health education initiatives
- Costs of establishing and operating facilities, such as isolation centers, to house persons with COVID-19 if they are unable to isolate on their own. Such facilities may include homeless persons or those that could possibly infect vulnerable populations, such as the elderly or those with existing medical conditions who are at high-risk.

**106. Q: Can a Tribe or TDHE submit a Model Activity approval request to HUD to help address COVID-19?**

**A:** Yes. Tribes and TDHEs that seek to carry out certain activities that are designed to help address the impact of COVID-19 in Tribal communities, and not otherwise expressly listed as eligible activities under Section 202 of Native American Housing Assistance and Self Determination Act (NAHASDA), may submit a model activities approval request to the Office of Native American Programs (ONAP). If ONAP determines that such requests are designed to carry out the purposes of NAHASDA, ONAP will approve such requests. HUD encourages Tribes and TDHEs to develop creative ways to use their formula IHBG funds to help protect residents and Tribal communities from COVID-19.

**107. Q: Tribes and TDHEs have annual and follow-up inspections and wonder whether HUD will have a waiver for the Annual Performance Report (APR) for the annual inspections and need advice on how to handle this. They do not want to put staff at risk.**

**A:** Under normal circumstances, IHBG recipients are required to conduct onsite housing inspections to assess compliance with NAHASDA requirements as a part of their Annual Performance Report (APR). The Tribe or TDHE's internal policies dictate inspection frequency and standards for completing maintenance concerns identified during inspections. Given the current national emergency, ONAP is strongly recommending that Tribes and TDHEs avoid contact with tenants and homebuyers for anything other than essential purposes. Until further notice, ONAP will not issue findings against Tribes and TDHEs for failing to follow their existing policies regarding inspections and maintenance.

However, we strongly encourage Tribes and TDHEs to be responsive to requests to inspect and correct defects that affect the health and safety of the dwelling occupants. In doing so, Tribal and TDHE staff should take extreme care to prevent the spread of the virus. Please note that personal protective equipment (PPE) necessary for Tribes and TDHEs to carry out eligible activities is an eligible expense.

**108. Q: Is a Tribe or TDHE required to evict families that cannot pay their rent due to the current crisis? Are there any plans for a possible rent reprieve?**

**A:** Tribes and TDHEs are encouraged to use their discretion and best judgment under ONAP programs to provide relief to any residents who cannot meet their rent obligations under these circumstances. ONAP is strongly recommending that Tribes and TDHEs administering ONAP programs place a temporary moratorium on all evictions, foreclosures, and any actions that would result in residents becoming homeless or otherwise unstable. Tribes and TDHEs are encouraged to provide any rent relief and loss mitigation to any eligible families that cannot make rent or homebuyer payments at this time. Additionally, until further notice, ONAP will not issue findings against Tribes and TDHEs if the rent relief and loss mitigation being provided to any eligible families in response to COVID-19 are not in compliance with existing policies of the respective Tribe or TDHE.

This does not preclude Tribes and TDHEs from carrying out necessary evictions to otherwise protect the health and safety of residents, such as evictions for serious criminal activity. However, Tribes and TDHEs should consider whether such actions can be delayed given the current emergency.

Please review the questions above under the Eviction Moratorium section.

**109. Q: Under the IHBG program, if we provide rent relief to tenants who cannot pay rent right now, is the tenant required to pay this rent back at a later date?**

**A:** This is up to the Tribe and TDHEs discretion. Tribes and TDHEs have the ability to forgive rent payments in accordance with their adopted policies and should consider this option at this time. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30% rent rule in Section 203(a)(2). HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

**110. Q: We have decided to waive all rent payments for our tenants next month. Can we apply this same rent relief to tenants who are IHBG-eligible but whose incomes are between 80%-100% of area median income?**

**A:** If the tenants were low-income when they initially entered the program, a Tribe or TDHE can provide the same amount level of rent relief to these now non-low-income families, provided the Tribe or TDHEs admissions and occupancy policies allow for this level of assistance to such families. If the recipient's policies do not allow for this option, the Tribe or TDHE could implement a temporary policy to address this particular circumstance and provide the same level of rent relief to such families.

**111. Q: Can a Tribe or TDHE waive or delay monthly rent charges to tenants impacted by COVID-19? Can we pay the tenants portion of their rent if we are providing a rental subsidy? For instance, the 30% that the tenant would normally pay.**

**A:** Yes. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30 % rent rule in Section 203(a)(2) of NAHASDA. Tribes and TDHEs can choose to not charge rents. A Tribe or TDHE has discretion to provide rent relief to tenants that cannot make timely rent payments. HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

**112. Q: We have to reduce to essential personnel. Many of our staff are currently on administrative or emergency leave. Can we use IHBG funds to continue to pay their salaries and expenses while they are forced to stay home? If so, under what expense category or activity do we charge our IHBG grant? If these costs are considered administrative costs, we may exceed our 20% administrative expenses cap.**

**A:** Tribes and TDHEs can continue to pay the salaries and expenses of their staff that have to stay at home during this crisis if the respective Tribe's or TDHE's policies provide for paid leave under unexpected, extraordinary, or emergency circumstances. Tribes and TDHEs must document such costs in their records. Tribes and TDHEs that do not have policies can update their policies to allow for this type of leave. In doing so, ONAP suggests using the safest method of updating policies available to avoid unnecessary contact and further spreading of COVID-19. Generally, these amounts should be charged to administrative expenses under the IHBG program.

HUD recognizes that some Tribes and TDHEs may risk exceeding their maximum administrative and planning costs caps under the program. In accordance with 24 CFR § 1000.238, Tribes and TDHEs may request HUD approval for a higher maximum percentage cap for administrative and planning expenses. Requests should be sent by email only to Area ONAPs since Area ONAP staff are also working from home.

