

HUD Office of Native American Programs (ONAP)
COVID-19 FAQs for Tribes and Tribally Designated Housing Entities (TDHEs)

Updated:5.8.2020

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. They are divided into the following subject sections.

[Emergency Funding](#)
[Key COVID-19 Information Resources](#)
[Reporting Extensions and Waivers](#)
[Emergency Operations and Tribal Policies](#)

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 FAQ are in **blue**. Please note that subsequently issued PIH Notices will supersede this posted guidance.

Please note that all HUD staff are currently teleworking and can be reached via e-mail. Please visit www.hud.gov/codetalk and then look for the area office link on the right side of the front page to access staff contact info by region. Questions can also be sent to: codetalk@hud.gov.

[Emergency Funding](#)

1. Q: Where can I find information on the IHBG-CARES and ICDBG-CARES funding?

A: Information on CARES Act funding can be found at ONAP's [Code Talk](#) and HUD's [COVID-19](#) resource pages. The IHBG-CARES allocations can be found here: <https://www.hud.gov/sites/dfiles/PA/documents/IHBGchart.pdf>.

The IHBG-CARES Implementation Notice PIH 2020-06 can be found [here](#). ICDBG Implementation Notice is expected shortly.

2. Q: If a Tribe or TDHE did not submit an IHP or was not approved for FY 2020 funding are they still eligible for IHBG- CARES 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-CARES funds can be found in the IHBG-CARES Implementation Notice was published on April 22, 2020 in [PIH Notice 2020-06](#).

Guidance on completing and submitting the IHBG-CARES IHP can be found here: https://www.hud.gov/sites/dfiles/PIH/documents/IHBG-CARES_IHP-APR_Guidance.pdf

IHBG-CARES IHP fillable .pdf form can be found here:

<https://www.hud.gov/sites/dfiles/OCHCO/documents/IHBGCares.pdf>

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

A: Yes. HUD strongly encourages IHBG recipients to utilize existing FY 2020 IHBG funding to help address COVID-19 until the IHBG-CARES funds have been received. [PIH Notice 2020-05](#) waives the requirement in 24 CFR 1000.230 that Tribes and TDHEs get HUD approval before reprogramming FY2020 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 FY 2020 IHP. The FY2020 must still be amended but this can be completed at a later date.

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

A: Yes. Pursuant to [PIH Notice 2020-05](#), 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 IHBG grants (or for FY 2019 IHBG grants for those IHBG recipients that have not yet submitted their FY 2020 IHP).

5. Q: Can IHBG-CARES Act funds be used to address public health services?

A: Yes. [PIH Notice 2020-05](#) waives 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 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; 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.

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

A: In PIH Notice 2020-05, 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.

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

A: 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. However, after the unit is no longer needed to temporarily quarantine families, and is no longer needed for other COVID-19 purposes, the recipient must either place useful life restrictions on the property and continue to make it available for families eligible under the Native American Housing Assistance and Self-Determination Act (NAHASDA) for an affordability period set by the recipient consistent with its IHBG program, or dispose of the unit.

8. Q: May Tribes or TDHEs exceed the caps on Total Development Costs (TDC) when responding to the pandemic?

A: Yes. A Tribe or TDHE may exceed the TDC cap for its area by 20% without prior HUD approval. Requests to exceed the TDC cap by more than 20% may be submitted to HUD and are subject to approval. This flexibility only applies to TDCs issued pursuant to PIH Notice 2019-19.

9. Q: May Tribes or TDHEs invest IHBG-CARES funds?

A: No. HUD prohibits the investment of any HUD funds provided under the CARES Act. These funds are provided strictly to prevent, prepare for and respond to COVID-19.

10. Q: 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 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 after January 21, 2020 may be reimbursed by IHBG-CARES 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, unless HUD revises this date in writing at a later date. Only non-Federal funds 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 funds. Additional guidance on eligible costs is included in [PIH Notice 2020-06](#), IHBG-CARES Implementation Notice.

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

A: The IHBG-CARES grant is additional funding and is not an advance or interim funding. IHBG-CARES will not be subtracted from annual IHBG formula awards.

12. Q: How will CARES Act funds be distributed? Do Tribes and TDHEs have to apply?

A: Each IHBG-CARES recipient will be required to submit an abbreviated Indian Housing Plan (IHP). Instructions on how to apply are included in the [PIH Notice 2020-06](#), IHBG-CARES Implementation Notice. Please review [PIH Notice 2020-05](#) for a listing of the waivers and alternative requirements of IHBG-CARES funds.

13. Q. Do Economic Impact Payments under Section 6428 of the CARES Act count towards a family’s annual or adjusted income for purposes of determining eligibility or level of assistance under the IHBG program?

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

- 1) For IHBG recipients that adopted 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.
- 2) For IHBG recipients that adopted the IRS definition of “annual income” (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.
- 3) For IHBG recipients that adopted the Census definition of “annual income”, 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.

