



HUD Contingency Plan for Possible Lapse in Appropriations 2019

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1. General Guidance and Legal Decisions

The Constitution, statutory provisions, court opinions, and Department of Justice (DOJ) opinions provide the legal framework for how funding gaps and shutdowns have occurred in recent decades. Additionally, the Office of Management and Budget (OMB) provides agency guidance in OMB Circular A-11, Section 124.

The Constitution provides, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” The Antideficiency Act prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. 31 U.S.C. sections 1341 *et seq.*

The Attorney General issued two opinions in the early 1980s that the language and legislative history of the Antideficiency Act unambiguously prohibit agency officials from incurring obligations in the absence of appropriations ("Applicability of the Antideficiency Act Upon a Lapse in an Agency's Appropriations" (1980) and "Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations" (1981)). The Office of Legal Counsel of the Department of Justice issued an opinion dated August 16, 1995, that reaffirms and updates the 1981 opinion.¹

When the Congress fails to act on program supplementals and the result is partial funding interruptions, special procedures beyond those outlined in this section may be warranted. In such cases, agencies must consult OMB. In the absence of appropriations:

- Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.
- Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.²

In 1995, the Department of Justice Office of Legal Counsel provided a legal opinion that identifies the types of activities that can take place during a shutdown. This includes (1) activities to address cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response; (2) government functions funded with multi-year appropriations or indefinite appropriations; (3) express authorizations for agencies to enter into contracts or to borrow funds to accomplish their missions (without appropriations); (4) obligations necessary to discharge of the President's constitutional duties and powers; and (5) the orderly termination of functions that may not continue during a period of lapsed appropriations.³

¹ OMB Circular A-11, Section 124;
<http://www.whitehouse.gov/sites/default/files/omb/assets/a11currentyear/s124.pdf>

² OMB Circular.

³ See Department of Justice Office of Legal Counsel Memorandum Re: “Government Operations in the Event of a Lapse in Appropriations” from Assistant Attorney General Walter Dellinger to Alice Rivlin, Director, Office of Management and Budget, dated August 16, 1995.

2. Guidance for Program Operations

a) Available Resources for HUD Salaries and Expenses Funding During a Lapse in Appropriations

Historically, HUD's salaries and expenses funding has been generally comprised of annual appropriations (one-year funding), which expire and are unavailable for use upon a lapse in appropriations. Beginning with federal fiscal year (FY) 2019, Congress appropriated to HUD multi-year appropriations for salaries and expenses. With this new framework of two-year funding, upon any lapse in appropriations, HUD may have available a limited amount of salaries and expenses funding carried over from the prior FY that could sustain some limited government operations. However, any available carryover funding will be limited by both purpose and amount. As an impending lapse approaches, OCFO-Budget will survey available carryover funding and project if any such funding would be available to sustain government operations across the Department's various programs or funding streams, and, if so, which of the various programs or funding streams may be funded and for how long. In performing this review, OCFO-Budget will take full advantage of any available transfer or reprogramming authorities to enable, consistent with the direction of HUD senior leadership, the fairest possible distribution of resources.

HUD senior leadership will evaluate all available carryover salaries and expenses funding and make the necessary determinations regarding its use. For the limited period of time and scope of work that is able to be continued with carryover funding, if any, normal operations may proceed and furlough notices will not be issued. Upon a determination by HUD senior leadership that continued operations cannot be sustained, the following guidance shall apply.

b) Treatment of Prior Continuing Resolution Resources During a Lapse in Appropriations Not Beginning on October 1

When a lapse in appropriations begins on a date other than October 1 (the first day of a new fiscal year), all funds previously appropriated for that fiscal year pursuant to any preceding short-term continuing resolutions (CRs) that have now lapsed are expired funds that are no longer available for new obligations. Legally binding obligations entered into by the Department using these now expired CR funds remain valid if they were properly executed before the lapse occurred. However, expired CR funds are not available for new obligations.

c) Definition of Excepted

In the event of a government shutdown due to a lapse in appropriations, most Federal employees are required to stop work because no funds would be available to pay staff and the government is prohibited from accepting voluntary services. A limited number of employees are "excepted" from this general rule based on the functional activity they perform.⁴ This list should

⁴ See Department of Justice Office of Legal Counsel Memorandum Re: "Government Operations in the Event of a Lapse in Appropriations" from Assistant Attorney General Walter Dellinger to Alice Rivlin, Director, Office of Management and Budget, dated August 16, 1995.

include:

1. Employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.
2. Employees who perform functions that are funded through fees or under multi-year (as opposed to annual) appropriations.
3. Employees who perform functions that are related to express authorizations to contract or borrow without an appropriation.
4. Employees necessary to meet the obligations necessary to the discharge of the President's constitutional duties and powers. This is understood to be employees necessary to interpret statutes, such as the Antideficiency Act, to avoid significant constitutional issues.
5. Employees necessary to support activities that an agency must continue, in the absence of appropriations, because their continuation is "necessarily implied" from the authorized continuation of other activities. These include congressionally authorized or appropriated functions for which Congress has provided funding that remains available during the lapse, where the suspension of the related activity would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.⁵
6. Employees who are required for the orderly termination of agency functions. (This exception also includes those employees who are required to perform activities necessary for orderly start-up. For additional information about orderly start-up activities, please refer to the relevant portions of the Internal Communications Plan, pages 43 through 44.)

Presidential appointees, who are confirmed by the Senate, are not subject to the furlough. While they will not be paid until the lapse has ended and funds are appropriated for their salaries, their authorized work activities are not curtailed during a lapse in funding. However, Schedule C, non-career SES, and career SES have no special status in the case of a shutdown. They must be deemed "excepted" or "not excepted" based upon the duties they perform, and if "excepted," may only perform excepted work.

d) Compliance with OMB Circular A-11

For the duration of the shutdown period, the automatic apportionment issued by OMB will serve as the obligational authority for necessary HUD operations in the absence of appropriations. Under this Bulletin, OMB apportioned amounts necessary for obligations required in order to carry out the Department's Contingency Plan which was required by OMB Circular A-11, section 124. The automatic apportionment provides authority to obligate such funds but does not provide any authority to liquidate such funds. No allotments will be issued with respect to such automatic apportionment during the shutdown, since such Contingency Plan will limit and control activity and associated funding during the shutdown.

⁵ For further discussion on this category of excepted activities, please see Office of Management and Budget (OMB) Memorandum, *Frequently Asked Questions During a Lapse in Appropriations*, beginning at page 2, available at <https://www.whitehouse.gov/wp-content/uploads/2018/12/Frequently-Asked-Questions-During-a-Lapse-in-Appropriations.pdf>.

The automatic apportionment does not affect previously approved apportionments (e.g., apportionments of carryover or other multi-year funding). Therefore, HUD will operate, but only consistent with such Contingency Plan, under such previously approved apportionments and allotments (issued by OCFO) for those other funding sources and follow normal funds control procedures including verification of available funds prior to reservation and obligation of such funds.

HUD will avoid undertaking new or different activities from those identified within this plan, unless a prior legal determination is made that the proposed activities fall under one of the exceptions. As set forth specifically within this document, the Secretary has determined the activities that are essential to operate HUD during a lapse in appropriations. HUD estimates that a half-day (four hours) would be needed to orderly shutdown.

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	<i>4 hours (1/2 day)</i>
Total number of agency employees expected to be on board before implementation of the plan:	7,428
Total number of employees to be retained under the plan for each of the following categories:⁶	
Compensation is financed by a resource other than annual appropriations:	<i>32 FTEs⁷</i>
Necessary to perform activities expressly authorized by law:	<i>14 FTEs</i>
Necessary to perform activities necessarily implied by law:	<i>723 FTEs</i>
Necessary to the discharge of the President's constitutional duties and powers:	<i>11 FTEs</i>
Necessary to protect life and property:	<i>747 FTEs</i>
Brief summary of significant agency activities that will continue during a lapse:	

⁶ The responses here include both full-time and intermittently excepted employees. The majority of HUD employees retained will perform excepted duties across a number of categories. For those employees, because their initial duties and/or the majority of their duties fall within the necessarily implied exception, including orderly termination and orderly resumption of duties, they have been identified within that category.

⁷ Technically all HUD employees (other than OIG employees) are now funded from appropriations other than annual; however, we do not anticipate sufficient resources to retain employees under a lapse with these amounts. Accordingly, we have not included those employees within this number.

- Much of HUD’s activities supporting FHA’s portfolio of insured mortgages, as well as Ginnie Mae’s work within the secondary mortgage market, which are vital to the stability and liquidity of the National economy will continue during a lapse.
- In addition, the majority of HUD’s annual grant programs, including those that provide for emergency housing for the homeless and persons living with HIV-AIDS, continue to operate in States and local communities across the country when such grant funding has already been obligated.
- Many of HUD’s programs addressing imminent threats to the health and welfare of HUD tenants and children, including most Lead Hazard Control and Healthy Homes grant operations, will continue where such grant funding has already been obligated.

Brief summary of significant agency activities that will cease during a lapse:

- Monthly subsidy programs such as the public housing operating subsidies, housing choice voucher subsidies, and multifamily assistance contracts will continue to operate for as long as they have funding, but can be at risk of running out of funding during a lapse period.
- In addition, nearly all of HUD’s fair housing activities will cease during a lapse.

National Finance Center records indicate that HUD has 7,428 employees on board as of January 19, 2019. The following chart demonstrates the approximate number of employees, by funding stream, and those who are excepted or exempt:

	Number of Employees (National Finance Center Records)	Approximate Number of Excepted and Exempt Full-time Employees as projected	Fees, No-year, or Multi-year Appropriations	Approximate Maximum Number of Recalled/ Intermittent Employees on any given day
<u>Administrative Offices & Management</u>				
Executive Office	73	14	-	7
Field Policy and Management	309	42	-	71
Chief Human Capital Officer	136	15	-	25
Chief Financial Officer	183	12	-	40

Chief Information Officer	189	16	-	25
Chief Procurement Officer	103	8	-	40
Administration	231	32	-	36
General Counsel	527	24	-	100
Departmental Equal Employment Opportunity	19	-	-	-
Strategic Planning and Management	22	1	-	1
Program Offices				
Housing	2,387	104	-	300
Public and Indian Housing	1,264	19	-	46
Fair Housing and Equal Opportunity	441	9	-	5
Policy Development and Research	134	5	-	9
Lead Hazard Control and Healthy Homes	46	2	-	2
Community Planning and Development	668	12	25	48
Office of Inspector General	551	11	-	275
Ginnie Mae	145	12	7	40
TOTAL	7,428	339	32	1,156

The reasons for the retention of excepted employees are set forth in this document by program office. Additionally, during lapse in appropriations, HUD anticipates that a modest number of employees, up to 1,156, would be called in on an intermittent basis to work solely on excepted activities.

3. Excepted Activities by Office

a) Office of Public and Indian Housing (PIH)

Excepted work by the Office of Public and Indian Housing during a lapse in appropriations includes the performance of functions that are funded through multi-year appropriations or no-year (“x-year”) appropriations, including staff work to perform the minimum necessary supporting activities for such functions described in this plan, or where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property, as identified below:

- Keep open the line of credit control system for the purposes of disbursing previously obligated funds for public housing (operating subsidies and capital funds) and Indian programs.

- Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.
- Where further action or review by a HUD employee is required before a grantee may access previously obligated funds, PIH will recall employees intermittently to review and approve or deny disbursement requests as necessary to avoid an imminent threat to the safety of human life or property.
- Manage the HUDCAPS system for purposes of disbursing previously obligated funds for section 8 tenant-based rental assistance (Housing Assistance Payments and Administrative Fees). A PHA's HUD-held Housing Assistance Payments (HAP) reserves may be requested (or may be automatically disbursed) to address emergency situations, including where families are at risk or terminations of assistance or where PHAs cannot afford to pay their contractual Housing Assistance Payments to Owners.
- Work closely with OCFO to identify, when previously obligated Operating Subsidy, Housing Assistance Payment (HAP), or HAP Administrative Fee allocations may be insufficient to support ongoing program operations, if any available carryover funding remains that can be used to fund these subsidy programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement. Note that only no-year or multi-year amounts appropriated in a prior year will be legally available for this purpose, and no amounts made available by now-expired Continuing Resolutions (CRs), can be utilized.
- At receivership or HUD possession, HUD staff continue to assist with (and/or carry out) functions delegated to the PHA Recovery Administrators/Receivers.
- Existing Technical Assistance and Capacity Building cooperative agreement awards, where funds have been previously obligated and work plans have been approved, may continue performance. Actions that require HUD staff review and approval, such as the review and approval of workplan amendments or the modification of workplans, will not take place during a lapse in appropriations. However, if such proposed actions are related to an imminent threat to life or property, HUD staff will be recalled to review and approve workplan amendments or modifications.
- Conduct closings on Mixed Finance and Choice Neighborhoods transactions where the failure to close by a set date would threaten the property and demands immediate response (e.g., loss of Low Income Housing Tax Credits, New Markets Tax Credits and/or other critical financing commitments). Depending on the circumstances, further legal consultation will occur.
- In the event of an emergency situation (e.g., a contract termination due to safety and health violations; submission of an emergency/disaster Section 18 application, etc.), process a tenant protection action to provide vouchers for families to move from the project.
- The Real Estate Assessment Center (REAC) Technical Assistance Center (TAC) will be operational and available to receive and answer questions related to both Multifamily and PIH financial submissions, all inspection inquiries, resident income verification and other such technical areas managed by the

REAC. However, responses that require HUD staff review or approval will be delayed until the lapse in appropriations has ended.

- Respond to any other issues directly related to the imminent threat to the safety of residents or the protection of property.

Public housing agencies and other grantees continue operating in the event of a federal government lapse in appropriations and there are existing IT systems that will be available to public housing agencies so that they can draw down obligated funding from prior years which can be drawn down without further action or review by HUD employees. The systems below are considered to be excepted activities that are necessary to protect property and records:

- Enterprise Income Verification
- Inventory Management System/PIH Information Center (IMS/PIC)
- Voucher Management System (VMS)
- Financial Assessment Sub-System
- Physical Assessment Sub-System
- Integrated Assessment Sub-System
- Management Assessment Sub-System
- Technical Assistance Center
- Customer Assessment Sub-System
- Energy and Performance Information Center (EPIC) System
- Line of Credit Control System (LOCCS)
- HUDCAPS

Inspections

The Department's Real Estate Assessment Center performs inspection services for properties in the portfolios of both the Office of Public and Indian Housing and the Office of Housing.⁸ The inspection protocols for these two portfolios during a lapse are presented below:

- Previously awarded inspections procured by HUD and funded by previous obligations will continue regardless of the reason for the inspection.
- All inspections where the servicing mortgagee bears the responsibility for procuring the inspection will continue.
- For inspections that are to be conducted by HUD employees:
 - Where there is reason to believe that there is a threat to life or property at that specific location, the inspection will continue.
 - Where there is no reason to believe that there is a threat to life or property at that specific location, the inspection will be cancelled.

⁸ Properties covered include housing assisted under the HUD programs listed in 24 CFR 200.853(a); housing with mortgages insured or held by HUD, or housing that is receiving assistance from HUD, under the programs listed in 24 CFR 200.853(b); and Public Housing (housing receiving assistance under the U.S. Housing Act of 1937, other than under section 8 of the Act). This does not apply to units assisted under the Housing Choice Voucher (HCV) program, including the Project-Based Voucher Program under the purview of the Office of Public and Indian Housing.

- When during a lapse in appropriation HUD becomes aware of a threat to life or property, HUD will schedule an inspection to be conducted by a HUD employee.
- For any inspections that occur immediately before or during a lapse:
 - HUD staff will be recalled as appropriate to conduct the activities that are essential to review inspections, identify exigent circumstances, release inspections to HUD field staff, and process inspection payments; and
 - If exigent circumstances are uncovered, HUD staff in either the Office of Public and Indian Housing and the Office of Housing, as appropriate, will be recalled intermittently to take any necessary and appropriate actions to ensure that those emergency circumstances are alleviated consistent with applicable requirements.

b) Office of Community Planning and Development (CPD)

CPD Generally

CPD will continue to make previously obligated CDBG, HOME, HOPWA, Homeless Assistance Grants funds and other grant funds available for draw down by CPD grantees. Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.

- Where further action or review by a HUD employee is required before a grantee may access previously obligated funds, CPD will recall employees intermittently to review and approve or deny disbursement requests as necessary to avoid an imminent threat to the safety of human life or property.
- CPD will perform the necessary review and approval, if there is no valid objection, of environmental requests for release of funds (RROFs) where the failure to act would put the safety of life or property at risk, including where a previously scheduled closing would be impacted.
- CPD will ensure grantee access to eLOCCs, IDIS and DRGR. (Resetting and assigning new passwords and troubleshooting issues where approved grantees are unable to access the system.)
- The Ask A Question (AAQ) Help Desk will remain open and will be available to answer questions received. Responses that require HUD staff review or approval will be delayed until the lapse has ended; however, HUD staff will be available to review and approve or otherwise respond to questions related to an imminent risk to life or property.
- Existing Technical Assistance and Capacity Building cooperative agreement awards, where funds have been previously obligated and work plans have been approved, may continue performance. Actions that require HUD staff review and approval, such as the review and approval of workplan amendments or the modification of workplans, will not take place during a lapse in appropriations. However, if such proposed actions are related to an imminent threat to life or property, HUD staff will be recalled to review and approve workplan amendments or modifications.
- Continue to maintain the IT contracts for CPD systems (e.g., IDIS, DRGR, e-snaps) that support excepted activities.

Note: CPD grantees submit consolidated plans for annual formula funding programs that are deemed approved if not disapproved within 45 days of submission. These are rolling

submissions that are due 45 days prior to submission of the start of their program years. CPD grantees select the start dates of their program years. A long term shut down could result in the automatic approval of consolidated plans. The review of the consolidated plans (exclusive of CDBG-DR action plans and substantial amendments) does not fall under an excepted activity.

Continuum of Care (CoC) and Housing Opportunities for Persons with HIV/AIDS (HOPWA) Additional Activities

In addition to the activities listed above, CPD will take certain actions when (1) prior year, unobligated funds remain available for obligation in the Continuum of Care (CoC) and Housing Opportunities for Persons with HIV/AIDS (HOPWA) programs, (2) the award announcements were planned to have occurred during the lapse period, and (3) any further delay of the announcements would create a gap in services. Under these conditions, CPD would take the necessary and appropriate steps to make renewal award announcements and execute grant agreements for those renewal eligible grantees who would experience a gap in services absent announcement and/or a renewal agreement. This activity will enable grantees to continue to provide for the delivery of essential housing and emergency services for homeless persons and persons with HIV/AIDS.

Disaster Recovery Assistance Programs

CPD will continue Disaster Recovery Assistance Programs, which are funded through multi-year or no-year appropriations, where funds have been previously obligated.

