



ASSISTANT SECRETARY FOR
PUBLIC AND INDIAN HOUSING

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

Special Attention of:

Administrators, Offices of Native American
Programs, Tribes, and Tribally Designated
Housing Entities (TDHEs)

Notice PIH 2022-12

Issued: April 27, 2022

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amended, superseded, or rescinded.

Cross References:

24 CFR Part 1003

2 CFR Part 200

PIH Notice 2021-22

PIH Notice 2021-06

PIH Notice 2021-11

SUBJECT: Process for Amending ICDBG-CARES and ICDBG-ARP Grants

1. PURPOSE

The purpose of this notice is to provide Indian Community Development Block Grant-Imminent Threat Coronavirus Aid, Relief, and Economic Security Act (ICDBG-CARES) and Indian Community Development Block Grant-Imminent Threat American Rescue Plan Act (ICDBG-ARP) grantees with instructions on how to request amendments to their existing grants. This notice establishes the amendment process for ICDBG-ARP grants and modifies the amendment process for ICDBG-CARES grants, replacing [PIH Notice 2021-06](#) “Process for Amending ICDBG-CARES Grants”. This notice will be referred to as the “ICDBG-CARES/ICDBG-ARP Grant Amendment Notice.”

2. BACKGROUND

On March 27, 2020, the CARES Act (Public Law 116-136) was signed into law. The Act provided up to \$100 million in ICDBG-IT funding to prevent, prepare for, and respond to COVID-19, for emergencies that constitute imminent threats to health and safety. On May 15, 2020, the Department of Housing and Urban Development (HUD) issued [PIH Notice 2020-11](#) “ICDBG-CARES Implementation Notice”, establishing the criteria, application requirements, and framework HUD would use to award the \$100 million in ICDBG-CARES funding. On January 15, 2021, HUD published [PIH Notice 2021-06](#) “Process for Amending ICDBG-CARES Grants,” providing instructions for requesting amendments to ICDBG-CARES grants.

On March 11, 2021, the ARP Act (Public Law 117-2) was signed into law. The Act provided \$280 million in ICDBG-IT funding to prevent, prepare for, and respond to COVID-19, for emergencies that constitute imminent threats to health and safety. On July 20, 2021, HUD

issued Notice [PIH 2021-22](#) “ICDBG-ARP Implementation Notice”, establishing the criteria, application requirements, and framework HUD would use to award the \$280 million in ICDBG-ARP funding.

This notice describes the requirements for both ICDBG-CARES and ICDBG-ARP grantees to request significant amendments to the project scope, budget, and timeline of their awards.

0. APPLICABILITY

This ICDBG-CARES/ICDBG-ARP Grant Amendment Notice applies to requests for amendments for both the ICDBG-CARES and ICDBG-ARP grants. Please note that this Notice does not apply to amendments to regular ICDBG or ICDBG-IT grants. This Notice replaces [PIH Notice 2021-06](#) “Process for Amending ICDBG-CARES Grants.”

1. SIGNIFICANT AMENDMENT REQUIREMENTS

The regulation at 24 CFR§1003.305(a) requires prior HUD approval for program amendments that significantly change the scope, location, objective, or class of beneficiaries of the approved activities described in the application.

The Office of Native American Programs (ONAP) will review all amendment requests to ensure that the ICDBG-ARP/ICDBG-CARES grantee’s proposals are for eligible activities, projects, and programs that prevent, prepare for, and respond to COVID-19, in accordance with the requirements established in [PIH Notice 2020-11](#) “ICDBG-CARES Implementation Notice” and [PIH Notice 2021-22](#) “ICDBG-ARP Implementation Notice”. ONAP will also verify that the requested amendment provides reasonable justification for proposed changes, including reasonable extension of timelines.

Significant amendments include proposed changes that include any of the following:

- Addition of activities, projects, or programs that were not in the grantee’s approved ICDBG-CARES/ICDBG-ARP award;
- Deletion of activities, projects, or programs that were included in the grantee’s approved ICDBG-CARES/ICDBG-ARP award;
- Proposed budget adjustments that exceed twenty (20) percent of the total ICDBG-CARES/ICDBG-ARP grant among activities, projects, or programs that were approved in the award;
- The re-budgeting of costs to a new budget category not already approved in the ICDBG-CARES/ICDBG-ARP award, regardless of percentage (e.g., reimbursement of allowable COVID-19 costs when reimbursement was not originally identified in the grantee’s ICDBG-CARES/ICDBG-ARP application, the proposed change of use of funds to hire a contractor when such costs were not originally approved, etc.); and

- Time extensions: All timeline extensions will be considered significant amendments. (See examples of justified reasons for timeline extensions below).