14. Q: Will a summary of ONAP calls with Tribes and TDHEs be provided?

A: Yes. The recordings and summaries of the calls will be posted to [CodeTalk](#). Many of the questions raised on the call are featured in this FAQ. Additional information will be issued on supplemental funding, reporting extensions, and adjustments to operations due to the pandemic.

15. Q: Tribes and TDHEs administering an Indian Housing Block Grant (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 Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) (Pub. L. 116-136, enacted March 27, 2020) does provide additional IHBG funding that HUD will make available as soon as possible. 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 Native American Housing and Self-Determination Act (NAHASDA) during the period that the program is impacted by COVID-19. Further guidance regarding eligible uses of IHBG funding will be included in the forthcoming Implementation Notices. HUD will soon issue guidance clarifying the eligible uses and implementation considerations of the IHBG funding provided under the CARES Act and

expects that this additional funding will help IHBG recipients as they work to maintain sound operations during these challenging times.

16. Q: 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 Act allows 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.

17. Q: 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, the CARES Act allows IHBG funding to be used in response to the pandemic to deliver subsistence services such as food, goods, and other assistance to eligible families.

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

A: Yes, The CARES Act allows 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 (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.

19. Q: Is HUD going to make extra funding available to Tribes and TDHEs to cover the cost of extraordinary costs that may have to be incurred during this crisis?

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 will be distributed as quickly as possible to Tribes and Tribally Designated Housing Entities (TDHEs) according to the same funding formula used to award Fiscal Year 2020 funds. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19, and maintain operations impacted by COVID-19.

The \$100 million included for the ICDBG program 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.

HUD intends to publish an Implementation Notice in the very near future that provides Tribes and TDHEs with guidance on how to apply for this funding, and will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

Key COVID-19 Information Resources

20. Q: Where can the guidelines from the CDC be found?

A: Updated CDC Guidance:

- Use of Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>
- Fact Sheet on Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>
- Guidance on Cleaning and Disinfection for Community Facilities: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Fact Sheet on Facilities: Everyday Steps, Steps When Someone is Sick, and Considerations for Employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility-H.pdf>
- Resources for Stress and Coping: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>
- COVID-19-Related Phone Scams and Phishing Attacks: <https://www.cdc.gov/media/phishing.html>

21. 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: <https://www.coronavirus.gov/>.

22. 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 as this mailbox is monitored daily.

23. 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.

24. 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>

25. 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.

26. Q: Is there a place I can refer residents that are experiencing distress?

A: The [Disaster Distress Helpline](https://www.8009855990.com/), 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.

Reporting Extensions and Waivers

27. 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.

28. 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.

29. Q: What CARES 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 (CENST) pursuant to §§58.34 and 58.35(b), the Tribe may provide IHBG-CARES 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 the CENST and ensuring compliance with 24 CFR 58.6 before committing its IHBG CARES 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:

Level of environmental review and type of activity	Regulation citation
Exempt and CENST activities	§§ 58.34 and 58.35(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 (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)

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

A: No. The CARES Act allowed ONAP to postpone most on-site and remote monitoring reviews scheduled for FY 2020 until further notice. Once normal business operations have resumed at HUD and at the Tribe or TDHE offices, these reviews will be reevaluated and may, or may not, be rescheduled in FY 2021.

In the rare event of an exigent emergency or if there is reason to believe that there is fraud, abuse of Federal funding, or a threat to the health and safety of low-income Indian families, HUD may opt, once feasible, to conduct the monitoring review remotely or take other appropriate action in accordance with NAHASDA. Otherwise, all currently scheduled FY2020 onsite or remote monitoring reviews have been postponed.

Tribes and TDHEs that have already received a Notice of On-site or Remote Monitoring, will also receive a notification from its Area ONAPs that the FY2020 monitoring review has been postponed until further notice. If you have not received such notification, please

contact your Area ONAP regarding the status of your scheduled monitoring. For reference, the pre-postponement [FY 2020 Monitoring Schedule](#) remains posted on Code Talk.

In addition, the comment period for responding to a Draft Monitoring Report (DMR) and the target dates for responding to open monitoring findings from a Final Monitoring Report (FMR) have also been postponed until further notice, with the exception of any open findings related to fraud, abuse of Federal funding, or the risk of the health and safety of low-income Indian families. The Area ONAPs will notify recipients with open monitoring findings of the extended target dates. Contact your Area ONAP with any questions regarding postponements.

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

A: The majority of Training and Technical Assistance (TA) previously approved and planned for FY 2020 has been postponed due to pandemic health concerns and Tribal emergency directives. However, ONAP is working with TA Providers to identify topics and delivery methods that will be most effective in responding to requests for remote assistance. When possible, ONAP will convert the previously approved TA to remote sessions provided through teleconference calls and video conferencing. ONAP is also assessing new means of remote training to better accommodate remote requests.