This includes, but is not limited to, activities that may involve the support of HUD staff, such as:

- Previously obligated funds will be available for draw down by grantees. Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.
- Actions necessary to approve grantee voucher drawdown requests that are routed for review or above threshold when there is no valid objection to approval.
- For grantee voucher drawdown requests that are above threshold and there are concerns or questions regarding approval, CPD will recall employees intermittently to review and approve or deny disbursement requests to avoid an imminent threat to the safety of human life or property.
- Review and approval (or disapproval, if appropriate) of CDBG-DR action plans and substantial amendments, including necessary follow-up and technical assistance on disapproved plans or amendments.
- Review and approval, if there is no valid objection, of environmental requests for release of funds (RROFs).
- Recall permanent employees intermittently to maintain the DRGR system when necessary to protect life and property.

The Section 108 Loan Guarantee Program

In the Section 108 Loan Guarantee Program, HUD staff will:

- Take the ministerial actions necessary to follow through on providing permanent financing of Section 108 loans through scheduled public offerings.
- Take limited administrative actions, such as implementing already approved plans and transmitted documents, that are necessary to provide interim and permanent financing for commitments authorized by prior year appropriations and approved before the lapse. (Note that no new commitment authority will be available during a lapse in appropriations.)
- Coordinate with the OCFO to make any scheduled payments on behalf of Section 108 borrowers that are due to Fiscal Agent/Trustee pursuant to underlying agreements (e.g., Fiscal Agency Agreement, Contract for Loan Guarantee Assistance, Promissory Note or HUD's Guarantee).

c) Fair Housing and Equal Opportunity (FHEO)

With respect to systems, the CIO/CFO LOCCS system is necessary for maintaining excepted functions (the distribution of FY2015 and FY2016 funding to grantees) in FHEO. System unavailability would result in the inability of FHEO grantees to receive payment and continue operations in the investigation of their complaints. FHEO needs to provide access to LOCCS to its grantees. FHEO will recall necessary personnel if an emergency arises where the Department must pursue prompt judicial action or obtain restraining orders in a civil rights matter. FHEO will also recall staff that are necessary to respond to a request from the Department of Justice to assist in litigation that has not been stayed. A limited number of FHEO Information Technology personnel are necessary to monitor HEMS and provide system maintenance and fix any system delays/crashes.

d) Office of Housing (Housing)

Excepted work by the Office of Housing during a lapse in appropriations includes the performance of functions that are funded through multi-year appropriations or no-year ("x-year") appropriations, including staff work to perform the minimum necessary supporting activities for such functions described in this plan, or where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property. These activities are associated with FHA's portfolio of insured mortgages – multifamily, healthcare, and single family, as well as commitments entered into for project-based rental assistance and Sections 202 and 811 rental assistance and capital advances or with manufactured housing.

Multifamily (MF) Housing**➤ FHA MF Production**

- Conduct closings and endorsements of projects with Firm Commitments issued prior to the shutdown and related activities (e.g., review and approve lender requests for amendments to the Firm Commitment, including mortgage increases (subject to handbook processing guidelines) so long as Commitment Authority is available.
- During a lapse in appropriations the following will apply:
 - a. MAP Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction or repair (in the case of Section 223(f) project) draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract, provided the contractor has sufficient capacity to proceed independently or, when necessary, under the oversight of an excepted employee. The GTM for each region will approve the inspection deliverables to assist in processing contractor invoices. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
 - b. MAP lenders may, at their and the Borrower's risk, release funds from the Operating Deficit and Working Capital Accounts to support project operations. HUD will review any release at such time as the government re-opens.
 - c. No change orders will be processed or approved.

➤ Section 202/811 Production

- Initial closings on projects with Firm Commitments that have already scheduled closing dates during the shutdown period.
- Final closings on projects with critical deadlines (e.g., tax credit deadlines).
- HUD will process construction draws using intermittent staff to respond to issues relating to the imminent threat and protection of property. HUD will rely on the sponsors' supervisory architects' certifications, and will perform or contract for construction inspections on a post-review basis at such time the government re-opens.

➤ Rental Assistance Demonstration Program

- Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD) where a Rental Assistance Demonstration Conversion Commitment was issued and the closing was scheduled prior to the shutdown or RAD Conversions where the failure to close or prepare to close would threaten the property and demands an immediate response (e.g., loss of tax credits).

➤ Mark-to-Market and Post-Market-to-Market

- Issuance of HUD approvals, waivers or authority to proceed on Mark-to-Market transactions and post-transaction requests where the failure to take such action would threaten the property and demands an immediate response (e.g., loss of tax credits).

➤ **Asset Management/FHA and Assisted Housing**

- Make payments under previously obligated Section 8 contracts, rent supplement contracts, Section 236 agreements, Project Rental Assistance Contracts (PRAC), and PBCA contracts on an as-needed basis to ensure ongoing viability of assets and preservation of affordable housing.
- Work closely with OCFO to identify, when previously obligated Section 8, PRAC, and PBCA contract allocations may be insufficient to support ongoing program operations, if any available carryover funding remains that can be used to fund these assistance programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement, including processing Section 8 and PRAC renewals for expiring contracts and processing amendment funds for non-expiring Section 8 contract renewals. Note that only no-year or multi-year amounts appropriated in a prior year will be legally available for this purpose, and no amounts made available by now-expired Continuing Resolutions (CRs), can be utilized.
- Approval of emergency property funding needs through approval of reserve for replacement releases, residual receipts, or other mechanisms. Reserve for replacement and residual receipts funds are held by the property or a property lender, not obligated by HUD, and no previous obligation is needed.
- Proceed with activities necessary to support orderly termination of Insurance, including processing extension requests and processing insurance termination requests, performing loss mitigation and asset management activities, including as mortgagee-in-possession, processing insurance claims, and liquidating and disposing of assets resulting from insurance claims.
- Respond to issues directly relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured or assisted multifamily projects.
- For information about inspections, see section 3a (Public and Indian Housing) above.

Healthcare Programs

- Conduct closings and endorsements of projects with Firm Commitments issued prior to the shutdown and related activities (e.g., review and approve lender requests for amendments to the Firm Commitment, including mortgage increases (subject to handbook processing guidelines) so long as Commitment Authority is available.
- Approve emergency repairs.
- Respond to issues directly relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured healthcare projects.
- Proceed with activities necessary to support orderly termination of Insurance, including processing extension requests and processing insurance termination requests, performing loss mitigation and asset management activities, including high risk interventions and as mortgagee-in-possession actions, processing insurance claims, and liquidating and disposing of assets resulting from insurance claims.
- During a lapse in appropriations, the following will apply:
 - a. Lenders may, at their and the Borrower's risk, release funds from the Operating Deficit, Working Capital and Debt Service Reserve Accounts, to support project

- operations. HUD will review any release at such time as the government re-opens.
- b. Lenders servicing loans having a construction or repair component may, at their and Owners' and General Contractors' risk, process interim construction or repair draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
 - c. No change orders will be processed or approved.

Single Family Housing

- The Office of Single Family Housing will endorse new loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, under current multi-year loan guarantee commitment authority in order to support the health and stability of the U.S. mortgage market.
- Endorsements that require assessment by an FHA underwriter will not be able to be finalized during a lapse in appropriations; however:
 - FHA will support manual endorsement actions including case number cancellations, case number reinstatement, case number transfers, and resolution of the hold tracking queue;
 - FHA will answer questions related to the efficacy of specific borrower data in CAIVRS to avoid borrowers being denied credit due to incorrect information on FHA loans; and
 - While FHA staff will not be available to process condominium project approvals under the HUD Review and Approval Process (HRAP), lenders will be permitted to continue processing condominium approvals under the Direct Endorsement Lender Review and Approval Process (DELRAP).
- In general, FHA systems (such as FHA Connection, CHUMS, etc.) will be operational; however, actions that require intervention by FHA personnel will either be delayed or suspended.
- FHA's Resource Center will be available to answer questions, but responses to questions requiring escalation to HUD staff may be delayed.
- The Office of Single Family Housing will maintain the minimum operations necessary to support FHA's existing portfolio. This includes:
 - activities in support of the processing and the payment of claims;
 - servicing of Secretary-held notes and mortgages (including making payments required under HECMs assigned to the Secretary-Held portfolio);
 - addressing concerns with HUD's Emergency Homeownership Loan Program (EHLPP);
 - ensuring the continuity of FHA's asset disposition process; and
 - supporting loan servicing and loss mitigation activities related to both forward and reverse mortgage loans.

- The Office of Single Family Housing will advise the Secretary on pending settlement agreements that are at risk due to delay and that address imminent threats to persons or property by recouping or preventing further loss of MMIF funds.
- The Office of Housing will continue to work on planned sales of defaulted notes, as required for the orderly termination of HUD's fiduciary insurance and servicing obligations.

Housing Counseling

- The Office of Housing Counseling (OHC) will not have staff on board and will not process requests to draw down grant funds from the Line of Credit Control System (LOCCS).
- The Housing Counseling system (HCS) will be operational on a limited basis; however, actions that require intervention by OHC personnel will be either delayed or suspended.
- The housing counselor examination (housingcounselors.com) will be operational on a limited basis; however, actions that require intervention by OHC personnel will be either delayed or suspended. The housing counselor certification process relies on FHA systems and will be operational on a limited basis; however, actions that require intervention by OHC or HUD personnel will be either delayed or suspended.

Finance and Budget

- The Office of Finance and Budget (FAB) will have limited staff in the office during temporary office closure to support Housing-FHA "excepted activities." FAB's role is as follows:
 - Safeguarding of governmental assets through protection of the integrity of Housing-FHA's loan portfolio and overall financial data and transactions is the number one goal of FAB during a shutdown. In addition, the Office of Budget and Field Resources will support excepted activities.
 - Assure the financial integrity, formulation, execution, and analysis of the Housing-FHA Loan Insurance, Grant and Subsidy programs; includes providing travel funding to support excepted activities.
 - Maintain and manage FHA financial and loan processing systems, including systems used for, loan underwriting, disbursements and collections (i.e. FHA insurance premium collect and claims payments) during temporary closure.
 - FAB's Office of Asset Sales (ASO) will continue to work with housing program offices on planned sales of Single Family, Multifamily and Healthcare defaulted notes, as required for the orderly termination of HUD's fiduciary insurance and servicing obligations.
 - FAB's Comptroller's office will also maintain a limited number of staff to support minimum operations and administration of FHA's existing loan portfolio, including those actions necessary to collect mortgage insurance premiums, pay lender claims, support collection and disbursement functions between FHA and U.S. Treasury, and timely issue any legally necessary tax forms regarding the disposition of debt. The limited number of staff will also

conduct financial business or transactions related to the protection of government property and in support of program office excepted activities.

Risk Management and Regulatory Affairs

- Perform frequent analysis on and manage the FHA's insurance fund activities to avert shortages that could have severe economic impact on the Housing Markets. This includes overseeing the Actuarial Models used to forecast FHA Loan Guarantee claim payments.

Office of Manufactured Housing Programs

- Perform oversight of Manufactured Home Construction and Safety and Installation Standards and Model Installation standards, as necessary, to maintain core operations and protect life and/or property.

e) Ginnie Mae

Ginnie Mae's role in the secondary mortgage market is vital to the stability and liquidity of the primary mortgage market. An interruption in the operations would create immediate and significant market disruption that would lead to financial losses for investors and increased mortgage rates for government-insured mortgage loans. GNMA has two-year MBS guarantee commitment authority that remains available under a lapse. Ginnie Mae may incur obligations and continue its operations during a lapse in appropriations under the emergency exception, 31 U.S.C. 1342. Furthermore, all Ginnie Mae contracts are funded with "no year" money; work performed by contractors in support of operations may continue. Contractor-dependent exempt or excepted functions will be managed by Ginnie Mae "excepted" employees. Any non-exempt or excepted functions for which funds have been obligated will continue to be independently-operated by the contractors with no Ginnie Mae employee involvement, however, only in cases where Ginnie Mae has made the determination that the contractor has sufficient capacity to proceed independently.

Note that Ginnie Mae also employs a number of employees whose regular salaries and expenses (S&E) costs are billed to Ginnie Mae's no-year S&E account. These employees (sometimes called "term" employees, although not all term employees will fit into this category) will follow the specific guidance and direction from HUD's OCHCO regarding their work status during a lapse in appropriations, which may be different from Ginnie Mae's other employees.

Ginnie Mae will limit its operations to the following functions that are essential to avoid disruption to Ginnie Mae's ability to fulfill its obligations:

	Lapse of Appropriations
Ability to Issue Commitment Authority	Yes Emergency Exception (property protection) – Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Issue Mortgage-Backed Securities and Structured Multi-Class Transactions	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Receive/Process Monthly MBS Loan & Payment Accounting Data	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Pay Securities Holders	Yes Emergency Exception – Failure to pay investors would cause a default on the guarantee of the Government and mortgage market stability would be put at risk.
Ability to Engage and Pay Contractors	Yes, if those contractors are necessary to carry out Ginnie Mae's functions May not fall directly under emergency exception but if an agency may continue to operate during an appropriation lapse, it may incur obligations beyond employee salaries that are necessary for carrying out the functions. Ginnie Mae manages contractual obligations under mandatory, no-year funding.
Ability to engage in Issuer Defaults activities (e.g. Pre and Post related)	Yes Emergency Exception – Ginnie Mae’s operation is essential for market stability and maintaining low mortgages rates for Government-insured mortgages. The ability to default an issuer is essential (i.e. Pre and Post related activities) for market stability and protecting government’s property.
Ability to Travel for Emergency Purposes (e.g., Issuer Defaults)	Yes Emergency Exception – Ability to default is essential for market stability and protecting Government's property.
Ability to Review and Process Mortgage Servicing Rights (MSR) Transfers and Financial Agreement Requests	Yes Emergency Exception (property protection) – Ginnie Mae’s operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.

f) Office of Policy Development and Research (PD&R)

PD&R will continue to process invoices for grants and cooperative agreements in order to ensure an orderly shutdown of agency functions. When FEMA extracts data and makes it

available to PD&R as an excepted activity in the event of a government shutdown due to a lapse in appropriations, PD&R will provide data analysis supporting FEMA's mission-scoping assessments related to disaster recovery.

g) Office of Lead Hazard Control and Healthy Homes (OLHCHH)

OLHCHH will maintain a minimal number of staff and services necessary to support activities addressing emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

Depending on the circumstances, excepted activities include the following oversight activities related to OLHCHH grantees and contractors that are necessary to avoid imminent threats to the health and welfare of tenants and children:

- environmental assessments
- lead-based paint inspections
- risk assessments
- lead hazard control work plans
- healthy homes hazard remediation work plans
- work specifications
- clearance examinations
- payment requests.

OLHCHH will also conduct other excepted activities necessary to avoid imminent threats to the health and welfare of tenants and children, including:

- lead safety regulatory compliance reviews;
- technical assistance;
- enforcement activities;
- disaster recovery technical support activities.

h) Office of General Counsel (OGC)

If a lapse in appropriations appears to be reasonably foreseeable, taking into consideration guidance from OMB, OGC will:

- Provide program clients with lists of activities that continued during the previous lapses and provide legal guidance about whether new programs are excepted activities.
- Provide legal advice about the ramifications of a shutdown with respect to all program, contractual, operational and personnel functions.
- Review legal documents, including contracts, grant agreements, settlement agreements addressing imminent threats to persons or property, notices to grantees, proposed stop work orders, notices to employees, etc.
- Provide legal assistance, in coordination with OCHCO, to senior staff about related labor issues.

- Draft motions for a stay of proceedings pending appropriations to be filed in all administrative cases pending before the HUD Office of Hearings and Appeals.
- Coordinate with the Department of Justice to ascertain the impact of a lapse on appropriations on pending litigation and discovery obligations in the federal courts.
- Identify the pipeline of scheduled closings for insured loans where the firm commitment was issued before the lapse in appropriations.
- Identify the staff necessary to close the loans and coordinate the closings with the Office of Housing, Field Policy and Management and the Office of Administration.

If a lapse in appropriations occurs, OGC will:

- Provide the names, telephone numbers, and e-mail addresses of all excepted OGC ethics officials for taking telephone calls and responding to emails about ethics issues regarding employment and volunteer work
- Provide legal advice to senior Departmental officials necessary to meet the obligations necessary to the discharge of the President's constitutional duties and powers.
- Provide legal advice to facilitate the orderly shutdown and resumption of activities with respect to HUD staff.
- Provide legal advice and review legal documents to assist in the orderly termination of agency functions. This includes review of contractual agreements and points of obligation.
- Provide legal advice to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.
- File motions for a stay of proceedings pending appropriations to be filed in all administrative cases pending before the HUD Office of Hearings and Appeals.
- Recall field HUD attorneys, on an intermittent basis, to close loans for multifamily housing, insured healthcare facilities, and others where the firm commitment was issued prior to the lapse of appropriations.
- Monitor non-federal and federal litigation to insure the protection of property. Headquarters and field attorneys will be excepted or recalled on an intermittent basis to handle affirmation and defensive litigation and discovery issues related to the imminent threat to the safety of human life or the protection of property.
- Provide legal advice to Ginnie Mae on excepted activities.

- Provide legal advice and support to HUD programs that perform functions that are funded under disaster appropriations, multi-year appropriations, permanent and indefinite appropriations, and other non-annual appropriations.
- Provide legal advice to HUD programs that perform functions that are related to express authorizations to contract or borrow without an appropriation.
- Provide legal advice related to exempted HUD contracts identified by OCPO.
- Consistent with guidance from OMB, provide legal advice and assistance related to Congressional oversight activities.
- Provide legal advice to HUD officials on whether a management action taken or contemplated during a shutdown triggers union representational rights under a collective bargaining agreement or 5 U.S.C. chapter 71 for which official time should be granted to employees to perform representational duties related to the action.
- Provide legal advice to various program offices in connection with their conduct of excepted activities.
- Provide legal advice to various program offices, in coordination with OCFO and OMB, regarding whether a contemplated activity constitutes an excepted activity.
- Recall HUD attorneys, on an intermittent basis, to draft and submit documents to the Federal Register, when such documents are required to avoid an imminent threat to the safety of human life or for the protection of property or where completion of such actions as a ministerial or limited administrative matter are necessarily implied in order to facilitate other funded activities at HUD or other portions of the Federal government.
- Recall HUD attorneys, on an intermittent basis, to provide technical drafting services to Congress on legislative items addressing imminent threats to the safety of human life or the protection of property or where completion of such actions as a ministerial or limited administrative matter are necessarily implied in order to facilitate other funded activities at HUD or other portions of the Federal government.

i) Office of Field Policy and Management (FPM)

FPM will maintain minimal staff to ensure the safety of human life and the protection of property in the ten HUD Regional Offices and the 55 Field Offices. Additionally, FPM will facilitate the intermittent opening of field offices to accommodate the processing of Single Family Housing's endorsement and REO critical activities, the closing of loans for multifamily housing, insured healthcare facilities, and others where the firm commitment was issued prior to the lapse of appropriations and any other excepted activities identified by the Secretary or Assistant Secretaries that must take place in field locations.

In an effort to support multi-family development loan closings, FPM might need to request that Davis Bacon / Labor Standards staff be deployed on an intermittent basis in order to provide wage determinations to stakeholders during loan approval closings.

