

January 25, 2021

Update on the Department of the Treasury's Emergency Rental Assistance Program

This is an important message about the Department of the Treasury's Emergency Rental Assistance Program for those Indian tribes that have not, or whose tribally designated housing entity ("TDHE") has not, applied for funding.

If an Indian tribe or its TDHE has already submitted an application for funding and received a confirmation email from Treasury stating that the submission has been received and will be reviewed by Treasury's processing team, it does not need to do anything further at this time.

As Treasury has previously communicated, any Indian tribe or TDHE that is an eligible grantee under section 501 of Division N of the Consolidated Appropriations Act, 2021 (Pub. L. No. 116-260) must provide complete payment information and a signed acceptance of award terms to Treasury (an "application") through Treasury's application portal in order to receive funds from Treasury under the Emergency Rental Assistance Program.

As previously communicated by Treasury, if an Indian tribe or TDHE for that Indian tribe does not elect to participate in the program by submitting an application, Treasury is required to reallocate the funds designated for that Indian tribe to those Indian tribes that have elected to participate in the program. The statute provides that Treasury must make its determination as to which Indian tribes have declined funding as of Tuesday, January 26.

Treasury set an initial deadline for eligible grantees under the program to submit an application by January 12. As stated in the tribal consultation hosted by Treasury on January 14, Treasury decided to keep its portal open through January 21. Treasury has continued to keep its portal open for Indian tribes and TDHEs.

However, because Treasury is required by the statute to assess whether an Indian tribe has declined funds as of January 26, an Indian tribe or its TDHE must submit an application by no later than 11:59 p.m. Eastern standard time on Tuesday, January 26, 2021.

Alternatively, as an accommodation to Indian tribes and TDHEs, if an Indian tribe or TDHE is unable to submit an application by Tuesday, Treasury will permit the Indian tribe or TDHE to preserve its ability to file an application after Tuesday by sending an email to Tribal.Consult@treasury.gov, providing the full name of the Indian tribe or TDHE, stating its intent to apply, and, in the case of a TDHE, stating the name of the Indian tribe or tribes for which it is applying for funding. In other words, an Indian tribe or TDHE must submit either its application or a statement of its intent to apply by Tuesday, January 26, 2021. If an Indian tribe or its TDHE does not do so, the funds allocated to such Indian tribe will be reallocated to other Indian tribes. Those Indian tribes and TDHEs that provide a notice of their intent to apply must complete the application for funding via Treasury's application portal by 11:59 p.m. Eastern standard time on Tuesday, February 2, 2021.

An Indian tribe or TDHE should only provide notice of intention to apply if it does intend to apply because if the Indian tribe or TDHE does provide notice of its intention to apply but ultimately does not apply, it will be depriving other Indian tribes of the funds that would otherwise have been reallocated to those Indian tribes.

Before submitting an application or a notice of intent to apply, an Indian tribe should check with its TDHE to determine whether the TDHE has already applied. See the guidance Treasury previously provided regarding payments to tribes and TDHEs, available here:

<https://home.treasury.gov/system/files/136/Payments-to-Tribal-Communities.pdf>

Treasury's application portal is available here:

<https://forms.treasury.gov/caresact/EmergencyRentalAssistanceVFForm>

More information about Treasury's Emergency Rental Assistance Program is available here:

<https://home.treasury.gov/policy-issues/cares/emergency-rental-assistance-program>