**113. Q: Can I use IHBG funds to hire temporary workers to help us clean areas of our reservation to ensure the safety and security of our IHBG-assisted residents?**

**A:** Yes, though Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**114. Q: Can our Tribe or TDHE maintenance staff refuse to enter a unit and perform repairs if they are concerned for their health and safety?**

**A:** During this emergency the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**115. Q: Will units currently eligible as Formula Current Assisted Stock (FCAS) continue to be eligible for IHBG funding if used to quarantine families or individuals?**

**A:** Yes. Units currently eligible as FCAS will continue to be eligible for IHBG funding during the ongoing emergency if those units are used as temporary housing to quarantine NAHASDA-eligible individuals or families testing positive for COVID-19 in situations when those individuals/families must be quarantined in order to safeguard the health of local community members.

**116. Q: If someone needs to be quarantined away from the community, can IHBG funds be used for short term leasing at a motel/hotel?**

**A:** Yes. Short term emergency housing is an eligible activity under the IHBG program and funds can be used to provide this type of assistance.

**Indian Community Development Block Grant**

**117. Q: What activities can be supported with Indian Community Development Block Grant (ICDBG) funds?**

**A:** Like the IHBG program, a wide range of eligible activities may be carried out under the ICDBG program including health-related public facilities and public services. Generally, Single Purpose ICDBG grants that were previously awarded were awarded for specific projects. However, HUD will consider any program amendments submitted by Tribes in accordance with 24 CFR § 1003.305 to help address the impact of COVID-19. All program amendment requests must meet the criteria in 24 CFR § 1003.305 to be approved by HUD. Additionally, ICDBG Imminent Threat grants may be available to Tribes depending on the urgency and immediacy of the threat posed to the public health or safety of tribal residents. Both program amendments and Imminent Threat grants must be ICDBG eligible activities.

The \$100 million included for the ICDBG program in the CARES Act, referred to as ICDBG-CARES can be used for emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19.



See PIH Notice 2020-06 for IHBG-CARES Implementation Guidance, PIH Notice 2020-11 for ICDBG-CARES Implementation Guidance as well as [PIH Notice 2021-14](#) (which replaced [PIH Notice 2020-33 Rev-2](#), [PIH Notice 2020-13](#), and [PIH Notice 2020-05](#)), for CARES Act Waivers and Alternative Requirements.

HUD will issue additional guidance on the ICDBG-ARP program in the near future.

### **Section 184 and Section 184A- UPDATED**

**118. Q: UPDATED: Have any changes been made to Section 184/184A underwriting guidelines related to the COVID-19 pandemic?**

**A:** On April 22, 2021, HUD published [Dear Lender Letter 2021-04](#) to inform Lenders participating in the Section 184 and Section 184A of underwriting guidelines for Refinance transactions, including Borrowers with previous COVID-19 Forbearance history, as well as Payment History requirements for purchase transactions for Borrowers with previous COVID-19 Forbearance history. All the ONAP Section 184/184A Dear Lender Letters can be found here: [Lender Section 184 Resources](#).

**119. Q: What options are available to Indian Home Loan Guarantee Program (Section 184) borrowers negatively impacted by COVID-19?**

**A:** Borrowers are reminded to connect with their Section 184 lenders and servicers to explore loss mitigation options to help prevent them from going into foreclosure.

**120. Q: What kind of relief is available to Section 184 and Section 184A borrowers during this national emergency?**

**A:** On March 20, 2020, HUD published a [Dear Lender Letter 2020-04](#) to inform approved Section 184 and Section 184A lenders and servicers of a foreclosure and eviction moratorium for all loans guaranteed under the Section 184 Indian Home Loan Guarantee Program and the Section 184A Native Hawaiian Housing Loan Guarantee program for a period of 60 days. This Dear Lender Letter (DLL) has been further extended via numerous DLL's – the most recent being DLL 2021-02 which extends the foreclosure and eviction moratorium to June 30, 2021. Continue to check ONAP's CodeTalk page for periodic updates on this topic.

Subsequently, Congress provided similar statutory relief to Section 184 and Section 184A borrowers in the CARES Act. Section 4022 of the CARES Act provides that, except with respect to a vacant or abandoned property, a servicer of a Section 184 or Section 184A loan may not initiate foreclosure proceedings, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020. As stated above, HUD has extended

this moratorium through numerous DLLs. Continue to check ONAP's CodeTalk page for periodic updates on this topic.

In addition to the foreclosure moratorium, the CARES Act allows borrowers experiencing financial hardship due, directly or indirectly, to the COVID-19 emergency to request forbearance on a Section 184 or Section 184A loan, regardless of delinquency status, by submitting a request to the borrower's servicer and affirming that the borrower is experiencing a financial hardship due to the COVID-19 emergency. Servicers are required to grant such forbearance for up to 180 days, and this period may be extended for up to another 180 days at the request of the borrower. Borrowers may also request a shortened forbearance period.

Servicers are required to approve forbearance requests with no additional documentation required other than the borrower's attestation to a financial hardship caused by the COVID-19 emergency, and may not charge fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract). During a period of forbearance, no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time, and in full under the terms of the mortgage contract, may accrue on the borrower's account. HUD implemented this requirement through various DLLs published on ONAP's CodeTalk page. Refer to ONAP's [CodeTalk](#) for updates.

**121. Q: Where can questions for future FAQs be submitted?**

**A:** Tribes and TDHEs should continue to communicate with their area ONAP offices via email. Questions can also be sent to [codetalk@hud.gov](mailto:codetalk@hud.gov) as this mailbox is monitored daily.