FPM will engage in activities associated with ODMS's request for coordination of disasters associated with active FEMA Mission Assignments (MA), as well as on-going response to possible disasters.

Additionally, activities associated with the oversight of security and preservation of space and federal property will be coordinated jointly by FPM and Office of Administration. Special attention will be provided to offices considered especially vulnerable – those located in non-federal space.

j) Office of the Chief Financial Officer (OCFO)

OCFO will:

- Provide overall guidance to functioning areas and program offices, as well as reporting to senior management and stakeholders.
- Maintain minimum staff to maintain liaison with the Office of Management and Budget and the Committees on Appropriations in support of orderly shutdown and excepted activities, which may include technical drafting services.
- Provide overall execution guidance to program offices.
- Provide oversight and manage shared service providers as needed for excepted activities.
- Process potential allotment actions to prevent violations of the Antideficiency Act.
- Make appropriate payments where funds are available that are processed through OCFO for valid obligations.
- Provide system support and contractor oversight for systems needed to manage excepted activities.
- Provide travel assistance to employees who have to travel to support an excepted activity.
- Maintain Working Capital Fund excepted activities, including allotting funds, committing funds in PRISM, and reviewing invoices for shared services. WCF is no-year money.

In addition to the activities listed above, the OCFO's Office of Appropriations Law Staff will also perform excepted activities necessary to discharge the President's constitutional duties and powers, to avoid violations of the Antideficiency Act, including:

- Advising HUD leadership and program management on appropriations law issues, including compliance with the Antideficiency Act; and
- Making determinations, in consultation with OGC and OMB, on whether a contemplated activity constitutes an excepted activity pursuant to the exceptions to the Antideficiency Act.

k) Office of the Chief Information Officer (OCIO)

OCIO will maintain a minimal number of staff and services necessary to support excepted activities, including cybersecurity, certain shared service-related activities, and IT support to ensure the continued availability of excepted program services. The Information Technology Fund is funded by both a direct appropriation and funds transferred from other accounts. The direct appropriations for the IT Fund include funds that will be available for two fiscal years. In addition, funds transferred into the IT Fund are available to be expended and are no-year money. Activities funded by no-year or multi-year funds are authorized to continue in the event of a shutdown, as the lack of an annual appropriation does not affect availability of those multi-year and no-year funds appropriated under prior appropriations acts.

l) Executive Office (EO), including the Office of Public Affairs (OPA)

EO will maintain a limited staff to provide oversight and direction for all excepted activities. This staff will provide essential support to the Secretary for an orderly termination of agency functions. The Secretary, Deputy Secretary, and Assistant Secretary for Congressional and Intergovernmental Relations are exempt because they are Presidential appointees, confirmed by the Senate.

A limited number of OPA employees will assist HUD leadership with internal and external communications that affect Agency's ability to protect the safety of human life, the protection of property, and the orderly termination of agency functions. During this period the OPA will work with OCHCO and FPM staff as necessary to coordinate such communications. Moreover, OPA will:

- Provide helpful stand-alone information on hud.gov regarding "hot-topics" with direct web-links to items such as state unemployment compensation information, EAP financial and mental health counseling, IRS tax information, and Consumer Finance Protection Bureau, etc.
- Provide program information about operational status of any HUD programs continuing to operate during the shutdown on hud.gov and alternatives for the American public about services such as mortgage processing, civil rights protections

with FHAP and FHIP agencies, lead hazard controls performed at the state or local levels of government, etc.

- When OMB has given the direction to begin preparing to restart operations, Public Affairs will also initiate and publicize the postshutdown@hud.gov mailbox to assist employees immediately following the shutdown.

m) Office of the Assistant Secretary for Administration (OASA)

The OASA will:

- Provide overall guidance to functioning areas and program offices on OASA excepted activities, including shutdown operations generally, and will report to senior management and stakeholders as appropriate.
- Maintain the minimum staff necessary to support orderly shutdown activities, other excepted activities, and orderly start-up activities, including initiating and maintaining the daily records of excepted and intermittently excepted employees.

Office of the Chief Human Capital Officer (OCHCO)

OCHCO will undertake the following activities which are required for orderly termination of agency functions:

- Provide advice and guidance to facilitate the orderly shutdown of activities with respect to HUD staff, including disseminating notices of furlough, instructions about out-of-office messages for all HUD devices (office phone-line, email, and cell phone), handling of time and attendance systems, etc.
- Coordinate and disseminate information and policy during a lapse in appropriations, including orderly termination and the resumption of operations.
- Provide guidance specific to employees who are not subject to furlough due to their S&E expenses being paid from multi-year or no-year S&E accounts.
- Provide advice about the ramifications of a shutdown with respect to Department-wide contracts administered by OCHCO, including for operational and personnel functions.
- As prescribed by the Chief Procurement Officer, initiate shutdown instructions for HUD's government purchase card program (purchase and fleet). During the shutdown, communicate with our shared service provider to monitor and validate any transactions occurring during the shutdown are in support of excepted activities.
- Communicate with the Office of Personnel Management (OPM) pertaining to updates and key information impacting employees during the lapse in appropriations.
- Provide advice to HUD officials on whether a management action taken or contemplated during a shutdown triggers union representational rights under a collective bargaining agreement or 5 U.S.C. chapter 71 for which official time should be granted to employees to perform representational duties related to the action.

- Take necessary personnel actions to separate employees in accordance with applicable law and regulations of the OPM.
- Coordinate with HUD's shared service provider on excepted human capital transactions to ensure timely and effective processing of personnel actions, in accordance with approved excepted activities.
- Process personnel and pay records in connection with shutdown furlough actions.
- In collaboration with OPA, prepare shutdown communication for posting on hud.gov.
- Ensure employee assistance program information is provided to the HUD workforce. Coordinate and provide time-keeping responsibilities, employee pay, benefits, and retirement administration.
- Provide guidance to program offices on personnel activity relating to Details and Intergovernmental Act Assignments (IPAs).
- Via hud.gov, provide the SF-8 and information to employees requesting unemployment compensation. Coordinate with OCPO regarding PIVing and PIV card maintenance to enable the performance of excepted activities.

Office of the Chief Procurement Officer (OCPO)

OCPO will maintain minimal staff and services necessary to support excepted activities. Intermittent employees may be identified to assist as circumstances dictate. Only contracting officers may instruct vendors regarding changes to the contract terms and conditions during government shutdown due to a lapse in appropriations. Also, the primary, alternate, or subordinate CORS names on a specific contract may provide direction to the contractor regarding performance of the contract.

Excepted Contracts: The following contracts and related actions may continue during a lapse of appropriations:

- a) Funded by other than annual appropriated funds: Contract actions funded by multi-year, no-year, or revolving funds, or advanced appropriation whose accounts have sufficient carry over balance and does not require government oversight or interaction for non-excepted activities.
- b) Expressly Authorized to Continue Even Without Funding: Functions authorized by law to proceed during an appropriations lapse including "those functions as to which express statutory authority to incur obligations in advance of appropriations has been granted."
- c) Necessary for Safety of Human Life or Protection of Property: Any activity or function that is continued based on a determination that it qualifies for the protection of life or property exception must be limited only to the minimum functions necessary for the protection of life and property. As for any administrative, research or other support function related to an excepted activity, that function should also continue, but only to the extent that they are excepted to maintain the effectiveness of those activities or functions that are engaged in the protection of life or property.
- d) Already funded: The status of these actions will be re-evaluated when the funding is exhausted.
- e) Other excepted services: Any other services identified elsewhere in the Contingency Plan.

Actions Necessary Prior to a Shutdown:

- a) Provide overall procurement guidance to functioning areas and program offices, as well as reporting to senior management and stakeholders on procurement and contracting expectations, rules of engagement, and authorities.
- b) OCPO, in conjunction with the HUD Government Purchase Card Agency Program Coordinator, will ensure that the limits on all purchase cards are dropped to \$0 or other nominal amount to prevent misuse by cardholders during the shutdown.
- c) OCPO, in conjunction with Program Offices, will identify excepted activities and associated contracts. The Office of the General Counsel and the appropriations attorneys in the Office of Appropriations Law Staff, and CFO Budget will assist in making this determination. From this listing, managers must further identify contracts that, in whole or in part, support activities that are excepted from shutdown. This will serve two major purposes for HUD contracting activities:
 - i. To identify contracts for which Partial/Full Stop Work Orders or Partial/Full Terminations for the Convenience of the Government must be issued, and to allow Contracting Officers sufficient lead time to prepare modifications and any necessary justifications and other supporting documentation for contracts; and
 - ii. To allow OCPO to determine an effective distribution of warranted Contracting Officers to support an orderly shutdown and the management of contracts supporting excepted activities. Determining an effective level of management for contracts supporting excepted activities would include consideration of Contracting Officer Representative and program management support.
- d) OCPO, OCIO, and Program Offices will identify critical systems that must be maintained but may not be used during a government shutdown, but would be detrimental to the agency mission if not maintained.
- e) OCPO will ensure that its shared service provider, the Bureau of Fiscal Services, will keep PRISM and IPP available as needed and staff the appropriate Help Desks.
- f) OCPO will coordinate with its assisted acquisition shared service providers to ensure similar contractual actions will be completed based upon OCPO's and programmatic direction.
- g) OCPO offers the following "Contracts Decision Tree" for Departmental decision making with respect to contracts in the event of a lapse in appropriations:

Is the contract fully funded using available appropriations or are other funds available to fund it (no year or multi-year)?

1. If **YES**, will contract require government supervision?
 - If **NO**, contract can continue if contract is a sensible use of taxpayer funds.
 - If **YES** and an excepted individual will be available to oversee it in between excepted activities (and overseeing the contract does not interrupt, interfere with, or delay the individual's performance of an excepted function), the contract may continue during the period of the lapse, provided the period is brief.

2. If **NO**, is the contract necessary to support one of the following excepted functions?
 - A statute or other legal requirement expressly authorizes an agency to obligate funds in advance of appropriations; or
 - The function addresses emergency circumstances, such that the suspension of the function would imminently threaten the safety of human life or the protection of property; or
 - The function is necessary to the discharge of the President's constitutional duties and powers (e.g., Commander-in-Chief or conducting foreign relations).
 - If **NO**, contract cannot continue.
 - If **YES**, will contract require government oversight?
 - If **NO**, contract can continue.
 - If **YES**, there must be excepted individuals available to oversee it, so the contract may continue during the furlough.

Office of the Chief Administrative Officer (OA)

OA will undertake the following activities to protect the safety of excepted employees and federal property in both headquarters and regional and field offices:

- Manage the headquarters building facilities.
- Maintain the field facilities, including serving as liaison with GSA/private building owners on matters relating to building services, security and emergency preparation; maintaining and monitoring telecommunications and security systems, as needed; and providing logistical support for any other staff designated to work during the shutdown or furlough.
- Prepare Field Offices for orderly shutdown, including signage, telecommunications greetings and coordination of access control measures in coordination with local building management.
- Maintain HQ building security. During a shutdown period, The Children's House childcare center, HUD Credit Union, and HUD Health Care Center will remain open.

The Fitness Center and the Urban Café will be closed. HUD shuttle service will be suspended.

- Maintain contracts to ensure all HUD buildings are operational, safe, and secure.
- Work with Public Affairs to update the Department's toll-free line, 1-866-INFO HUD (1-866-463-6483).
- Provide small team to support mail and distribution of critical items received during shutdown.
- Provide minimal broadcast support to provide direct assistance to the Secretary and Public Affairs to support any messages that may need to be sent internally within HUD and to external media.
- Execute Field timekeeping responsibilities as required and as directed by the CHCO.
- Coordinate access to HUD buildings during a lapse in appropriations. Only those who are on the daily authorized list of excepted employees and contractors will be admitted.
- Maintain the field facilities, including serving as liaison with GSA/private building owners on matters relating to building services, security and emergency preparation; maintaining and monitoring telecommunications and security systems as needed; and providing logistical support for excepted staff who are working during the lapse.

The contractors responsible for maintaining Administration excepted work (e.g., building security, building facility, etc.) will continue to work.

OA's Office of Disaster Management and National Security (ODMNS) coordinates national security and disaster response and recovery operations for the Department. In the event of a government shutdown due to a lapse in appropriations, ODMNS will identify employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property. Excepted functions include:

- A core team to monitor national security and disaster situational awareness that is able to surge the rest of the Department's continuity of operations and disaster teams should they be required.
- Departmental Continuity of Operations Teams and Disaster Response and Recovery Teams are not excepted, but will be recalled should a disaster strike or a security incident occur.

Finally, OA will provide physical protection to the Secretary as required under 42 U.S.C 3533, support the HUD Guard Force in maintaining safety in the building, and provide law enforcement support for circumstances that result in an imminent threat to safety and or property.

n) Office of the Inspector General (OIG)

This plan documents the steps the Office of Inspector General (OIG) for the U.S. Department of Housing and Urban Development (HUD) will implement upon notice by the Office of Management and Budget (OMB) of a lapse in its annual appropriation, including the expiration of a Continuing Resolution (CR), and the exhausting of any prior year appropriation

remaining available. The Inspector General (IG) wants to ensure a capacity to fulfill its responsibilities under the Inspector General Act of 1978. The primary mission of the OIG is to investigate and audit HUD programs and operations, and to respond to irregularities or violations of law or regulation in HUD programs and operations, especially as they might relate to protecting HUD funds.

Immediate Office of the Inspector General

Individuals appointed by the President, with Senate confirmation, are not subject to furlough and cannot be placed in a nonduty, nonpay status. The salaries of Presidential appointees are obligations incurred by the year, without consideration of hours of duty required. The Inspector General (IG) is appointed by the President, and confirmed by the Senate.

The IG is excepted from furlough as a necessary position to conduct an orderly shutdown of non-excepted activities and to conduct on-going excepted activities. The IG will perform official duties during a furlough as long as he does not expend appropriated funds which have lapsed or engage furloughed employees to perform work on activities that are not excepted. The Deputy Inspector General (DIG) is also excepted in support of the IG in fulfilling OIG responsibilities while there is a lapse in funding.

During a government shutdown, the IG or the DIG may meet with all members of the public, Congressional staff and members, state and local officials, and executive branch officials not subject to furlough.

In the event of a government shutdown due to a lapse in appropriations, the IG will identify employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

Office of Legal Counsel

The Counsel to the IG will be an excepted position to fulfill the below responsibilities for the duration of the lapse in funding. The Counsel will be an excepted position to provide necessary support to the IG, Deputy IG and the field. The Deputy General Counsel is also an excepted position for the initial 18 hours of a lapse in appropriations to assist in the orderly shutdown of operations.

1. If a lapse in appropriations appears to be reasonably foreseeable, the Office of Legal Counsel (OLC) will provide clients with legal advice and guidance about the activities that are excepted activities; provide legal advice about the ramifications of a shutdown with respect to all operational, contractual, and personnel functions; provide legal assistance to senior staff about related labor issues, and coordinate with the Department of Justice to ascertain the impact of a lapse on appropriations on pending litigation in the federal courts; and provide legal opinions on the appropriateness of excepted positions.

2. If a lapse in appropriations occurs, the OLC will provide legal advice to facilitate the orderly shutdown activities such as disseminating notices of furlough, instructions about out-of-office messages, handling of time and attendance systems, etc., and provide legal advice and review legal documents to assist in the orderly termination of OIG functions that are not deemed excepted. This includes review of agreements incurring any obligations; provide legal advice to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property; monitor non-federal litigation to insure the protection of property; provide legal advice to OIG managers and employees that perform functions that are funded under multi-year appropriations, permanent and indefinite appropriations, and other non-annual appropriations; provide legal advice to OIG managers and employees that perform functions that are excepted from the furlough.

Office of Management and Technology (OMT)

In the event of a government shutdown due to a lapse in appropriations, OMT, through the Assistant Inspector General (AIG) for OMT, will maintain minimal staff to conduct an orderly shut-down of non-excepted functions and ensure the safety of human life and the protection of property in operations conducted by OIG Headquarters and Regional Offices. The duties of the minimal staff will generally be measured in hours. OMT will facilitate the operation of offices to accommodate any excepted activities, identified by the IG, which must take place in headquarters or field locations. OMT will maintain a limited staff to provide support for all excepted activities, including (1) activities that are necessary to the discharge of the President's constitutional duties and powers; (2) activities that address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property; (3) activities that are funded through fees or under multi-year or no-year appropriations; and (4) activities that are necessary for the orderly termination of agency functions. If additional duties arise during the lapse in appropriations IT and other needs will exceed the capacity of those employees initially excepted. Accordingly, a number of OMT employees are on call.

- Chief Information Officer. OMT includes the Infrastructure Services Division, which is a joint contract/federal employee operation. It is expected that the Chief Information Officer will be an excepted position for the duration of any lapse in budget authority. The CIO will provide information technology support to the IG and headquarters and field operations. The CIO is authorized to maintain a minimum on-call staff to maintain liaison with the contractors and headquarters and field personnel. The CIO will ensure the integrity of the OIG infrastructure and network. At least 1 technical support employee will be on-call to maintain word and data processing functions if needed by investigative staff
- Director, Human Capital Division. The Director, HCD, will be excepted from furlough for the initial 40 hours to ensure the proper shut-down of OIG operations and the furlough of OIG employees who are not excepted from furlough.

- Other Divisions. The other divisions within OMT are expected to conduct an orderly shut-down on the first day of the furlough. A Management Support employee will be excepted to provide support to the field if the number of on-call field employees increases. Procurement will continue to monitor cases with a staff as excepted.

Office of Investigation

All GS-1811 Special Investigators who are working on disaster related investigations will continue to perform their work during the shutdown of the government. OI will recall and except Special Agents who are working on matters with the Department of Justice, other federal agencies, State and local authorities and courts that are not impacted by the shutdown and that require OIG involvement. Special Agents working on theft/embezzlement cases in which the target or targets are still in a position to engage in the theft, misappropriation, or placing at risk of HUD federal funds will be recalled and excepted. All other Special Agents will be on-call during the furlough and will be directed to report to work under special and emergency situations as determined by the IG.

Other Excepted OI Employees. Besides the special agents identified above, the Office of Investigation will except the SAC of Headquarters Operations position, who will provide management support to the IG, AIG Investigations and the Deputy AIGs, as well as Special Agents in Charge (SACs) in field operations. A minimal number of first line supervisors of the recalled and excepted Special Agents may be recalled and excepted.

Due to sensitive and critical investigations currently active, a position in the Special Investigations Division is excepted from the shutdown.

Office of Audit

All auditors will be on-call during the furlough and will be directed to report to work under special and emergency situations as determined by the IG.

In addition to employees above, the Office of Audit will maintain a minimal staff for the duration of the lapse in funding. One DAIGAs and the Regional Inspector Generals for Audit are excepted for 16 hours in support of the orderly shutdown transition.

Joint Civil Fraud

Two staff members representing each office of Investigation and Audits currently involved in negotiations with DOJ and banks will be excepted from the shutdown.

