



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

OFFICE OF PUBLIC AND INDIAN HOUSING

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

Notice PIH 2021-06

Issued: January 15, 2021

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superseded, or rescinded.

Cross References:
24 CFR Part 1003
2 CFR Part 200
PIH Notice-2020-11

SUBJECT: Process for Amending ICDBG-CARES Grants

1. PURPOSE

The purpose of this Notice is to provide ICDBG-CARES grantees with instructions on how to amend the use of existing Indian Community Development Block Grant (ICDBG) Imminent Threat (IT) funds provided under the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). This Notice will be referred to as the “ICDBG-CARES Grant Amendment Notice.”

2. BACKGROUND

On March 27, 2020, the CARES Act was signed into law. The Act provided up to \$100 million in ICDBG IT funding to prevent, prepare for, and respond to coronavirus, for emergencies that constitute imminent threats to health and safety. This funding was provided in the form of grants to eligible Indian tribes and must be used to prevent, prepare for, and respond to the Coronavirus disease 2019 (COVID-19).

On May 15, 2020, HUD issued [PIH Notice 2020-11](#), “ICDBG-CARES Implementation Notice” establishing the criteria, application requirements, and framework ONAP would use to award the \$100 million in ICDBG-CARES funding. ONAP began accepting applications on June 1, 2020, and on August 31, 2020, HUD issued the press release, “HUD Provides \$100 million in CARES Act Funding to Native American Tribes to Support Coronavirus Recovery Efforts” ([HUD No. 20-135](#)) with the [list](#) of Indian tribes that received ICDBG-CARES grants.

ICDBG-CARES grantees have since found it necessary to request amendments to their awards to respond to changing local conditions. As such, ONAP is publishing this Notice to outline the process that ICDBG-CARES grantees must follow in order to receive HUD approval to amend their ICDBG-CARES awards.

3. APPLICABILITY

This ICDBG-CARES Grant Amendment Notice only applies to requests from ICDBG CARES grantees for amendments to ICDBG CARES awards and does not apply to amendments to ICDBG or ICDBG Imminent Threat awards.

4. AMENDMENT CATEGORIES, CRITERIA, AND REVIEW PROCESS

ONAP will review all amendment requests to ensure that the ICDBG-CARES grantees will still use funds 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 Implementation Notice. 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.

1) Significant Revisions

- a) **Criteria:** ONAP will consider amendments to the approved grant as “significant” if they meet any of the following criteria:
 - i) Addition of activities, projects, or programs that were not in the grantee’s approved ICDBG-CARES award;
 - ii) Deletion of activities, projects, or programs that were included in the grantee’s approved ICDBG-CARES award;
 - iii) Proposed budget adjustments that are at or exceed 10 percent of the ICDBG-CARES grant among activities, projects, or programs that were approved in the award;
 - iv) The re-budgeting of costs to a new budget category not already approved in the ICDBG-CARES award, regardless of percentage (e.g., reimbursement of allowable COVID-19 costs when reimbursement was not originally identified in the grantee’s ICDBG-CARES application, the proposed change of use of funds to hire a contractor when such costs were not originally approved, etc.); and
 - v) A proposed time extension that would bring the overall period of performance beyond 12 months and enable the grantee to complete projects or programs already approved in its ICDBG-CARES award. The proposed time extension cannot be solely for the purpose of using unobligated balances in the Line of Credit Control System (LOCCS).
- b) **Content of Amendment Request Package:** A grantee requesting a significant revision must submit the following to its Area ONAP office:
 - i) **Amendment Request:** The grantee must submit an email or a letter requesting ONAP approval of a significant revision. The amendment request must include the following

information, as necessary, based on the nature of the amendment;

- (1) Identify the proposed changes from the approved ICDBG-CARES award;
- (2) Describe the rationale and need for the amendment;
- (3) Justify how the proposed revisions enable the grantee to continue implementing its activities towards preventing, preparing for, and responding to COVID-19; and
- (4) 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 Implementation Notice. Applicants are not required to hold meetings to obtain the views of residents.

Grantees requesting time extensions must also include the following justification in addition to (1)-(4) above:

- (5) Identify the activities, projects or programs that will be delayed and the reasons for those delays. Include a proposed period of performance end date and explain how the grantee plans to complete the delayed items by the requested period of performance end date. The grantee must also submit an updated narrative description of the implementation timeline and [HUD-4125](#) (Implementation Schedule). 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: the nature of the activities, projects, or programs being proposed, the size of the ICDBG-CARES grant requested, any disruption in supply chains, barriers caused by a short or disrupted construction season, infrastructure challenges, impact of COVID-19 on the applicant's operations and its ability to carry out activities, projects, or programs more expeditiously, and more. Time extension requests should be submitted no later than 45 days prior to the current period of performance end date.