Amendments are not needed if each of the following bulleted items apply:

- No change to the total approved budget;
- No extension of the overall timeline/period of performance;
- No new or deleted activities;
- No new budget categories; and
- Re-budgeting of 20% or less of approved overall budget between activities and budget categories.

5. SIGNIFICANT AMENDMENT REQUEST DOCUMENTATION

A grantee requesting a significant amendment must submit the following to its Area ONAP office grants management specialist:

1. Significant Amendment Request: The grantee must submit an email or a letter requesting an amendment to their ICDBG-CARES/ICDBG-ARP grant. The amendment request must include the following information, as applicable based on the nature of the amendment:
 - Identify the requested proposed changes to the approved ICDBG-CARES/ICDBG-ARP award;
 - Describe the rationale and need for the amendment;
 - Justify how the proposed revisions enable the grantee to continue implementing its activities towards preventing, preparing for, and responding to COVID-19; and
 - Describe how citizen participation requirements were met for the proposed amendment. For more information on citizen participation requirements, see Section 4a of the ICDBG-CARES/ICDBG-ARP Implementation Notices. Applicants are not required to hold meetings to obtain the views of residents
2. Updated Project Description Summary: The grantee must submit an updated Project Description that incorporates the proposed changes summarized in its amendment request.
3. Updated Budget: If the grant budget changes due to the project change, the grantee must submit updated detailed budget information and a revised [HUD-4123](#) (Cost Summary).
4. Updated Implementation Schedule: If the amendment alters the original project timeline:
 - a. Submit an updated [HUD-4125](#) (Implementation Schedule); and
 - b. Submit an updated narrative description of the implementation timeline that identifies the activities, projects or programs that will be delayed, the justification for those delays, and an explanation of how the grantee plans to complete the delayed items by the requested period of performance end date. The justification, along with any supporting documentation, must demonstrate

why the proposed timeline is reasonably set to prevent, prepare for, and respond to COVID-19.

In reviewing the justification for overall grant periods longer than 12 months, HUD will consider all relevant factors including, but not limited to:

- Nature of the activities, projects, or programs being proposed;
- Size of the ICDBG-CARES/ICDBG-ARP grant requested;
- Any disruption in supply chains;
- Barriers caused by a short or disrupted construction season;
- Challenges or delays to lack of bidders;
- Increased cost of construction materials;
- Infrastructure challenges; and
- Impact of COVID-19 on the applicant's operations and its ability to carry out activities, projects, or programs more expeditiously

Time extension requests should be submitted no later than 45 days prior to the current period of performance end date.

6. AMENDMENT REVIEW AND APPROVAL PROCESS:

The Area ONAP office will review the Amendment Request package to ensure it meets the requirements of this notice, including that the ICDBG-CARES/ICDBG-ARP grant will still be used towards activities, projects, and programs that prevent, prepare for, and respond to COVID-19 and in accordance with the requirements established in the ICDBG-CARES/ICDBG-ARP Implementation Notice.

The Area ONAP office will also consider the grantee's overall progress in managing its ICDBG-CARES/ICDBG-ARP award, including the status of its drawdowns in LOCCS and submission of post-award reporting requirements. The Area ONAP office will forward recommendations for amendment approval to ONAP Headquarters for final review. At any time during this review process, ONAP may request further information from the grantee.

Upon completion of the review process, the Area ONAP office will send a Grant Amendment Approval or Denial Letter. All amendments approved under this Notice constitute changes to the grantee's ICDBG-CARES/ICDBG-ARP application submission and are incorporated into the original Funding Approval/Agreement (HUD-52734-A). If necessary, based on the nature of the request, ONAP will issue a Grant Agreement Addendum to memorialize the amendment.

7. ICDBG-CARES/ICDBG-ARP IMPLEMENTATION NOTICE REQUIREMENTS

All requirements established in [PIH Notice 2020-11](#) "ICDBG-CARES Implementation Notice" and [PIH Notice 2021-22](#) "ICDBG-ARP Implementation Notice" remain applicable to amendments approved under this notice.