Office of Evaluations

All evaluators who are working on disaster related evaluations will continue to perform their work during the shutdown of the government. All other evaluators will be on-call during the furlough and will be directed to report to work under special and emergency situations as determined by the IG.

In addition to employees above, the Office of Evaluations will maintain a minimal staff for the duration of the lapse in funding. The AIG for Evaluations will be excepted to ensure that the critical and mandated work continues.

Ad hoc or “on-call” Excepted Functions

This plan recognizes that some employees may be needed on an ad hoc or “on-call” basis after the initial shutdown of operations. These positions have been identified above or referenced as minimal support, and each individual will be notified of their responsibility to answer a return to duty on an ad hoc or “on-call” basis. Any recall will be made in periods of hours, e.g. 4 hours, 9 hours, 18 hours.

COMMUNICATIONS:

The IG, DIG, or AIG for OMT will provide general guidance to all employees on the nature of the emergency shutdown. The OMT staff will coordinate communications to employees on the details of the furlough after consulting with the Bureau of Financial Services (BFS), National Finance Center (NFC), and Counsel to the IG. The communications will address formal notice, recall plans, employee pay and benefits issues, and any additional information based on the likely duration of the furlough. OMT will provide all employees with the OPM information on emergency furloughs found at: <http://www.opm.gov/furlough/furlough.asp> .

ORDERLY SHUTDOWN:

OIG expects most of the activity to support an orderly shutdown to commence with OMB’s determination that a shut-down is required. Supervisory staff will work with their AIGs to begin notification for all employees on first day of a shutdown. Employees will carry out orderly shutdown activities. The focus is for all OIG employees to identify any critical pending work and take all the actions possible to avoid or to minimize any impairment due to the furlough. The AIGs will provide Managers and Supervisors with a checklist for the orderly shutdown. Supervisors shall account for all employees’ time and will relay any concerns regarding pending work through channels to their respective Deputy AIG. The AIGs will ensure the IG is fully informed on any critical issues.

o) Closed Offices

In the event of a lapse in appropriations, the following offices will be shut down and contractor work will be suspended:

- Center for Faith Based and Neighborhood Partnerships
- Office of Small and Disadvantaged Business Utilization
- Office of Departmental Equal Employment Opportunity
- Office of Adjudicatory Services

4. Legal Issues

a) Presidential Appointment with Senate Confirmation (PAS) Duties

Individuals appointed by the President, with Senate confirmation, are not subject to furlough and cannot be placed in a nonduty, nonpay status. The salaries of Presidential appointees are obligations incurred by the year, without consideration of hours of duty required. However, please note that during a lapse in appropriations, PAS officials are also barred from receiving pay. These Presidential appointees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

The Secretary and PASs may perform official duties during a furlough as long as they do not expend appropriated funds which have lapsed or engage furloughed or excepted employees to perform work on activities that are not excepted. The Secretary and the PASs may not expend lapsed travel funding. During a government shutdown, the Secretary, the Deputy Secretary, the General Counsel, the Assistant Secretaries, the Chief Financial Officer and the President of Ginnie Mae, as individuals appointed by the President with Senate confirmation, may meet with all members of the public, Congressional staff and members, state and local officials, and executive branch officials not subject to furlough.

b) HUD Employees Paid from special Salaries and Expenses Accounts

Individuals whose salaries are regularly funded through special appropriations other than HUD's traditional S&E appropriations, which includes some Ginnie Mae employees who are on term appointments and some CPD Disaster employees who are on term appointments, will follow specific guidance and direction from their program leadership, in consultation with HUD's OCHCO and senior leadership, regarding their work status during a lapse in appropriations, which may be different from HUD's other employees. So long as sufficient funding sources remain available from prior-year funds, this limited group of employees will not be subject to furlough and may perform all of their official duties, so long as they do not expend appropriated funds which have lapsed, including travel funds which have lapsed.

c) HUD Employees on Duty Assignments

If HUD employees, who are funded through appropriations that have lapsed, are on temporary duty assignments (travel, rotations, details, training) away from their normal duty stations at the time of an appropriations lapse, they are encouraged to make arrangements to return home whenever reasonable and practicable. In each instance, the relevant GDAS or functional equivalent should make a determination of reasonableness and practicality based on the length of the assignment and the time required for return travel, compared to the anticipated length of the lapse, so as to minimize the burdens of doing so.

5. Internal Communications Plan

a) Communications Goals, Timeline, and Plan

Goal of communications with HUD employees: The goal of the Department's communications efforts is to reassure employees that they will be kept abreast of all developments related to a possible shutdown and lapse in appropriations. It is imperative that the Department have clear and consistent communication between managers and employees. All communications that occur in advance of a lapse in appropriations will be limited to the following:

- As advised by the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB), Department-wide emails will be sent.
- Critical human resources information regarding furlough information as advised by OPM and OMB.
- Instructions for managers on how and specifically, what to communicate to employees and when.
- Guidance for all employees on procedures for Day 1 of a potential shutdown.

The communications efforts are intended to enable employees to clearly understand:

- If and when they are supposed to come to work.
- The impact the shutdown will have on their pay, benefits, retirement and etc.
- The impact the shutdown will have on the programs in which they work.
- The rules of the shutdown telework, smart phone use and etc.
- Web sites or POC's where they can find answers to shutdown questions.

Goal of communications with leadership (PDASs, GDASs and Regional Administrators): While all of the above applies to this group of employees, it is imperative that the PDASs, GDASs or equivalents and Regional Administrators understand that they are the primary conduits of information to their staff. Leadership needs to clearly understand that it is their responsibility to:

- Clearly and calmly communicate all details of the shutdown to their employees.
- Explain which functions will stay operational during the shutdown.
- Explain which employees are expected to report to work during the shutdown.
- Review the schedules of employees on alternate work schedules (AWS, etc.) and address any potential schedule changes that may result from the shutdown.
- Review employee's approved leave plans and ensure that the employees understand that all leave is cancelled during a furlough.

- Spot check employees' voicemail messages to ensure that the shutdown out of office message has been recorded.
- To the extent feasible, inform excepted (permanent and intermittent) employees of their status in advance of a shutdown.
- Answer any questions employees may have (using OMB/OPM talking points), or direct them to where they can get their questions answered.
- Explain that employee updates during a shutdown will be posted on hud.gov.

Process Check-list for Managers:

- a. Gather names and details of exempt employees
- b. Gather names and details of excepted employees
- c. Gather names and details of intermittent employees (include specific dates they will be needed, and include people outside of your office [e.g. lawyers needed for closings])
- d. Ensure managers have contact information for employees
- e. Identify method to contact employees on extended sick leave.
- f. Gather details of onsite contractors that will need access to the building and ensure adequate supervision is in place
- g. Review and adjust travel plans scheduled during anticipated lapse period
- h. ID contracts that will cease and those that will continue (create a list)
- i. ID activities that will require field offices to be open
- j. Prepare exception notices
- k. Prepare intermittent notices
- l. Provide directions for tracking time and attendance outside WebTA

Furlough Guidance for Employees: OCHCO, in collaboration with OCIO, will develop and disseminate a furlough information packet to HUD employees which instructs the following during a lapse:

- Place a voicemail message on their phone line and any office-specific phone line explaining their absence.
- Not to perform any HUD-related work by home phone or computer

- Not to use government property such as a laptop, smart phone or iPad to perform work.
- Not to perform HUD-related work as a volunteer.
- Be *on-call* and reachable by their offices if their services are needed for intermittent excepted duties. It is the employee's responsibility to keep their current telephone number and email address on file with the Department.

Employee notification documents (See Appendix A):

Furlough Notice – OCHCO will distribute by email a memorandum signed by the Chief Human Capital Officer to all non-exempt employees within the first four hours of duty on the first day of the shutdown. 5 CFR 752.404(a)(2). Revised furlough notices will be sent to excepted full-time employees in light of any additional OMB or OPM guidance regarding the treatment of federal holidays or other leave and pay issues.

Notice of Excepted Position for Full-Time Excepted Staff – OCHCO will prepare a draft memorandum that should be distributed by GDASs or equivalents to full-time excepted employees during the first four hours of duty on the first day of the shutdown to each excepted employee upon Departmental notification of shutdown 5 CFR 752.404(a)(2). The GDASs or equivalents will address the memorandum to the specific employees that have been identified in each office plan. The GDASs or equivalents shall retain copies of these memoranda.

Notice of Excepted Position for Intermittent Excepted Staff - OCHCO will prepare a draft memorandum that should be distributed by GDASs or equivalents to intermittent excepted employees when they are needed to perform excepted duties. The GDASs or equivalents will address the memorandum to specific employees when they are needed to perform intermittent duties. The GDASs or equivalents should track the time intermittent employees are required to work, using the time tracking spreadsheet provided, and maintain records until further instruction is provided.

Letter to creditors – A letter to creditors signed by the Chief Human Capital Officer will be distributed to all employees with shutdown information. The letter will notify financial organizations of the shutdown and request relief for impacted employees. Employees may provide the letter as need to their financial organizations. Employees should note there is no legal obligation for a creditor to give weight to this letter.

b) Proposed Schedule of Communications:

All communications by HUD will be in compliance with direction from the Office of Management and Budget (OMB) and/or Office of Personnel Management (OPM). Below is a general, high-level schedule of internal communications (subject to change).

PRIOR TO THE POTENTIAL LAPSE IN APPROPRIATIONS:

- General HUD-wide email, informing employees of the possibility of a lapse in appropriations and advising them that additional information will be forthcoming. The email includes a paragraph informing employees that hud.gov, the agency's outward facing website, will contain an Employee Furlough section that will be updated regularly once the lapse occurs.

ONE OR TWO DAYS OUT FROM A POTENTIAL LAPSE IN APPROPRIATIONS:

- Email to Principal staff and office heads to share internal communications schedule and to suggest they prepare for management briefings. Managers will be briefed (OPM/OMB talking points) on how, what and when to communicate to employees.
- Department-wide email to all staff with additional information. The email includes a paragraph informing employees that hud.gov, the agency's outward facing website, and 1-866-INFO-HUD (1-866-463-6483) will contain an Employee Furlough section that will be updated regularly once the lapse occurs.
- GDASs or equivalents informally inform full-time excepted employees that they are expected to work during the shutdown.
- Managers informally inform most employees that they are not excepted on a full-time basis, but some may need to come to work on an intermittent basis for excepted activities.

DAY OF POTENTIAL LAPSE

- OMB legal guidance is that normal shutdown activities should take up to four hours. In the event of an unanticipated lapse, SOHUD may grant more than four hours to work on the orderly termination of activities.
- Deputy Secretary email updating employees. Inform employees to follow previous instructions they have been given. All HUD management officials are directed to stay at work for the full four hours to ensure an orderly shutdown process.
- OCHCO, CIO and OPA work together to ensure all essential documents, links, and information employees are likely to need for shutdown activities are available on hud.gov.

SHUTDOWN DAY 1:

- OCHCO/OCIO distributes formal furlough notices to employees via email. These are the official sources for information regarding shutdown and re-open activities.
- OCHCO distributes guidance to master timekeepers and all employees on how to enter work time for the impacted pay period and the up to four hours of time to conduct an orderly shutdown.

- GDASs or equivalents distribute formal notices to full-time excepted employees and intermittent excepted employees.
- All managers follow instructions for how to communicate with staff.
- All employees and managers enact an orderly shutdown of their offices.
- OCHCO and OPA stand up a hotline (1-866-INFO-HUD) for employees to use during the shutdown.
- CIO and OPA move employee information to the front page of hud.gov, add disclaimers about information updates to all HUD websites, and place HUD's operating status on the front page of hud.gov.

SHUTDOWN DAY 2 AND CONTINUOUS:

- OPA will update the hotline (1-866-INFO-HUD) with information on Government status daily. Hotline information will dictate when people should come back to work.
- If employees are needed on an intermittent basis, managers will be asked to contact them via the phone numbers and personal email addresses that are provided in HIHRTS.
- Other than individual recall phone calls or emails from managers to employees notifying them of their intermittent work status and employees' calls to the hotline, no communications will be disseminated.

c) Daily Operations Structure

Each day of the furlough, the Secretary or the Deputy Secretary or their designee will hold Operation Status meetings, as necessary. These meetings will be scheduled based on updates provided from OMB and OPM. Attendees will include the leadership from each office, including General Deputy Assistant Secretaries or equivalents as well as operational office leads. A sample agenda will be:

1. OMB/WH Guidance
2. Communication Guidance
3. Budget status & impact
4. Programmatic impact
5. Evaluation of health, safety and public property status
 - a. Need to recall intermittent staff to work on excepted activities.
 - b. Need for field office openings to accommodate limited excepted activities
6. Outside Requests
 - a. Stakeholders
 - b. Congress
 - c. OMB

d) Process for Approving Intermittent Staff:**The Day Before the Employee is Needed to Work**

- GDASs or equivalents or operational leads submit requests to recall staff to Lapse Coordinators and the GDAS for the Office of Administration.
- The Deputy Secretary or their designee reviews and approves the list and the GDAS for the Office of Administration circulates the list of staff for recall to the GDASs or equivalents and operational leads. This list is provided to:
 - Building Security – notifies security of authorized personnel allowed to access the building
 - OCIO Help Desk – notifies the help desk who is authorized to receive support from the help desk because they are working on excepted activities
 - OCHCO Employee Labor Relations – provides list to unions, as required under current union agreements.
- Recalling manager on duty contacts staff to notify them they are to report the next day.
- Recalling manager on duty also completes the Notice to Return to Work on an Intermittent Activity for each recalled intermittent employee to include the specific activity they are needed to perform (see Appendix).
- Recalling manager on duty provides a copy of the signed Notice to Return to Work on an Excepted Activity to the Office Recall POC.
- Regional Administrators coordinate necessary field office building access.

e) Communications Directly Before Government Resumes Business:

Once it has been determined that the shutdown will be terminated, and the Government will resume business, the following activities will occur as soon as practicable:

- OPA will coordinate with OCHCO on what information is needed to prepare for employees upon their return.
- OCHCO and OPA will update hud.gov, hud@work, hudconnect with FAQs.
- OPA will update the hotline with information on return to work.

Note that during the short period of time after OMB notifies HUD that a shutdown is nearing its end, but before the appropriations Act has been signed into law by the President, excepted

activities include the necessary administrative steps identified above to prepare for HUD staff to return to work and resume their duties. These and other “orderly start-up activities” or “orderly resumption activities” are necessarily implied from the Antideficiency Act in the same manner and under the same legal authority that orderly termination activities are necessarily implied by law.

Please note that while orderly start-up activities are permitted, we have not yet returned to normal government operations. Accordingly, non-excepted activities or work may not be assigned or performed during this interim period.

f) Communications Options Directly After Government Resumes Business:

Once the relevant appropriations Act appropriating funds for HUD operations has been signed into law by the President, the shutdown has officially ended and all normal activities may proceed. This is usually signaled by the issuance of a memorandum to Federal agencies from the Director of OMB.

The goal for Departmental communications at this time is to restore morale and reassure employees that they were missed, their contributions are meaningful, and we empathize with the stress they have been under as a result of the shutdown. Depending upon the length of the shutdown, the Department will select from the following activities:

- Principal staff, Regional Administrators, and Field Office Directors greet employees at main entrances to HUD buildings.
- Pass out and email employee FAQs
- Robert Weaver Building will have display boards and monitors with a welcome back video.
- Each Assistant Secretary/RA/Field Office Director should build in time to personally walk their respective areas and welcome their team back. This effort should include DC and the field.
- All Hands Meeting/Broadcast featuring Secretary/Deputy Secretary
 - Welcome back
 - Value of Public Service
 - Pay, leave, EPPES and EPACs will be briefly discussed
 - Reminder to send questions to postshutdown@hud.gov.
- HUD@work feature: What Leadership thinks of HUD’s employees; reaffirmation for the need of Public Service Session (Secretary/Deputy Secretary). Letters and videos from senior leadership

- Hud.gov: update slideshow to incorporate photographs from the all hands meeting.
- Rebroadcast of all hands meeting.
- OCHCO panel to discuss:
 - Furlough pay (timing/amount of next check)
 - Use or lose leave/waivers
 - Impacts of shut down on retirement/buyouts etc.
 - Repaying unemployment
 - Other updates from OCHCO

6. Critical Information Technology and Systems Infrastructure

General Guidance

The OCIO activities that will be conducted under the exception category during a government shutdown will include the technology, administrative and project management activities required to support all HUD identified excepted activities that are enabled through the use of information technology. Without the OCIO’s provision of these activities during the shutdown, HUD programs will be unable to conduct excepted activities which could potentially have a negative impact on HUD’s services.