- ii) Updated Project Description Summary: The grantee must submit an updated Project Description that incorporates the proposed changes summarized in its amendment request.
 - iii) Timelines: If a significant revision impacts the project schedule, then the grantee must submit an updated narrative description of the implementation timeline and [HUD-4125](#) (Implementation Schedule). Grantees that request a time extension must also address the requirements above at (b)(i)(5).
 - iv) Budget: If a significant revision changes the grant budget, then the grantee must submit updated detailed budget information and [HUD-4123](#) (Cost Summary).
- c) Review and Approval Process: The Area ONAP will review the Amendment Request

Package to ensure it meets the requirements of this Notice, including that the ICDBG-CARES 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 Implementation Notice. The Area ONAP will also consider the grantee's overall progress in managing its ICDBG-CARES award, including the status of its drawdowns in the LOCCS and submission of post-award reporting requirements. The Area ONAP 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 will send a Grant Amendment Approval or Denial Letter. All amendments approved under this Notice constitute changes to the grantee's ICDBG-CARES application submission and are incorporated into the original Funding Approval/Agreement (HUD-52734-A). ONAP will issue an amended Grant Agreement Addendum.

2) **Minor Revisions**

- a) **Criteria:** ONAP will consider amendments to the approved grant as "minor" if they meet all of the following criteria:
 - i) Proposed changes impacting existing activities, projects, or programs that were already approved in the ICDBG-CARES award;
 - ii) Budget adjustments that do not exceed 10 percent among activities, projects, or programs that were already approved in the ICDBG-CARES award;
 - iii) An adjustment to the approved implementation timeline and [HUD-4125](#) (Implementation Schedule) that does not result in an extension of the current period of performance end date; and
 - iv) A proposed time extension that does not bring the overall period of performance beyond 12 months and enables the grantee to complete projects or programs already approved in its ICDBG-CARES award. The proposed time extension cannot be solely for the purpose of using unobligated balances in LOCCS.
- b) **Content of Amendment Request Package:** A grantee requesting a minor revision must submit the following to its Area ONAP office.
 - i) **Amendment Request:** The grantee must submit an email or a letter requesting ONAP approval of the minor revision. The amendment request must include the following.
 - (1) Identify the existing activities, projects, or programs in its currently approved ICDBG-CARES application that will be impacted by the proposed revision(s);
 - (2) Describe the rationale and need for amending the project; and
 - (3) Justify how the proposed revisions enable the grantee to continue implementing its existing activities towards preventing, preparing for, and responding to

COVID-19.

Grantees requesting time extensions must also include the following in addition to (1)-(3) above:

- (4) Identify the activities, projects or programs that will be delayed and the reasons for those delays. Include a proposed period of performance end date and explain how the grantee plans to complete the delayed items by the requested period of performance end date. The grantee must also submit an updated narrative description of the implementation timeline and [HUD-4125](#) (Implementation Schedule). 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. Time extension requests should be submitted no later than 45 days prior to the current period of performance end date.
- ii) Updated Project Description Summary: The grantee must submit an updated Project Description Summary that incorporates the proposed changes summarized in its amendment request.
- iii) Timelines: If the minor revision impacts the project schedule, then the grantee must submit an updated narrative description of the implementation timeline and [HUD-4125](#) (Implementation Schedule). Grantees that request a time extension must also address the requirements above at (b)(i)(4).
- iv) Budget: If the minor revision changes the grant budget, then the grantee must submit updated detailed budget information.
- c) Review and Approval Process: The Area ONAP will review the Amendment Request Package and determine whether to approve the grantee's request. The Area ONAP will ensure it meets the criteria in this Notice, including that the ICDBG-CARES 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 Implementation Notice. ONAP will also consider the grantee's overall progress in managing its ICDBG-CARES award, including the status of its drawdowns in LOCCS and submission of post-award reporting requirements. At any time during this review process, ONAP may request further information from the grantee. Upon completion, the Area ONAP will send a Grant Amendment Approval or Denial Letter. All amendments approved under this Notice constitute changes to the grantee's ICDBG-CARES 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 an amended Grant Agreement Addendum.

5. ICDBG-CARES IMPLEMENTATION NOTICE REQUIREMENTS

All requirements established in the ICDBG-CARES Implementation Notice remain applicable to amendments approved under this Notice.

6. GENERAL RESOURCES

- 1) Office of Native American Programs COVID-19 Recovery Programs website:
https://www.hud.gov/program_offices/public_indian_housing/ih/Covid_Recovery
- 2) Notice PIH 2020-11, “ICDBG-CARES Implementation Notice”
<https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-11.pdf>
- 3) HUD COVID Resources and Fact Sheets
<https://www.hud.gov/coronavirus>

7. PAPERWORK REDUCTION ACT

The information collection requirements contained in this Notice are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3520). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The active information collections contained in this Notice are approved under the PRA OMB Control Number 2577-0191.

If you have questions about the ICDBG-CARES grant amendment process, please contact your Office of Native American Programs Area Office.

/s/
Dominique Blom, General Deputy
Assistant Secretary for Public and Indian Housing