Currently, ONAP continues to respond to TA requests and provide as much direct technical assistance as practical 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

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

32. Q: Is ONAP extending reporting due dates during the Pandemic?

A: Yes. The CARES Act has enabled ONAP to extend reporting deadlines from March 30, 2020 through June 30, 2020 by 90 calendar days from the original due date for the following reports:

- IHBG Annual Performance Reports
- Quarterly and Final Federal Financial Reports (SF-425) for all ONAP managed grants:
 - IHBG Formula and Competitive Reports
 - Indian Community Development Block Grant (ICDBG) and ICDBG-Imminent Threat (IT)
 - Resident Opportunities and Self-Sufficiency (ROSS)

- Veterans Affairs Supportive Housing (VASH)
- Tribal HUD-VASH Reports (HUD-50058)
- ICDBG Closeouts and Final Status and Evaluation Reports
- Responses to open findings for Audits

The 90-day extension currently applies to original due dates from March 30, 2020 through June 30, 2020 as listed in the chart below.

ONAP Program Reporting Deadlines– 90 Day Extensions by Fiscal Year End (FYE)

FYE	Original Due Date	90 Days
12/31/2019	03/30/2020	06/28/2020
03/31/2020	06/29/2020	09/27/2020

33. Q: Have the deadlines for submitting Audits to the Federal Audit Clearinghouse (FAC) been extended due to the pandemic?

A: Yes. The Office of Management and Budget’s memo M-20-17 allows for audits required by Single Audit Act (chapter 75 of title 31, United States Code), implemented by 2 C.F.R. part 200, subpart F, that are due on or before June 30, 2020 and those audits for grantees that have fiscal year-ends through June 30, 2020, have been granted a six (6) month or 180-day extension of the original due date. The deadlines to submit the annual audits to the FAC applies to the audits due per the chart below.

Annual Audit Deadlines to Submit to FAC Six Month (180 Day) Extensions

FYE	Original Date Audit Due to FAC	Extended Due Date per OMB M-20-17
6/30/2019	03/31/2020	09/30/2020
9/30/2019	06/30/2020	12/31/2020
12/31/2019	09/30/2020	03/31/2021
3/20/2020	12/31/2020	06/30/2021
6/30/2020	03/31/2021	09/30/2021

Contact your Area ONAPs with questions. Additional guidance is forthcoming.

Eviction Moratorium

The following FAQ provides guidance on Section 4024 of the CARES Act. Section 4024 of the CARES Act imposes a temporary moratorium on evictions, as well as a moratorium on fees and penalties related to nonpayment of rent. The eviction moratorium is in effect for a 120-day period beginning on March 27, 2020, the date the CARES Act was enacted. The temporary eviction moratorium applies to the Section 184 Indian Home Loan Guarantee Program, the Section 184A Native Hawaiian Home Loan Guarantee Program, and the Title VI Indian Loan Guarantee Program administered by the Office of Public and Indian Housing.

34. Q: Does this CARES Act Section 4024 eviction moratorium apply to Tribal programs administered by the Office of Native American Program?

A: The moratorium applies 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 applies, and the Indian Tribe/Tribally Designated Housing Entity cannot 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 are not covered under 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.

35. 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.

36. 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(f) 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.

37. Q: 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.

Emergency Operations and Tribal Policies – IHBG-CARES

38. Q: Can a Tribe or TDHE use CARES Act funds to serve Tribal citizens that live outside our normal IHBG service area?

A: 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.

39. Q: Can a Tribe or TDHE use IHBG-CARES 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 program requirements.

40. Q: The CARES Act authorizes the use of IHBG-CARES 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 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 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 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 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 funds for any lost program income that it did not earn due to COVID-19. However, it can use IHBG-CARES funds to cover IHBG-CARES 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 funds.

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

A: Yes. 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.

42. 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 as this mailbox is monitored daily.

43. Q. 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 the CARES Act as it prevents, prepares for and responds to the COVID-19 pandemic.

44. 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.

45. 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).

46. 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;
- 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; and
- Guidance for workers and PPE is also at www.osha.gov/SLTC/covid-19/.

47. 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. As a reminder, HUD does not mandate in-person meetings for income certification or recertifications.

48. 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.

Indian Housing Block Grant- Emergency Operations and Tribal Policies

49. 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 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.

50. 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.

51. Q: With the new guidelines from the President, Tribes and TDHEs are taking a stand to protect their residents and staff. However, with many people being asymptomatic to the COVID-19, Housing Inspectors are at risk. 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 necessary for Tribes and TDHEs to carry out eligible activities is an eligible expense.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.

60. 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- Emergency Operations and Tribal Policies

61. 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 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. The Department is also drafting an Implementation Notice that will outline the steps and processes for accessing both the IHBG and ICDBG funding and we will issue this as soon as possible. In addition, HUD will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

Section 184 and Section 184A- Emergency Operations and Tribal Policies

62. 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.

63. 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](#) 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.

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.

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.