OCIO will maintain access to and use of the standard HUD-provided desktop/network applications and Help Desk Support operations for excepted employees. The following tables list the HUD Program identified IT systems and infrastructure required in order to support excepted functions and activities.

a) Table 1: Excepted System List

Program Office	System Name	System Acronym
Office of the Human Capital Officer		
P162 - HUD Integrated Human Resources and Training System		HIHRTS
P262 – webTA		webTA
Career Connector		CareerConnector
P162D - HIHRTS DataStore		HIHRTS DS
Office of the Chief Financial Officer		
A21 - Loan Accounting System		LAS
A39 - HUD's Consolidated Financial Statement System		HCFSS
A67 - Line of Credit Control System		LOCCS
A75 - HUD Central Accounting and Program System		HUDCAPS
A75R - Financial Data Mart		FDM
A96 - Program Accounting System		PAS
D08 - Bond Payment		BONDMAPPER
A75I - Personnel Services Cost Subsystem		PSCRS

P236 - Secure Payment System (Client Installed on User Workstations)	SPS
P293 - New Core Interface Solution (NCIS)	NCIS
ARC – Oracle Shared Services (needed for reporting)	OMS
P299 – HUD Pay.gov Common Service	HPCS
Housing	
A43 - SF Insurance System	SFIS
A43C - SF Insurance Claims Subsystem	CLAIMS
A80D - Distributive Shares and Refund Subsystem	DSRS
A80B - SF Premiums Collection Subsystem-Periodic	SFPCS-P
A80R - SF Premiums Collection Subsystem-Upfront	SFPCS-U
F72 - Title I Insurance and Claims System	TIIS
U26A - Electronic Data Interchange	EDI
P013 - FHA Subsidiary Ledger	FHASL
P256 - SF Help Desk (FHA-CRM under FHA Trans)	
F87 - Tenant Rental Assistance Certification Sys.	TRACS
P - 271 Home Equity Reverse Mortgage Information Tech.	HERMIT
A80S - Single Family Acquired Asset Mgmt. System	SAMS
F17 - Computerized Homes Underwriting Mgmt	CHUMS
F51 - Institution Master File	IMF
F17C - FHA Connection	FHAC
F24 - Integrated Real Estate Management System	iREMS
Electronic Appraisal Delivery System	EAD
P292 - Loan Application Management System/Electronic Appraisal Delivery System	LAMS
F24A - Development Application Processing System	DAP
Multifamily End User Support System	MFEUSS
P085 - Comprehensive Servicing and Monitoring System	CSMS
Resource Desk (managed by FPG)	
P260 - Asset Management Disposition and Management	ADAM
P-233A – Transaccess: Case Binder Management Module	SFI TA:CBMM
A80H - SF Mortgage Asset Recovery Technology	SMART
F57 - Credit Alert Verification Reporting System	CAIVRS
F42S - Single Family Default Monitoring System	SFDMS
P278 - Lender Electronic Portal	LEAP
P303 – Loan Review System	LRS
Office of the Chief Information Officer	
P104-Web Access Security Subsystem	WASS
P207 - Mainframe (IBM)	MIBM
P208 - Internet Server	InterS
P209 - LAN File Server	LFS
P210 - Intranet Server	IntraS
P212 - Mainframe (Unisys)	MU
P223 - WAN File Server	WFS

X01 – HUD Cloud Services	HUDCS
D110 – Office 365	O365
Office of the Chief Procurement Officer	
Purchase Request Information System Management	PRISM
Public and Indian Housing	
P181 - Enterprise Income Verification	EIV
P113 - Inventory Management System	IMS/PIC
P224 - Voucher Management System	VMS
P092 - Financial Assessment SubSystem -Multifamily Housing	FASS-FHA
P093 - Financial Assessment SubSystem -Public Housing	FASS-PH
P109 - Physical Assessment SubSystem	PASS
P100 - Integrated Assessment SubSystem	NASS
P097- Management Assessment SubSystem	MASS
F98A - Technical Assistance Center	TAC
P091 - Customer Assessment SubSystem	CASS
P279 – Energy and Performance Information System	EPIC
P304 – Office of Native American Program Loan Origination System	ONAP
Community Planning and Development	
C04 - Integrated Disbursement and Information System	IDIS
C08QA - Recovery Grant Reporting	DRGR
C38 - Electronic Special Needs Assistance Programs System	e-snaps
D77D - CPD Maps	CPD Maps
Fair Housing and Equal Opportunity	
HUD Enforcement Management System	HEMS
Office of Public Affairs	
Cision, Lexis Nexis	OPA
P068 - HUD Website	HUD.gov
Congressional and Intergovernmental Relations	
CIR Grants Notification Tool	CIRZip
Office of Strategic Planning and Management	
P017 - Grants Interface Management System	GIMS
Office of Administration	
HUD Emergency Operations Notification Center	MIR3
Office of Lead Hazard Control and Healthy Homes	
Healthy Homes Grants Management System	HHGMS

b) Actions Necessary Prior to a Shutdown

These actions will ensure an orderly shutdown of the government:

- a) The Deputy CIO in collaboration with the Program officials will ensure that all excepted activities enabled through the use of technology in Table 1 are updated prior to the shutdown. From this listing, managers must further identify and update the list of

excepted employees listed in Table 2. Additionally, managers must identify OCIO managed contracts that need to be utilized during the shutdown in support of the excepted activities.

- b) The Deputy CIO will be required to identify all non-excepted activity supporting contracts and work with the Office of the Chief Procurement Officer to issue Stop Work Orders for contracts that are not necessary
- c) The Deputy CIO for Infrastructure and Operations will identify all infrastructure components that will be utilized to support excepted functions during the shutdown.
- d) Shutdown Binders will be provided to all managers who will be working throughout the shutdown and the authoritative location for shutdown documentation will be identified and communicated.
- e) A teleconference bridge will be coordinated and a schedule for regular shutdown briefings will be defined and communicated.
- f) Finalize the OCIO Shutdown Communication Plan.

c) Shutdown Activities

- a) Following the official notification from the US OPM or other official source within HUD of a lapse in funding and the need to shut down operations, the Deputy CIO will finalize and activate the plan for the orderly shutdown of non-excepted IT functions within the OCIO.

d) Resumption Activities

- a) Following official notification that a shutdown is in the process of concluding and funding will soon be available for obligation, the Deputy CIO for Infrastructure and Operations will activate all infrastructure components that were shutdown prior to the shutdown due to their support of non-excepted activities. All IT solutions that were shutdown will be tested to ensure functionality prior to the arrival of the HUD workforce.

7. HUD Building Access and Security

a) Weaver Building Access and Security Plan

During the shutdown period, The Children's House childcare center, the HUD Credit Union, and the HUD Health Care Center will remain open. Both the Fitness Center and the Urban Café will be closed. Shuttle service will be suspended.

During normal working hours under shutdown conditions, access to the building will be limited based on the number of individuals expected to be in the building. Security guard staffing will be maintained to keep the building open and manage the facility for excepted staff. The need for contractor entry will be determined by OCPO using the guidance on pages

20 & 21 (Action Necessary Prior to Shutdown); only authorized contractors will be permitted into the building. Security guard staffing will be reduced.

8. External stakeholder and federal/nonfederal elected communications plan

The Office of Public Affairs/Public Engagement will collect the most-frequently asked questions (FAQs) from the GDASs for each program office to be provided on the HUD website in the event of a government shutdown. These would be questions that would impact life and safety for HUD grantees and constituents (i.e. ability to continue getting Section 8 vouchers, close on FHA mortgages, etc.). Programs will also compile email lists of stakeholders.

The Lapse of Appropriations FAQs will be used in the following ways: During the 4 hour period that all personnel are permitted to orderly shutdown, the “approved message” regarding the shutdown and a link to the FAQs for external stakeholders will be:

- 1) Posted on the main page of the HUD website, to the extent permitted.
- 2) Sent by CIR all Hill contacts, with a message referring Committee and Member staff to contact CIR “excepted” staff with any urgent matters related to excepted agency functions.
- 3) Sent by OPA/PE to the Department’s list of stakeholders with a request for stakeholders to forward the FAQs to their networks.
- 4) Sent by CIR to groups of nonfederal elected officials, asking them to send the FAQs to their memberships.
- 5) CIR will also ensure key Committee staff, receive phone calls to brief them on the coverage plan during the shutdown, which will include an identification of their assigned CIR “excepted” employee Point of Contact.

Appendices

Appendix A: Templates for Internal Communications

1. Furlough Notice for Excepted Employees
2. Notice of Excepted Position
3. Notice to Return to Work on a Limited Basis
4. Letter to Creditor
5. Furlough Notice for Non-Excepted Employees
6. FAQs for HUD Employees

Appendix B: FAQs for Stakeholders

Appendix A: Draft Templates for Internal Communications

a) Sample Furlough Notice for Excepted Employees

Note that this sample notice will be updated as necessary with the specific facts applicable to any actual lapse in appropriations.

MEMORANDUM FOR: All Excepted HUD Employees

FROM: Chief Human Capital Officer, A

SUBJECT: Furlough Decision Notice for Excepted Employees Due to Lapse of Appropriations

Background

In the absence of appropriations, no further financial obligations may be incurred by HUD, except for those related to the orderly suspension of HUD's operations or the performance of excepted activities as defined by the Office of Management and Budget. This action is as a result of a sudden emergency requiring curtailment of the Agency's activities. This government shutdown is not expected to exceed 30 days. In the event of a government shutdown due to a lapse in appropriations, most Federal employees are required to stop work because no funds would be available to pay staff, and the government is prohibited from accepting voluntary services. A limited number of employees are "excepted" from this general rule based on the functional activity they perform. This includes:

- Employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.
- Employees who perform functions that are funded through fees or under multi-year (as opposed to annual) appropriations.
- Employees who perform functions that are related to express authorizations to contract or borrow without an appropriation.
- Employees necessary to meet the obligations necessary to the discharge of the President's constitutional duties and powers. This is understood to be employees necessary to interpret statutes, such as the Antideficiency Act, to avoid significant constitutional issues.
- Employees who are required for the orderly termination of agency functions.

Designation as an "excepted" employee and furlough status when not performing "excepted" activities and functions

You were informed, on [Date], that your position was identified as performing excepted functions and activities in the event of an agency shutdown due to a lapse in appropriations. This means that during the government shutdown, you are expected to report to work to perform excepted activities and functions. You will be compensated for this work time on authorized excepted activities when appropriations are enacted.

*When **not** performing excepted activities and functions, you will be placed in a furlough status.* This is a nonpay, nonduty status. Any paid leave (annual, sick, court, etc.) approved for use during the shutdown is hereby cancelled.

When in a furlough status, you are prohibited from using HUD provided devices (such as laptops, iPads, cell phones) during the furlough. You are also prohibited from using remote access to HUD email, HUDmobile, HUD business systems, or other HUD provided electronic capabilities.

Guidance on status during federal holidays

As an employee who has been excepted from furlough and continues to work during the shutdown, you are required to work on those days you would normally be scheduled to work (typically Monday through Friday at HUD). You are not typically scheduled to work on federal holidays. For example, the Columbus Day holiday on Monday, October 9, is not a day you would normally be scheduled to work, and we are not requiring you to work on that day. Because of the operation of the shutdown furlough rules, we must place you in a furlough status for the [insert appropriate holiday] holiday. As an excepted employee, you are expected to return to work on your next regularly scheduled workday following the Columbus Day holiday. For the vast majority of you, this means you would return to work on [insert next scheduled workday].

If you have a work schedule that does not include [the holiday] as a workday, you will follow the normal holiday rules for an “in lieu of” holiday. All full-time employees, including those on flexible or compressed work schedules, are entitled to an “in lieu of” holiday when a holiday falls on a non-workday. For example, if you have a Monday through Friday alternative work schedule (AWS), and Monday, October 9, is your regularly scheduled AWS day off, you will do as you have generally done for previous holidays and take your “in lieu of” holiday the work day immediately preceding Monday. In this example, your “in lieu of” holiday would be Friday, October 6. You would be in furlough status on Friday instead of Monday in this example. You would return to work on Tuesday, October 10, because your regular day off is on Monday, October 9.

If you have any questions regarding your designation as an “excepted” employee or furlough status when not performing excepted functions and activities, please contact the Office of the Chief Human Capital Officer or the head of your organization, GDAS or equivalent.

Information on Appeal Rights

Employees who have completed a probationary or trial period or 1 year of current continuous employment in the competitive service under other than a temporary appointment

may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed 1 year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service who do not have veterans preference and are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to the MSPB, if they have completed 2 years of current continuous service in the same or similar positions in an executive agency under other than a temporary appointment limited to 2 years or less. Career SES appointees (except re-employed annuitants) who believe requirements of 5 CFR part 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to the MSPB. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.

You have the right to obtain review of this adverse action through one or more of the avenues stated below. You may only choose to pursue one of these avenues of review, and you must be eligible for the selected avenue of review. Any election is deemed to have been made based on which of the actions is filed first. If you elect to challenge this adverse action, it is important that you make an informed choice among the available options, as electing an option will foreclose your ability to select a different option at a later point. Therefore, if you wish to challenge this adverse action, please read the information carefully and select **only one** of the avenues below, as applicable:

1. If you have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment you may appeal this action to the Merit Systems Protection Board (MSPB). If you are a preference eligible employee in an excepted service appointment, you may appeal to the MSPB if you have completed 1 year of current continuous service in the same position or positions similar to the one you now hold. Employees in the excepted service, who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service, may appeal to the MSPB if they have completed 2 years of current continuous service in the same or similar positions in an executive agency under other than a temporary appointment limited to 2 years or less. You have the right to be represented in this matter by an attorney or other person you may choose.

If you have the right of appeal and wish to appeal this action to the MSPB, your petition for appeal **must** be filed during the period beginning with the day after the effective date of the adverse action and ending not later than 30 calendar days after the effective date, or 30 days after the date of receipt of the decision, whichever is later. Failure to file a timely appeal could result in dismissal of your appeal absent good cause. You may obtain a copy of the appeals form and a copy of the Board's regulations from the MSPB website at <http://www.mspb.gov>). If you decide to appeal to the MSPB, you may file your appeal by mail, by facsimile, by commercial overnight delivery, or personal delivery to the Chief Administrative Judge, Merit Systems Protection Board. Your appeal must be filed with the MSPB regional or field office serving the area of your duty station when the action was taken. Information about MSPB locations and procedures may be found at <https://e-appeal.mspb.gov/faq.aspx>. You must submit an original and one copy of the appeal. In accordance with 5 C.F.R. 1201.24(a)(7), you must also submit a copy of (1)

the agency decision being appealed, and (2) if available, the SF-50 or similar notice of the personnel action. No other attachments should be included with the appeal as the agency will be responsible for submitting certain documents and there will be several opportunities to submit evidence and argument after the appeal is filed. You are advised not to miss this deadline for filing merely because you do not currently have all of these documents in your possession. As an alternative to filing a paper appeal, you may file an appeal electronically by using e-Appeal, the MSPB's Internet filing procedure, at <http://e-appeal.mspb.gov>.

If an appeal is filed with the MSPB, the Acknowledgment Order and a copy of the appeal should be sent by the MSPB preferably to the following official's email address:

Associate General Counsel, Ethics, Appeals and Personnel Law Division
U.S. Department of Housing and Urban Development
451 7th St., SW
Room 2134
Washington DC 20410
mspbappealdcpld@hud.gov
(202) 402-2024 (phone)
(202) 401-7400 (fax)

2. In addition to the other appeal options, if you are a bargaining unit employee, you are covered by a negotiated grievance procedure and you have the option to file a grievance or request the Union to invoke arbitration as provided by the practices and provisions of the applicable labor management agreement (Articles 51 and 52 of the National Agreement between HUD and the American Federation of Government Employees, Articles 9 and 10 of the Agreement between HUD and the National Federation of Federal Employees Local 1450, Article 8 of the Agreement between HUD and the National Federation of Federal Employees Local 1804, and Article 22 of the Agreement between HUD and the National Federation of Federal Employees Local 259). The Agreement is available at <http://hudatwork.hud.gov/HUD/chco/po/arh/union>. To obtain information on filing a grievance under the negotiated grievance procedure, contact your local union steward.

If you believe you have been subjected to prohibited discrimination in connection with this adverse action, that claim may be included in the arbitration case. Furthermore, if the arbitration case includes such a claim of prohibited discrimination, you will be able to request MSPB review of the final grievance decision (i.e., arbitration award) by the MSPB, following the provisions of 5 C.F.R. 1201.151-155. Such a request for review must be filed with the MSPB within 35 days after the date of issuance of the decision, or if you show the MSPB that you received the decision more than 5 days after the date of issuance, within 30 days after the date you receive the decision. The MSPB will review only those claims of discrimination that were raised in the negotiated grievance procedure (i.e., in arbitration). See 5 C.F.R. 1201.155(c). Consequently, the Union must include any claims of prohibited discrimination in the arbitration case for you to be able to request subsequent MSPB review of such claims.

3. If you believe that unlawful discrimination has occurred in this process or the decision to furlough you, you may include this allegation when appealing to the MSPB or you may initiate a discrimination complaint by seeking precomplaint counseling with a HUD EEO Counselor. In order to pursue this matter through the discrimination complaints process, you must contact an HUD EEO Counselor within 45 days of the effective date of this adverse action. A HUD EEO Counselor may be contacted through the HUD Office of Departmental Equal Employment Opportunity (ODEEO) by telephone at (202) 402-3096 or in writing to:

Department of Housing and Urban Development
Director of EEO
451 7th Street, SW, Room 2102
Washington, DC 20410

If you elect to pursue this matter through the discrimination complaints process, it will be deemed a “mixed case complaint,” and upon acceptance of your formal complaint of discrimination, you will be advised of the mixed case processing procedures.

4. Finally, if you believe this adverse action is being taken against you in reprisal for acts covered under the Whistleblower Protection Enhancement Act, you may either include this allegation as an affirmative defense in an appeal of the adverse action to the MSPB, file a grievance if you are a bargaining unit employee, or you may seek corrective action by filing a complaint with the Office of Special Counsel (OSC) (see www.osc.gov).

If you choose to file a complaint with OSC, and if OSC does not take corrective action, you may then file an Individual Right of Action (IRA) appeal with the MSPB. In an IRA appeal, the only issue before the MSPB are those listed in 5 U.S.C. § 1221(e), i.e., whether the appellant has demonstrated that a protected disclosure or protected activity was a contributing factor in one or more covered personnel actions and, if so, whether the agency has demonstrated by clear and convincing evidence that it would have taken the same personnel action(s) in the absence of the protected disclosure(s). Other than raising an affirmative defense of reprisal for whistleblowing activities, other affirmative defenses, such as claims of discrimination or harmful procedural error, may not be raised. In an IRA appeal that concerns an adverse action under 5 U.S.C. § 7512, the agency need not prove its charges, nexus, or the reasonableness of the penalty.

Your election of one of these avenues of review will be considered final on the date any appeal, grievance, or complaint is filed. In addition, filing a grievance (arbitration), pursuing a discrimination complaint, or seeking corrective action with the OSC, will not extend the time limit for filing an appeal with the MSPB, with the exception of an IRA appeal and an appeal of a grievance decision as described in the preceding paragraphs.

b) Sample Notice to Employee Occupying an Excepted Position

MEMORANDUM FOR: [GDAS or equivalent to Insert Name of Excepted Employees]
FROM: Relevant PAS, GDAS, or Equivalent
SUBJECT: Notice of Excepted Position

This memorandum is to advise you that your position has been identified as performing excepted functions and activities in the event of an agency shutdown due to a lapse in appropriations.

Under the guidance of an Attorney General Opinion of April 25, 1980, an Office of Management and Budget (OMB) Bulletin 80-14 of August 28, 1980, and Supplement No. 1 to OMB Bulletin 80-14 dated August 20, 1982, certain governmental functions are excepted activities and are authorized to continue during in a lapse of appropriations. Generally, these activities include: providing for the national security, work performed under no-year or multi-year funding arrangements, or conducting activities essential to the protection of life and property. Other employees may be involved in providing support for excepted activities.

The functions of your position have been identified to be excepted activities under one or more of these categories. This means that in the event of an emergency shutdown, you are expected to report to work as usual, and you should ignore any furlough notices and/or public announcements regarding furlough or agency shutdown. Your status as an excepted employee will continue until further notice.

Please note that when you are not performing excepted functions and activities, you must be placed in a furlough status. For example, the U.S. Office of Personnel Management has advised that “excepted” employees who do not perform work on a holiday that occurs during a shutdown must be placed in a furlough status and provided written notice of the agency’s furlough decision. Similarly, if an “excepted” employee is out of the office for a period of time (for example due to illness or incapacitation), the employee will be placed in a furlough status during such time.

Additional information on the shutdown furlough is available on hud@work, www.hud.gov and www.opm.gov. If you have any questions regarding this memorandum or your designation, you should the head of your organization, GDAS, or equivalent.

c) Sample Notice to Employee to Return to Work on a Limited Basis

MEMORANDUM FOR: [GDAS to Insert Name of Excepted Employee on a Limited Basis]
FROM: [Relevant PAS, GDAS or Equivalent]
SUBJECT: Notice to Return to Work on an Excepted Activity

This memorandum is to advise that you are needed to return to work to perform an excepted activity during the government shutdown. Under the guidance of an Attorney General Opinion of April 25, 1980, an Office of Management and Budget (OMB) Bulletin 80-14 of August 28, 1980, and Supplement No. 1 to OMB Bulletin 80-14 dated August 20, 1982, certain governmental functions are excepted activities and are authorized to continue during in a lapse of appropriations. After the task is complete, you will return to furlough status.

You are expected to report to work on [insert date or dates] to perform [insert work activity]. You should not work on any other items without written instruction from me.

If you have any questions regarding this memorandum or your designation, you should contact me.

d) Sample Letter to Creditor

TO WHOM IT MAY CONCERN:

This letter certifies that employees of the Department of Housing and Urban Development have been placed on emergency furlough effective [Date of lapse]. This emergency furlough has occurred because HUD's continuing resolution or appropriations have not been passed by the Congress and/or signed by the President. Through no fault of their own, HUD employees will not be paid their salaries for the duration of this furlough.

While I anticipate that this will be a short-term event, I recognize that employees have financial obligations that must be met. Therefore, I ask that you consider the temporary and unforeseeable nature of this furlough when making decisions that affect HUD employees' finances. Once the furlough has ended, employees will begin receiving their salaries again.

Your patience and consideration in this matter is appreciated.

Sincerely,

Chief Human Capital Officer

e) Sample Furlough Notice for Non-Excepted Employees

MEMORANDUM FOR: All Non-Excepted HUD Employees

FROM: Office of the Chief Human Capital Officer, A

SUBJECT: Furlough Decision Notice Due to Lapse of Appropriations

In the absence of Fiscal Year (FY) 2019 appropriations, no further financial obligations may be incurred by HUD, except for those related to the orderly suspension of HUD's operations or the performance of excepted activities as defined by the Office of Management and Budget. This action is as a result of a sudden emergency requiring curtailment of the Agency's activities. No advance notification was possible.

You are being placed in a furlough status effective immediately, and HUD offices are officially closing at 1:30 p.m. today. During the furlough period, you will be in a nonpay, nonduty status. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is hereby cancelled.

Please take immediate action to:

1. Close out scheduled activities (for example, cancel meetings, trainings, and travel).
2. Change your personal and/or office voice, email, and cell phone status prior to leaving the building. Scripts for your out-of-office messages on voice mail and email will be distributed in an email.
3. If you have not done so already, validate your time for the pay period.
4. Secure and lock away files, close-out essential business activities, and provide any remaining shutdown notifications with state or local governments or grantees.

You should listen to public broadcasts and media to ascertain when the Federal Government will reopen. When you hear that an FY 2019 Appropriation has been approved, you will be expected to return to work on your next scheduled work day. You may also visit the hud.gov website or call the HUD Emergency Information Hotline 1-866-INFO HUD, 1-866-463-6483, or 202-708-1960 in the District of Columbia metropolitan area for information to learn if HUD has reopened. OPM also maintains a website (www.opm.gov/status) and smartphone app showing the operating status of the Federal Government. These are expected to be operational during the furlough. Additionally, OPM has issued guidance on the shutdown furlough process which can be accessed at: <http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>.

During the furlough, you are not permitted to serve as an unpaid volunteer on HUD activities and must remain away from your work place until the Federal Government re-opens or you are recalled to work on an excepted activity. The only persons within your HUD organization who may recall

you to work on an excepted activity are the Assistant Secretaries, General Deputy Assistant Secretaries, or functional equivalents. You may only work on an excepted activity if you have a specific written authorization from an Assistant Secretary, General Deputy Assistant Secretary, or functional equivalent. You will be compensated for this work time on authorized excepted activities when appropriations are enacted.

You are prohibited from using HUD-provided devices (such as laptops, smartphones - iPhones, iPads, cell phones), etc. during the furlough. You are also prohibited from using remote access to HUD email, HUDmobile, HUD business systems, or other HUD provided electronic capabilities.

Career SES appointees (except re-employed annuitants) who believe the requirements of 5 CFR part 359, subpart H, or the agency's procedures have not been correctly applied may also appeal to the MSPB. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.

You have the right to obtain review of this adverse action through one or more of the avenues stated below. You may only choose to pursue one of these avenues of review, and you must be eligible for the selected avenue of review. Any election is deemed to have been made based on which of the actions is filed first. If you elect to challenge this adverse action, it is important that you make an informed choice among the available options, as electing an option will foreclose your ability to select a different option at a later point. Therefore, if you wish to challenge this adverse action, please read the information carefully and select **only one** of the avenues below, as applicable:

1. If you have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment you may appeal this action to the Merit Systems Protection Board (MSPB). If you are a preference eligible employee in an excepted service appointment, you may appeal to the MSPB if you have completed 1 year of current continuous service in the same position or positions similar to the one you now hold. Employees in the excepted service, who do not have veterans preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service, may appeal to the MSPB if they have completed 2 years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to 2 years or less. You have the right to be represented in this matter by an attorney or other person you may choose.

If you have the right of appeal and wish to appeal this action to the MSPB, your petition for appeal **must** be filed during the period beginning with the day after the effective date of the adverse action and ending not later than 30 calendar days after the effective date, or 30 days after the date of receipt of the decision, whichever is later. Failure to file a timely appeal could result in dismissal of your appeal absent good cause. You may obtain a copy of the appeals form and a copy of the Board's regulations from the MSPB website at <http://www.mspb.gov>. If you decide to appeal to the MSPB, you may file your appeal by mail, by facsimile, by commercial overnight delivery, or personal delivery to the Chief Administrative Judge, Merit Systems Protection Board. Your appeal must be

filed with the MSPB regional or field office serving the area of your duty station when the action was taken. Information about MSPB locations and procedures may be found at <https://e-appeal.mspb.gov/faq.aspx>. You must submit an original and one copy of the appeal. In accordance with 5 C.F.R. 1201.24(a)(7), you must also submit a copy of (1) the agency decision being appealed, and (2) if available, the notice of the personnel action. No other attachments should be included with the appeal as the agency will be responsible for submitting certain documents and there will be several opportunities to submit evidence and argument after the appeal is filed. You are advised not to miss this deadline for filing merely because you do not currently have all of these documents in your possession. As an alternative to filing a paper appeal, you may file an appeal electronically by using e-Appeal, the MSPB's Internet filing procedure, at <http://e-appeal.mspb.gov>.

If an appeal is filed with the MSPB, the Acknowledgment Order and a copy of the appeal should be sent by the MSPB preferably to the following official's email address:

Associate General Counsel, Ethics, Appeals and Personnel Law Division
U.S. Department of Housing and Urban Development
451 7th St., SW
Room 2134
Washington DC 20410
mspbappealdcpld@hud.gov
(202) 402-2024 (phone)
(202) 401-7400 (fax)

2. In addition to the other appeal options, if you are a bargaining unit employee, you are covered by a negotiated grievance procedure and you have the option to file a grievance or request the Union to invoke arbitration as provided by the practices and provisions of the applicable labor management. To obtain information on filing a grievance under the negotiated grievance procedure, contact your local union steward.

If you believe you have been subjected to prohibited discrimination in connection with this adverse action, that claim may be included in the arbitration case. Furthermore, if the arbitration case includes such a claim of prohibited discrimination, you will be able to request MSPB review of the final grievance decision (i.e., arbitration award) by the MSPB, following the provisions of 5 C.F.R. 1201.151-155. Such a request for review must be filed with the MSPB within 35 days after the date of issuance of the decision, or if you show the MSPB that you received the decision more than 5 days after the date of issuance, within 30 days after the date you receive the decision. The MSPB will review only those claims of discrimination that were raised in the negotiated grievance procedure (i.e., in arbitration). See 5 C.F.R. 1201.155(c). Consequently, the Union must include any claims of prohibited discrimination in the arbitration case for you to be able to request subsequent MSPB review of such claims.

3. If you believe that unlawful discrimination has occurred in this process or the decision to furlough you, you may include this allegation when appealing to the MSPB or you may

initiate a discrimination complaint by seeking pre-complaint counseling with a HUD EEO Counselor. In order to pursue this matter through the discrimination complaints process, you must contact an HUD EEO Counselor within 45 days of the effective date of this adverse action. A HUD EEO Counselor may be contacted through the HUD Office of Departmental Equal Employment Opportunity (ODEEO) by telephone at (202) 708-3362 or in writing to:

Department of Housing and Urban Development
Director
451 7th Street, S.W., Room 2102
Washington, DC 20410

If you elect to pursue this matter through the discrimination complaints process, it will be deemed a “mixed case complaint,” and upon acceptance of your formal complaint of discrimination, you will be advised of the mixed case processing procedures.

4. Finally, if you believe this adverse action is being taken against you in reprisal for acts covered under the Whistleblower Protection Enhancement Act, you may either include this allegation as an affirmative defense in an appeal of the adverse action to the MSPB, file a grievance if you are a bargaining unit employee, or you may seek corrective action by filing a complaint with the Office of Special Counsel (OSC) ([see www.osc.gov](http://www.osc.gov)).

If you choose to file a complaint with OSC, and if OSC does not take corrective action, you may then file an Individual Right of Action (IRA) appeal with the MSPB. In an IRA appeal, the only issue before the MSPB are those listed in 5 U.S.C. § 1221(e), i.e., whether the appellant has demonstrated that a protected disclosure or protected activity was a contributing factor in one or more covered personnel actions and, if so, whether the agency has demonstrated by clear and convincing evidence that it would have taken the same personnel action(s) in the absence of the protected disclosure(s). Other than raising an affirmative defense of reprisal for whistleblowing activities, other affirmative defenses, such as claims of discrimination or harmful procedural error, may not be raised. In an IRA appeal that concerns an adverse action under 5 U.S.C. § 7512, the agency need not prove its charges, nexus, or the reasonableness of the penalty.

Your election of one of these avenues of review will be considered final on the date any appeal, grievance, or complaint is filed. In addition, filing a grievance (arbitration), pursuing a discrimination complaint, or seeking corrective action with the OSC, will not extend the time limit for filing an appeal with the MSPB, with the exception of an IRA appeal and an appeal of a grievance decision as described in the preceding paragraphs.

Thank you for your adherence to these rules and your patience in this matter.

f) Shutdown Frequently Asked Questions (FAQs) for HUD Employees

General Questions

1. What is a shutdown furlough and why is a shutdown furlough necessary?

If funds are not available through an appropriations act or continuing resolution, a “shutdown” furlough occurs. A shutdown furlough is necessary when an agency no longer has the necessary funds to operate and must shut down those activities that are not excepted pursuant to the Antideficiency Act.

2. Does HUD have an agency shutdown plan?

Yes. Like all federal agencies, HUD has a plan if there is a lapse in appropriations, often referred to as a government shutdown. The plan is a publicly available document and is posted on HUD’s website: <https://www.hud.gov/sites/documents/HUDCONTINGENCYPLANFINAL.PDF>.

3. What is in HUD’s shutdown plan?

HUD’s plan explains how a government shutdown will affect the agency’s operations and how it will impact employees. As for the agency’s operations, most of the agency’s functions would cease unless they are legally excepted activities. Please see [HUD’s Contingency Plan](#) for specific programmatic information about the effect of the shutdown.

4. How will the implementation of HUD’s shutdown plan affect me?

If there is a shutdown, there will be two categories of employees: excepted and non-excepted. Most HUD employees are non-excepted, meaning that they are prohibited from working during a shutdown. A very small number of employees are considered excepted.

5. How did HUD determine which employees are excepted?

In determining whether an employee is classified as excepted, the agency follows strict OMB guidance. For an employee to be excepted, he or she must fall into one of the following five categories: (1) Employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property; (2) Employees who perform functions that are funded through fees or under multi-year (as opposed to annual) appropriations; (3) Employees who perform functions that are related to express authorizations to contract or borrow an appropriation; (4) Employees necessary to meet the obligations necessary to the discharge of the President’s constitutional duties and powers. This is understood to be employees necessary to interpret statutes, such as the Antideficiency Act, to avoid significant constitutional issues; (5) Employees who are required for the orderly termination of agency functions; or (6) Employees who are excepted because the continuation of their duties is necessarily implied from the authorized continuation of other activities.

6. How will I know if I am excepted or non-excepted?

Your manager will likely first informally share with you if you are excepted. You will receive a formal communication confirming your status as either excepted or non-excepted. Please note,

notification that you are non-excepted is not the same as receiving a furlough notice. By law, HUD cannot distribute furlough notices until the morning.

7. If I am a non-excepted employee, can I be called to report for work during a shutdown?

Yes. Some non-excepted employees may at times be designated as intermittent employees – meaning they may be asked to report to work to complete a specific task on a temporary basis during a shutdown. If this is necessary, you will be notified to report to work to perform a specific, excepted task – which may not require a full day of work. Recalled employees will be compensated for the time it takes them to complete the designated activities once Congress approves appropriations and the government re-opens.

Shutdown Process

8. If the federal government shuts down at midnight and I am non-excepted, why am I being asked to report to work in the morning?

When a lapse in appropriations occurs, non-excepted employees are required to participate in an orderly shutdown of the government. The next morning is when those activities will occur. Employees will have up to four hours to complete the required set of activities. During this time, employees will only be able to work on shutdown-related activities. If employees complete the required activities in fewer than four hours and their supervisors or managers approve, they may leave.

9. If I am a non-excepted employee, will I be paid during the shutdown?

The Government Employee Fair Treatment Act of 2019, Pub. L. 116-1, amended section 1341 of Title 31, United States Code, to provide retroactive pay for Federal employees affected by a lapse in appropriations that occurs on or after December 22, 2018. As a result, employees will be retroactively compensated as soon as possible after a lapse in appropriations ends.

10. Will I be able to work and earn comp time as a non-excepted employee?

No. If the government shuts down, and you are not an excepted employee, you are prohibited from doing any work until the enactment of appropriations. You are also prohibited from using your government-issued technology-Blackberries, computers, cell phones, etc. – or checking your HUD email. No work hours or comp time may be accrued.

11. Where and at what time should I report to work on the morning after shutdown?

In general, all HUD employees should report to work at the same time and place as they normally would, unless otherwise instructed by their managers. For example, if you work under a regular telework schedule basis, (unless your supervisor or manager directs otherwise) you should report in for telework at your normally scheduled time. If you normally report to an office, you should report to the office at your normally scheduled time. The first thing you should do is to check your email to receive your Furlough Notice and other important documents that will include instructions on how to complete the required shutdown activities (e.g., setting out of office messages on your email and voicemail).

12. Can I telecommute on the morning after shutdown under my already approved telework agreement for situational telework?

Yes, if you have an already approved telecommuting agreement and your supervisor or manager does not have a need for you to be in the office to complete shutdown responsibilities. Please discuss your situational telework request with your supervisor or manager as soon as possible.

13. What should I do if I am on a compressed work schedule and I would normally not work on the morning after shutdown?

You are required to report to work in the morning and participate in whatever activities are necessary to effectuate the orderly shutdown of government. You will be compensated at your normal pay rate for the actual time spent completing the required shutdown activities. Compensation earned by employees conducting shutdown activities will be paid when Congress approves appropriations and the government re-opens.

14. What if I am sick or on previously scheduled paid leave on the morning after shutdown?

During a government shutdown, all sick and previously scheduled paid leave is cancelled. However, you should contact your manager and remotely complete the required shutdown activities as soon as possible.

15. What if I am on work-related travel on the morning after shutdown?

During a government shutdown, nearly all travel will be cancelled. At this time, all travel plans previously scheduled to occur on or after shutdown should be cancelled. Should you have any questions about how any upcoming travel plans should be handled, please consult your manager.

16. Do I need to turn in my HUD-issued smart phone or other HUD-issued equipment?

No. HUD employees do not need to turn in their smart phones or other HUD-issued equipment. Non-excepted employees should not use their smart phones or other HUD-issued equipment until the shutdown is over.

Access to HUD Offices during a Shutdown

17. When will HUD offices close to the general public?

HUD offices will close to the general public at midnight on the day our current funding expires and will remain closed until new funding is agreed to.

18. Will I have access to HUD offices after the shutdown begins?

Non-excepted employees will not be allowed to access HUD offices after the shutdown begins at midnight, other than to conduct up to four hours of orderly shutdown activities the next morning. In limited situations, union officials may have access to union office space during the shutdown to perform representational activities pursuant to a collective bargaining agreement or statute. All

requests and communications from HUD's labor unions should be e-mailed to ELRDivision@hud.gov.

19. What other facilities at HUD Headquarters will be open during the shutdown?

The Children's House childcare center, the HUD Credit Union, and the HUD Health Care Center will be open during the shutdown. However, the following facilities will be closed:

- Urban Cafe
- Fitness Center
- Shuttle service

Field staff and headquarters staff who work in a building other than the Weaver Building should consult their managers to determine what facilities in their buildings may or may not be open during a shutdown.

20. If I am an excepted employee who parks at the Weaver Building, will I be allowed to park during a shutdown?

Yes. Excepted employees who currently pay for parking in the Weaver Building will be allowed to continue to park in the garage when they are working.

During a Government Shutdown

21. Who should I call if I have questions regarding time and attendance issues?

If you have questions regarding time and attendance matters or the webTA system, please contact the Department of Treasury's Bureau of Fiscal Service at (304) 480-8400.

22. Who should I call if I have questions regarding retirement, insurance, or other benefits questions that I may have during the shutdown furlough?

Please contact the Department of Treasury's Bureau of Fiscal Service at (304) 480-8275.

23. Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program during a shutdown furlough if the agency is unable to make its premium payments on time?

Yes, the employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

24. Are employees entitled to unemployment compensation while on furlough?

It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. Some states require a one-week waiting period before an individual qualifies for payments. In general, the law of the state in which an employee's last official duty station in federal civilian service was located will be the state law that determines eligibility for unemployment insurance benefits. (See the Department of Labor website "Unemployment Compensation for Federal Employees" at:

<http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp>.) Employees should submit

questions to the appropriate state (or District of Columbia) office. The Department of Labor's website provides links to individual State offices at:
<http://www.servicelocator.org/OWSLinks.asp>.

25. May employees take other jobs while on furlough?

While on furlough, an individual remains an employee of the Federal Government. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed (specifically, the executive branch-wide standards of ethical conduct (the standards), at 5 CFR part 2635. In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Additional information on outside activities is [available here](#). Therefore, before engaging in outside employment, employees should review this information and then consult their agency ethics official to learn if there are any agency-specific supplemental rules governing the employee.

26. If I am a non-excepted employee, can I work as a volunteer?

No. Non-excepted employees are prohibited from working during a government shutdown, even as a volunteer.

27. If I am a non-excepted employee, is there a chance that I could be recalled to duty during the lapse in appropriations?

Yes. While HUD makes every effort to identify and notify employees who are excepted or who may be recalled to duty on an intermittent basis before a shutdown occurs, circumstances sometimes change.

28. If I am a non-excepted employee on furlough, how will I know that I am recalled to duty?

If you are a non-excepted employee on furlough who is being recalled to duty, your first contact with HUD will likely be your immediate supervisor or another supervisor within your chain of command who has been authorized to recall you by the GDAS or equivalent official of your organization. This contact will be by personal telephone call, at the personal telephone number on record with HUD. While your official recall documentation must be in writing and signed by your GDAS or equivalent official, it is common that you will receive that document at a later date after being recalled. If you are asked by a HUD management official to perform work and are concerned that you may not have been officially recalled to duty, you may ask that management official for confirmation that your recall has been authorized by the GDAS or equivalent official.

29. Are supervisors permitted to contact non-excepted employees during a furlough?

Yes, for certain purposes, such as to: check on their well-being, recall them to duty in an excepted capacity, and/or consult with them about the individual impact of potentially recalling them to duty in an excepted capacity. Unless officially recalled to duty, however, supervisors may not assign and employees may not perform any work.

30. During a shutdown, will I still be able to obtain assistance from the Employee Assistance Program?

Yes. We recognize the uncertainty and stress that can be caused by a government shutdown. We would like to remind all employees that we care; so therefore, counselors from the EAP will remain available to provide support to all HUD employees and their families. Employees may contact the EAP 24 hours a day, 7 days a week by calling 1-800-222-0364 (888-262-7848/TTY) or visiting www.FOH4You.com.

31. What if I am leaving HUD during a shutdown?

If you are separating from HUD or your planned separation date has changed, send an email to separations@hud.gov with your full name, date of separation, and program office. You will be contacted and informed of next steps.

32. If I am leaving HUD how do I return Federal property?

Send an email to your organization's GDAS with your full name, date of separation, and program office. You will be contacted and informed of next steps.

33. How will I know when the shutdown is over?

You should pay close attention to media reports to ascertain when the federal government will re-open. You may also visit the Office of Personnel Management's website: (<http://www.opm.gov>) to check the latest status on the government shutdown or to sign-up to receive email updates (please remember to sign-up using your personal email). When you hear that an appropriations package has been approved, you will be expected to return to work on your next workday.

HUD has also established a toll-free hotline number for employees to obtain operational status information about the Department. The hotline will be operational Monday through Friday from 9:00 am to 5:00 pm ET. The telephone number is 1-866-463-6483. In the DC metro area employees may also call 202-708-1960.

34. May a non-excepted employee take previously approved paid leave (e.g. annual, sick, court, military leave, or leave for bone marrow or organ donation) during a shutdown furlough?

No. The Antideficiency Act does not allow authorization of any expenditure or obligation before an appropriation is made, unless authorized by law. Paid leave creates a debt to the Government that is not authorized by the Act. Accordingly, employees who are furloughed are not entitled to paid leave during the lapse. Agencies are instructed that during a government shutdown all paid leave must be cancelled. For additional questions and answers on military leave, please visit: <http://www.opm.gov/faqs/topic/payleave>.

35. May an excepted employee take previously approved paid leave or be granted new requests for paid leave during a shutdown furlough?

An excepted employee may request approval to use paid leave instead of being placed in a furlough status during an authorized absence from work. However, compensation for such leave is still not payable until after the lapse in appropriations. Generally, it is not expected that excepted employees would request to use paid leave during a lapse, since they are entitled to retroactive pay for furlough periods without charge to leave. Use of paid leave under this special authority is subject to the normal rules for the applicable leave program, including leave request and approval procedures.

36. How will I be reached if I am needed to perform a task as an intermittent employee?

Should your supervisor need to contact you during the possible shutdown, we need to have your correct personal telephone number and email address. Please log into your HIRTS account and make sure your personal contact information is up-to-date. Should you have any problems, please call the help desk for assistance at 1-888-297-8689.

Ginnie Mae Employees

37. What additional information is available to me as a Ginnie Mae employee?

Some additional information regarding the shutdown procedures for Ginnie Mae employees is included in the Ginnie Mae FAQs.

Appendix B: Frequently Asked Questions (FAQs) for HUD Stakeholders



United States Department of Housing and Urban Development
Frequently Asked Questions (FAQs) in the event of a Government Shutdown

Like all federal agencies HUD is required to develop a plan in case there is a lapse in appropriations, often referred to as a government shutdown. The plan is a publicly available document and can be found at

<http://portal.hud.gov/hudportal/documents/huddoc?id=hudcontingencyplanfinal.pdf>.

a) General Questions

Q: *In the event of a government shutdown, will staff in my local HUD field office or at HUD Headquarters (Washington D.C.) be available to answer my questions or address concerns that I might have?*

A: HUD will have a limited number of employees to answer emergency questions during a shutdown. All HUD regional and field offices and HUD Headquarters will be closed with some limited exceptions for a very narrow range of activities that are permitted during a lapse in appropriations. In most cases, if you call or email the field office or Headquarters staff, you will hear a voicemail or receive a return email indicating that the Government is closed.

Q: *Whom do I call concerning questions from local constituents who have emergency housing needs?*

A: Please contact your local state or City housing office for referrals to local providers.

Q: *Will previously scheduled meetings, monitoring and technical assistance visits, and trainings take place during a government shutdown?*

A: No. Virtually all meetings, visits and appearances will be cancelled. HUD employees will not be traveling during the shutdown unless for emergency purposes or excepted activities

Q: *How will the implementation of HUD's shutdown plan impact the staffing?*

A: If there is a shutdown, there will be two categories of employees: excepted and non-excepted. The vast majority of HUD employees are non-excepted, meaning that they are prohibited from working during a shut down. A very small number of employees are considered excepted. In determining whether an employee is excepted, the agency followed strict OMB guidance. The excepted number may be adjusted upward as needed

with approval from OMB. All excepted employees can only carry out those activities allowed under an exception to the Antideficiency Act, which are described in HUD's Contingency Plan.

Q: *Will I be able to access grants.gov during a shutdown?*

A: Yes, it will be open for business. Please visit <http://www.grants.gov/>

Q: *How would a shutdown affect the deadline dates for the submission of applications in response to HUD's Notices of Funding Availability (NOFAs)?*

A: Should a deadline for the submission of applications in response to a HUD NOFA fall during the shutdown, HUD may be required to publish or post a notice extending the application deadline date for the NOFA. The notice would identify the NOFA and state that because of a lapse of appropriations, applications submitted to HUD during the shutdown might not have been timely received. In order to ensure basic fairness to all potential applicants a new deadline for applications would then be established. The overall impact may result in delay in reviewing and awarding funds for these programs.

Q: *How will I know when the government's funding has been restored?*

A: The federal Office of Management and Budget (OMB) will make formal announcements when the government's funding has been restored. You will also be able to follow whether Congress has passed a budget on the local and national news.

Q: *I have an on-going contract with HUD that has been funded. May I continue to work on the contract?*

A: HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.

Q: *If I have a contract to provide on-site services, do I come to work?*

A: HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.

Q: *What activities will continue?*

A: A limited number of the activities normally supported by the federal government are "excepted" from shutting down during a lapse in appropriations. These activities have to meet a very strict legal standard for protecting life and property in order to continue. A few of HUD's programs will continue to operate as a result. For example, to ensure the safety of life, HUD homeless assistance grants, including supportive housing for veterans and housing for people with AIDS, will continue to be funded. For the protection of property, Ginnie Mae will continue to guarantee mortgage backed securities. A full list of HUD programs and their designations under a lapse in appropriations can be found on the HUD website as part of HUD's [Contingency Plan](#).

Q: *Will I be able to find and apply for a HUD Funding Opportunity during the Federal Government shutdown?*

A: The Grants.gov System will be open and operating during the federal government shutdown. The Grants.gov Contact Center also will remain available and provide assistance to callers during their normal operating hours of 24 hours a day, 7 days a week except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at Support@Grants.gov.

Applicants should refer to the HUD Funding Opportunity Announcement posted on Grants.gov for specific application deadline dates and times. Grants.gov registration and system technical questions can be addressed by the Grants.gov Contact Center Help Desk. Program specific questions, or questions about HUD specific requirements, should be directed to HUD staff listed in the funding notice. Please be aware that due to the Federal government shutdown, some HUD staff may not be available to address your questions until the Federal government returns to normal operations.

Applications submitted to Grants.gov during the shutdown will be processed as usual by the Grants.gov system and stored for agency retrieval. For specific information on registration, application submission, and timely receipt requirements, please read the instructions found in the program specific funding announcement posted to Grants.gov.

Agency systems may or may not retrieve the applications until after the Federal government returns to normal operations.

b) Office of Housing

Office of Single Family Housing/FHA

In the event of a government shutdown, most HUD/FHA staff will not be available to respond to case-specific questions. However, the FHA Resource Center will remain operational, staffed by contractors who are equipped to receive and respond to general questions. When the Resource Center receives questions that cannot be answered by contract staff, such answers may be delayed until the government reopens.

The following HUD/FHA Information Resources will be available during a government shutdown:

- HUD/FHA Resource Center: Telephone (800) CALL-FHA 225-5342 or Email: answers@hud.gov
- HUD's primary internet site: www.hud.gov (will not be updated)
- The Resource Center FAQ site: www.hud.gov/answers

Q: *How will the reduction in FHA's operations impact the housing market?*

A: Because we are able to endorse most single family loans, we do not expect the impact on the housing market to be significant, as long as the shutdown is brief. With each day the shutdown continues, we can expect an increase in the impacts on potential homeowners, home sellers and the entire housing market. A protracted shutdown could see a decline in home sales.

➤ **Industry FAQs under a Shutdown**

Please be aware that HUD staff will not be available to respond to most incoming mail during a government shutdown so business partners should suspend shipment of documents and approval packages not related to continuing operations during the term of the shutdown. The following are examples of such documents that will not be processed until the Government reopens: Submission of FHA Test Cases, HRAP condominium approval packages, NAID requests, etc.

The following HUD/FHA Information Resources will be available during a government shutdown:

- HUD/FHA Resource Center: Telephone **(800) CALL-FHA 225-5342** or Email: **answers@hud.gov**
- HUD's primary internet site: www.hud.gov (will not be updated)
- The Resource Center FAQ site: www.hud.gov/answers

➤ **Origination**

Q: *Will the government shutdown affect the processing or closing of FHA-insured loans?*

A: FHA will have limited staff during a shutdown and the processing or closing of FHA-insured loans may be delayed. The longer the shutdown lasts, the more serious the impact will be. All FHA underwriting and processing requirements would remain in force during the government shutdown and no loan may be endorsed that does not fulfill those requirements.

Q: *Will FHA insure any loans during the government shutdown and does this also impact lenders with Lender Insurance (LI) approval?*

A: FHA-insured loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, (Direct Endorsement or Lender Insurance) will be endorsed during the government shutdown period as long as FHA does not run out of commitment authority.

Q: *Will FHA insure HECMs during the government shutdown?*

A: No, FHA does not have the authority to insure additional HECMs during this period due to the statutory cap limiting the number of HECMs under the HECM Program.

Q: *Will FHA insure Title I loans during the government shutdown?*

A: No, FHA does not have the authority to insure Title I loans during this period.

Q: Can lenders submit packages for condo approvals?

A: DELRAP approvals can continue to be processed, but HRAPS cannot be processed and should not be submitted for processing during the government shutdown.

Q: *Can lenders with Lender Insurance (LI) approval continue to insure loans during the government shutdown?*

A: Yes as long as FHA does not run out of commitment authority. If FHA runs out of commitment authority, the lenders' LI Approval will be temporarily suspended.

Q: *Can a lender submit loans for approval if the lender is in test case status?*

A: No. FHA staff will not be available to underwrite and approve loans.

➤ **Access to FHA Connection**

Lenders will be able to access FHA Connection, however FHA Connection interfaces to other systems which may not be available, or if available these other systems may not be fully supported so FHA Connection processes may not be fully functional. At this time we do not have complete information on the potential impact on some FHA Connection functionality. More detailed questions and answers below reflect our current best efforts at defining what systems and processes will be available.

Q: *Can a lender obtain a new FHA case number?*

A: Yes. Lenders will be able to obtain an FHA case number from the FHA Connection. Please note that all FHA underwriting and processing requirements would remain in force on loans originated during the government shutdown regardless of system limitations during the shutdown period

Q: *Will FHA TOTAL Scorecard be available for lenders?*

A: Yes. FHA TOTAL Scorecard will be available within systems. As noted above, all FHA underwriting and processing requirements do remain in force on loans originated during the government shutdown.

Q: *Will lenders be able to get password resets for FHA Connection?*

A: Lenders will be able to continue to utilize the automated password reset options on FHA Connection, but resets that require FHA employee direct assistance will not be available.

Q: *Will the Credit Alert Interactive Voice Response System (CAIVRS) be available during a government shutdown?*

A: Yes. CAIVRS will be available. However, FHA may not be able to ensure that the information contained in the system is up-to-date. Lenders wishing to continue originating FHA-insured loans during a shutdown should take reasonable steps to ensure compliance with the Debt Collection Improvement Act. The lender should carefully scrutinize any information in CAIVRS to confirm the continued validity of the information contained in the system. If CAIVRS is unavailable and lenders must move forward while the government is shutdown, FHA will accept the lender's use of a current credit report to determine whether a borrower has any outstanding delinquent, Federal, non-tax-debt – provided that no other documentation in the loan file contains information

that indicates otherwise. In the event that conflicting information is obtained, the lender may rely on the most recent information, provided the lender takes reasonable steps to verify the credibility and source of the documentation.

Q: *Can a lender submit loans for approval if the lender is in pre-closing?*

A: No. FHA staff will not be available to underwrite and approve loans.

➤ **Servicing**

Q: *Is FHA collecting the Upfront Mortgage Insurance Premiums (UFMIP) if a lender closes any loans during the government shutdown?*

A: Yes. FHA will collect the UFMIP for any loans submitted for endorsement or endorsed by an LI lender.

Q: *Is FHA collecting the monthly Mortgage Insurance Premiums (MIP)?*

A: Yes. Lenders are required to submit monthly MIPs to FHA during a government shutdown.

Q: *Will FHA continue to pay partial claims to facilitate workout agreements to avoid additional foreclosures and increase in homelessness in my city, municipality or town?*

A: Yes.

Q: *Can lenders file a claim and convey a property if there is a government shutdown?*

A: Yes. Lenders can file a claim and convey a property. The properties will be assigned to an Asset Manager and listed for sale. Claims will be paid.

Q: *Can lenders submit extension and variance request through the EVARS System?*

A: Yes. Lenders will be able to continue to submit extension or variance requests through EVARS.

Q: *Can lenders continue to take on-line courses through EClass?*

A: Yes. This web-based loss mitigation training program will be available for use. However, non-FHA approved Housing Counseling Agencies cannot receive approval to access EClass until the government reopens.

Please note that responses to the following email boxes will not be provided until the government reopens.

- hsg-lossmit@hud.gov
- sfdatarequests@hud.gov
- extension_requests@hud.gov
- hecmhelp@hud.gov
- mcmnsc@hud.gov

➤ **Lender Approval/Monitoring**

Q: *Are lenders required to submit routine compliance reporting to FHA-managed systems?*

A: Yes. FHA's lenders are required to submit routine compliance reporting to FHA-managed systems, which will be available during a government shutdown.

Q: *Are lenders required to file monthly default reports to FHA?*

A: Yes. FHA's system for collecting the monthly default reporting will be available during a government shutdown.

Q: *Are lenders required to submit audited financial statements to the Lender Electronic Assessment Portal (LEAP)?*

A: Yes. LEAP will be available during a government shutdown. However, FHA will be unable to review and process any audited financial statements during a government shutdown.

Q: *Will FHA monitor lenders during the government shutdown?*

A: No. FHA will not perform any Quality Assurance processes (loan and lender monitoring activities) during a government shutdown.

Q: *Can lenders submit applications to become an FHA approved lender through the LEAP?*

A: Yes. LEAP will be available during a government shutdown. However, FHA will be unable to review and process lender applications.

Q: *Will FHA recertify a lender's request to renew their FHA approval?*

A: No. FHA will not recertify any lender's status as an FHA approved lender during a government shutdown.

➤ **Consumer FAQs Under a Shutdown**

Please be aware that HUD staff will not be available to respond to most incoming mail during a government shutdown so business partners should suspend shipment of documents and approval packages not related to continuing operations during the term of the shutdown. The following are examples of such documents that will not be processed until the Government reopens: Submission of FHA Test Cases, HRAP condominium approval packages, NAID requests, etc.

The following HUD/FHA Information Resources will be available during a government shutdown:

- HUD/FHA Resource Center: Telephone (800) CALL-FHA 225-5342 or Email: **answers@hud.gov**
- HUD's primary internet site: www.hud.gov (will not be updated)
- The Resource Center FAQ site: www.hud.gov/answers

Q: *How will the government shutdown affect the processing or closing of my FHA-insured loan?*

A: The shutdown may delay the processing or closing of your FHA-insured loan. Please contact your lender for the exact status of your FHA loan.

Q: *If I'm selling my home to a buyer utilizing FHA-insured financing will I still be able to complete the sale?*

A: The shutdown may delay the processing of an FHA-insured loan. Please contact the lender for the exact status of the FHA loan.

Q: *What about homeowners with FHA-insured mortgages facing foreclosure?*

A: Most loss mitigation for homeowners facing foreclosure (including FHA loan modifications, FHA-HAMP, etc.) will continue.

Q: *Will borrowers receive Upfront Mortgage Insurance Premiums (UFMIP) refunds?*

A: Yes. Borrowers will be able to receive unearned UFMIP refunds as long as they meet the streamline process.

Q: *Will borrowers receive HECM payments from HUD during a government shutdown?*

A: Yes. Borrowers will receive HECM payments.

Q: *Who can I contact about a health or safety issue with a HUD-owned property in my neighborhood?*

A: The staff at the FHA Resource Center (1-800-CALL-FHA) can provide contact information for contractors responsible for the maintenance of HUD-owned properties.

➤ **REO/HUD Home Sales**

Q: *Will HUD Homes be listed?*

A: Yes. FHA's Asset Managers (AMs) will handle the sale of HUD Homes.

Q: *Will I be able to place a bid on a HUD-owned property via the HUD Home Bid site during the shutdown?*

A: Yes. FHA contractors will handle the sale of HUD Homes and the bidding site (www.hud.gov/hudhomes) will be available and maintained during the shutdown.

Q: *Who can I notify about health or safety issues on a HUD-owned property?*

A: The staff at the FHA Resource Center can provide contact information for contractors responsible for the maintenance of HUD-owned properties.

Q: *Will HUD Broker Name Address Identifiers (NAIDs) applications be processed?*

A: No. Name Address Identifier applications will not be processed during the government shutdown.

Office of Housing Counseling

- Q:** *Will the Housing Counseling System (HC) be available to HUD-approved agencies?*
- A:** The Housing Counseling System (HCS) will not be available. Consequently, counseling agencies will be unable to update agency profile information, submit activity data, or otherwise utilize the functionality in HCS. Once HCS back online, FHA will require all counseling agencies to submit activity data for the shutdown period retroactively.
- Q:** *Will clients be able to utilize Housing Counseling search engines?*
- A:** The hud.gov website will be available in “Maintenance Mode” only. This means that hud.gov will be up but there will be no updates made to pages on the site. As a result, HUD’s website housing counseling search functionality, and similarly HUD’s toll free number to search for counseling services, will still be available to households seeking counseling services. However, with HCS down, the data behind the search functionality will not be updated.
- Q:** *Will HUD-approved agencies be able to access HUD grant funds through the LOCCS System?*
- A:** While the LOCCS system should be functioning, there will be no HUD staff available to approve requests for disbursements. Consequently, no grant disbursements will occur during a shut down.

Office of Multifamily Housing**➤ Multifamily Production**

- Q:** *Will HUD close loans?*
- A:** Yes, but only on projects with firm commitments that have been issued prior to the lapse in appropriations.
- Q:** *Will construction draws be processed? What about FHA Multifamily insured loans under construction?*
- A:** The following policy will apply:
- MAP Lenders servicing construction loans may, at their and Owners’ and General Contractors’ risk, process interim construction or repair (in the case of Section 223(f) project) draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
 - For any projects that obtain local authority approval (i.e. a Certificate of Occupancy), the Construction Loan Administrator (i.e. the Lender) and Owner may proceed with allowing occupancy. HUD will review, and assuming appropriate, approve the permission to occupy on a post review basis at such time the government re-opens.

Q: *Will HUD perform or contract for construction inspections during the shutdown?*

A: Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.

MAP lenders servicing construction loans should endeavor to coordinate the review and processing of construction draws with the assigned construction inspector.

Q: *Will HUD permit MAP lenders servicing construction loans to release funds from the Operating Deficit and Working Capital Escrow accounts?*

A: During a lapse in appropriations, MAP Lenders servicing construction loans may at their, and the Owners' risk, release funds from the Operating Deficit Escrow and Working Capital accounts. HUD will perform a review of releases at such time the government re-opens.

Q: *What if my Firm Commitment expires?*

A: Limited Staff will be available to process lender requests for amendments to the Firm Commitment, including extensions. Requests should be sent to the appropriate Regional Production Director for processing..

Q: *Will HUD continue to process commitments and issue Firms so that we are able to rate lock?*

A: No.

Q: *As a lender, can I still assign? Will the Department be processing claims?*

A: Yes, a lender may assign a loan; however the processing of the claim may be delayed.

Q: *Will HUD continue to collect MIP?*

A: Yes.

Q: *Will REAC still be scheduling and doing inspections?*

A: For information about inspections, see section 3a (Public and Indian Housing) above.

➤ **Asset Management and Assisted Housing**

Q: *Will HUD make payments under Section 8 contracts, rent supplement, section 236, or PRACS from prior obligations or where there is a permanent or indefinite authority or multi-year funding?*

A: HUD will make payments under previously obligated Section 8 contracts, rent supplement contracts, Section 236 agreements, Project Rental Assistance Contracts (PRAC), and PBCA contracts on an as needed basis to ensure ongoing viability of assets and preservation of affordable housing. The Department will work closely with OCFO to identify, when previously obligated Section 8, PRAC, and PBCA contract allocations may be insufficient to support ongoing program operations, if any permanent or

indefinite authority is available or multi-year carryover funding remains that can be used to fund these assistance programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement, including processing Section 8 and PRAC renewals for expiring contracts and processing amendment funds for non-expiring Section 8 contract renewals.

Q: *Will HUD staff continue to approve HUD-9250s for releases of residual receipts or Reserve for Replacement to offset monthly voucher requests for Section 8 housing assistance payments?*

A: Yes. Requests should be submitted to the Asset Management Division Director of the assigned HUD office to ensure they are seen and processed in a timely manner. A signed form HUD-9250 should be sent showing the request amount, balance in the account, and a certification that the funds will be paid back when subsidy is restored.

Q: *Will Section 8 waiver requests be processed?*

A: For the most part, no. However, for those properties which have received designations by HUD as troubled assets through its rating of insured and assisted assets, minimal staff will be available to provide necessary oversight to ensure that actions can be taken to resolve imminent threats of claim or abatement.

Q: *Will PBCA's continue to perform their duties?*

A: Yes, PBCA contracts will continue their services as long as appropriated funds remain available.

Q: *Will HUD continue to process tenant certifications and electronic voucher payment requests?*

A: Yes. Tenant Rental Assistance Certification System (TRACS) will be available to process vouchers, provided that appropriate funds have already been obligated.

Q: *Will HUD continue to process requests for contract renewals during the shutdown?*

A: HUD will continue to process contract renewals to the extent that there is budget authority available from prior appropriations or recaptures.

Q: *Will HUD continue to operate the Multifamily Housing End User Support Help Desk during the shutdown?*

A: Yes. The Multifamily Housing End User Support Help Desk will respond to questions from users for the following systems:

- *Development Application Processing System*
- *Integrated Real Estate Management System*
- *Tenant Rental Assistance Certification System*
- And, specific questions related to Multifamily Housing *Enterprise Income Verification* procedures.

Q: *Will Service Coordinator grants be processed during the shutdown?*

A: Funding staff will be available to ensure grants that have been obligated will be paid, but no new funding can be committed during the shutdown.

➤ **Multifamily FHA Insurance and General Asset Management**

Q: *Will the Financial Assessment Sub-System (FASS) accept audited financial statements?*

A: Financial statements may be submitted through FASS; however, if problems are experienced with a submission, the REAC Technical Assistance Center (TAC) will not be available to provide assistance.

Q: *Will HUD entertain requests for waivers or undertake other activities as part of routine asset management?*

A: For the most part, no. However, minimal staff will be available to review and approve urgent requests to resolve imminent threats to tenant health and safety or to property. Requests should be clearly labeled as such and submitted to the appropriate Asset Management Division Director for processing.

Q: *Will HUD process emergency releases from reserves for critical repairs?*

A: Yes, on a limited basis. For requests for critical reserve releases for health and safety purposes, owners or agents should email the Asset Management Division Director for their assigned HUD office.

Q: *Will HUD process 9807 requests to pay off FHA-Insured loans during the shutdown?*

A: Yes. Requests should be submitted to InsuranceTerminationRequests@hud.gov.

Q: *Will HUD process Extensions of Elections to Assign during the shutdown?*

A: Yes. Requests should be directed to the appropriate Asset Management Division Director for processing.

➤ **Office of Recapitalization**

Q: *Can I submit a Section 236 refinance/prepayment application with the new on-line system?*

A: Yes, however there will not be staff to review the applications during the shutdown and the review would start when the shutdown is over.

Mark-to-Market (M2M)

Q: *Will PAEs continue to work on M2M transactions?*

A: Yes, PAEs will continue to do their normal functions up to and unless they reach a point where they normally require HUD approval, waiver, or authority to proceed.

Rental Assistance Demonstration (RAD)

Q: *Will PHAs still have the ability to submit RAD Applications during a Shutdown?*

A: Yes, Applications for RAD can be submitted through RADApplications@hud.gov during a government shutdown. However there will not be staff to review any submissions received during the shutdown. Review of these applications would begin when the shutdown is over.

Q: *Will RAD processing by HUD staff continue during the shutdown?*

A: No, staff cannot process during this time.

Q: *I have a RAD project that is scheduled to close, will I be able to close my RAD deal during the shutdown?*

A: Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD), where a Rental Assistance Demonstration Conversion Commitment (RCC) was issued and the closing was scheduled prior to the shutdown will continue. In addition, where the failure to close or prepare to close would threaten the property and demands an immediate response (i.e. loss of tax credits), the closing will continue.

➤ **Section 202/811 Programs**

Q: *Will closings continue for Section 202/811 new construction projects?*

A: Yes, but only on projects with firm commitments that have already scheduled closing dates during the shut-down period.

Q: *Can Section 202/811 projects that are currently under construction continue to access necessary funds and have inspections performed?*

A: HUD will process construction draws using intermittent staff to respond to issues relating to an imminent threat to life or property. HUD will rely on the sponsors' supervisory architects' certifications, and will perform or contract for construction inspections on a post-review basis at such time the government re-opens.

Q: *Will there be technical assistance available to grant applicants?*

A: No.

Q: *Will HUD process Service Coordinator extensions?*

A: No.

Q: *Can I still submit my application to Grants.gov?*

A: Yes, Grants.gov will be accessible, however phone support in program offices will not be available.

Q: *Will I be able to find and apply for a HUD funding Opportunity during the Federal Government shutdown?*

A: The Grants.gov System will be open and operating during the federal government shutdown. The Grants.gov Contact Center also will remain available and provide assistance to callers during their normal operating hours of 24 hours a day, 7 days a week

except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at Support@Grants.gov. Due to the Federal government shutdown, some HUD staff may not be available to address your questions until the Federal government returns to normal operations.

Applications submitted to Grants.gov during the shutdown will be processed as usual by the Grants.gov system and stored for agency retrieval. For specific information on registration, application submission, and timely receipt requirements, please read the instructions found in the program specific funding announcement posted to Grants.gov.

Agency systems may or may not retrieve the applications until after the Federal government returns to normal operations.

Office of Healthcare Programs

Q: *We have received a mortgage insurance commitment and are scheduled to go to closing. Can the loan closing occur as planned?*

A: Loan closings and related activities (including amendments to firm commitments where appropriate) will occur during the shutdown if an insurance commitment was issued prior to the shutdown.

Q: *Will construction draw requests, construction or environmental inspections, or change orders for healthcare projects continue during the shutdown?*

A: No, except that during a lapse in appropriations, Lenders servicing loans having a construction or repair component may, at their and Owners' and General Contractors' risk, process interim construction or repair draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.

Q: *How will the shutdown affect the review and underwriting of pre-applications and applications?*

A: All review and underwriting activities will cease.

Q: *Will HUD continue to process commitments and issue Firms so that we are able to rate lock?*

A: No.

Q: *Will HUD continue to collect MIP?*

A: Yes.

Q: *Will the Office of Healthcare Programs process emergency releases from reserve accounts?*

A: Yes, on a limited basis.

c) Office of Public and Indian Housing

Resident Questions

Q: *Will my public or Indian housing authority remain open during a Federal Government Shutdown?*

A: Public housing authorities (PHAs), Indian tribes, and tribally-designated housing entities (TDHEs) are not part of the Federal Government and, therefore, would not be required to close during a Government shutdown. However, since PHA, Indian tribe, and TDHE administrative and operational funding is provided by the Federal Government and may be impacted by the shutdown, some PHAs, Indian tribes, and TDHEs may need to reduce or change their normal operating hours. You should contact your local PHA, Indian tribe, or TDHE for information related to the status of its operations and business.

Q: *In the event of a government shutdown, will I lose my rental assistance if I live in Public Housing, Indian Housing, or receive a Housing Choice Voucher?*

A: Depending on the length of the Government shutdown, some PHAs, Indian tribes, and TDHEs may not be able to maintain normal operations. You should contact your local PHA, Indian tribe, or TDHE for information related to the status of its operations and business hours.

Q: *What happens in the event I am facing an eviction?*

A: You should contact your local PHA, Indian tribe, or TDHE for questions related to any pending evictions.

Q: *Who may I contact if I have questions, concerns or complaints regarding Housing Choice Voucher programs, my PHA, Indian tribe, TDHE, landlord, unit condition, etc.?*

A: You should contact your PHA, Indian tribe, TDHE, or locality for assistance in responding to your particular needs or concerns.

Questions from public housing authorities, Indian tribes, TDHEs, and other tribal entities

Q: *In the event of a government shutdown, will I be able to draw down funding for the Public Housing program, Indian Housing programs, and the Housing Choice Voucher program?*

A: Yes, you will be able to draw down funds from the Line of Credit Control System (LOCCS) that had been previously obligated to you and which can be drawn down without further action or review by HUD employees. However, previously obligated funds that require HUD action or review before disbursement will not be available, except in those cases where there is an imminent threat to lives or property.

For Indian housing programs, you would be able to access funds in LOCCS that have been previously obligated to you. However, previously obligated funds that require HUD action or review before disbursement will generally not be available, except in those

cases where there is an imminent threat to lives or property limited HUD staff will be made able to approve those requests.

For the Housing Choice Voucher program, payments will be disbursed to PHAs so long as available funds were previously obligated. Previously obligated amounts in HUD-held reserves (HHR) may be requested or automatically disbursed to address emergency situations.

Q: *How does the Federal government communicate with the public during a government shutdown?*

A: When a shutdown occurs, you should go to the Office of Management and Budget's website at www.whitehouse.gov/omb/ for updates. The HUD website will not be regularly updated. Please also pay close attention to the media for information on the government reopening. If you are a federal employee, please monitor the Office of Personnel Management's website (www.opm.gov) for information about when federal employees should report back to work.

Q: *I've heard that there will be very limited staffing during a government shutdown. How will we be able to contact staff in the Office of Public and Indian Housing and the Office of Native American Programs if I have an emergency? Will there be a centralized email, fax or phone number?*

A: Only excepted staff will be available to respond to emergency issues. There will be no staff to answer non-emergency questions. The contact information for PIH emergency operations during the government shutdown will be posted on the HUD website.

Q: *Will previously scheduled meetings with PIH staff or appearances by PIH officials, in or outside of Washington, take place during the closure?*

A: In the event of a government shutdown, all meetings and appearances related to non-excepted activities would be cancelled.

Q: *Will PIH staff be able to travel for the purposes of monitoring or to provide technical assistance to Public Housing Authorities, Indian tribes, and TDHEs?*

A: No. HUD staff would not be able to travel during the government shutdown unless it is for emergency purposes or excepted activities.

Q: *Will I be able to utilize HUD secure systems (including VMS, IMS/PIC and FASS) to make submissions on behalf of my organization during the shutdown period?*

A: Yes. HUD secure systems will remain available; however, there will be no contractor or HUD-staff support for system-related issues (e.g., submission questions or approvals) during a government shutdown.

Q: *Will announcements for funding under any PIH Notice of Funding Availability (NOFAs) be made during a government closure?*

A: No awards will be announced during a shutdown.

Questions from PHAs - Capital Fund and Mixed Finance/Development

Q: *In the event of a natural disaster, will HUD be able to provide emergency/disaster funding to PHAs?*

A: For a disaster/emergency that has occurred before or during the Government shutdown, PHAs would be able to apply for funding for emergencies and non-Presidentially declared disasters. PIH may monitor the receipt of such applications and, for applications responding to a threat to safety of human life or the protection of property, process such applications but generally not through to the point of obligation of funds, since the authority to obligate funds for such disaster/emergencies would have lapsed. The only exception to this would be an application for assistance related to a disaster/emergency that had occurred in a prior Fiscal Year and for which PIH had sufficient available carryover funding from that year; in that case, PIH would be authorized to obligate the available carryover funds.

For Presidentially declared disasters during a lapse, the Department recommends that FEMA be the first contact for PHAs, Indian tribes, and TDHEs.

Q: *Will the Capital Funds for the new Fiscal Year be distributed?*

A: The formula and distribution are dependent upon finalization of the budget and will be processed after the passage of an appropriations bill.

Q: *Will our housing authority be able to access LOCCS (Line of Credit Control System) during the government shutdown?*

A: As noted above, you will be able to draw down funds from LOCCS (Line of Credit Control System) for the purpose of accessing funds for public housing (operating subsidies and capital funds) that have already been obligated in the system and which can be drawn down without further action or review by HUD employees. The LOCCS system will be available to all PHAs during a government shutdown for open grants. However, if a PHA has a grant on automatic review there will not be staff available to assist with the review and approval. Excepted staff will only be able to address emergency issues related to grants on automatic review. In addition, no new grants will be awarded during the period of the government shutdown.

Q: *We have a mixed finance transaction in process and our Low Income Housing Tax Credits will be expiring. Will we be able to get our transaction closed?*

A: PIH will only be able to close transactions on an emergency basis during a government shutdown, to preserve the viability of the project or to protect human lives. For any other project, the PHA should work with its development partners to contact its investor and determine how to proceed.

Q: *What if we have an issue with our HOPE VI or Choice Neighborhood grant?*

A: The ability to provide approval for projects that are closing or to complete reviews will only be done on an emergency basis, and grantees need to make contingency plans in order to be able to handle any issues that come up during the government shutdown.

Questions from Choice Neighborhoods Grantees

Q: *Will we be able to access the Line of Credit Control System (LOCCS) during the Government shutdown?*

A: As noted above, you will be able to draw down funds from LOCCS for the purpose of accessing funds for public housing (operating subsidies and capital funds) that have already been obligated in the system and which can be drawn down without further action or review by HUD employees. The LOCCS system should be available to all Choice grantees during a government shutdown for open grants. However, if the grant is on automatic review there will not be staff available to assist with the review and approval. Excepted staff will only be able to address emergency issues related to grants on automatic review. In addition, no new grants will be awarded during the period of the government shutdown.

Q: *We have a Choice Neighborhoods replacement project ready to close and our Low Income Housing Tax Credits will be expiring. Will we be able to close?*

A: The Office of Public Housing Investments (OPHI) will only be able to close transactions on an emergency basis during a government shutdown to preserve the viability of the project or to protect human lives. For any other project, the PHA should work with its development partners to contact its investor and determine how to proceed.

Q: *Are the quarterly reports still due or should we wait until the shutdown is over?*

A: Quarterly reports should still be submitted as the data is reviewed by HUD's contractor.

Questions from PHAs – Housing Choice Voucher Program

Q: *Will PHAs receive Housing Assistance Payments (HAP) and administrative fees?*

A: . HAP, administrative fees, and Mainstream 5 program funding that has been previously obligated will be disbursed at their normally scheduled time. However, any funding action which requires HUD staff assistance (e.g., HAP and fee frontload requests, submissions of budget revisions for ModRehab, Mainstream 5, SRO, etc.) will not be processed during the government shutdown. Obligated HAP funds (HUD-held reserves) are available for draw. Essential personnel at FMC in Kansas City will be available to assist in those cases where there is an imminent threat to life or property.

Q: *Will HUD process funding requests for tenant protection vouchers for public housing demolition/disposition activities or Multifamily Housing Conversion Actions (e.g., owner prepayments and opt-outs) during a government shutdown?*

A: During the period of the government shutdown these applications will not be processed. However, tenant protection voucher requests will be processed in those cases where there is an imminent threat to lives or property.

Q: *Will HUD continue to process subsidy-layering reviews (SLR) during a government shutdown?*

- A:** During the period of the government shutdown HUD will be unable to process subsidy-layering reviews. However, SLRs will be processed in those cases where there is an imminent threat to lives or property.
- Q:** *Should PHAs continue to issue vouchers during a government shutdown?*
- A:** PHAs are not required to cease issuing vouchers during a government shutdown. PHAs should assess their financial ability to make payments on behalf of currently assisted households as well as those potentially to be served when considering their ability to issue vouchers.
- Q:** *Will MTW PHAs be able to access additional payments for non-HAP, MTW-eligible expenses during the shutdown?*
- A:** HUD staff will not process funding assignments for non-HAP, MTW-eligible activities during the shutdown, except to protect human lives or property. MTW PHAs, like all PHAs, would only be able to schedule payments that are already obligated in the system. In addition, exempt staff would not be able to respond to questions by phone or email, so technical assistance during a shutdown may also be affected.

Office of Native American Programs

- Q:** *How would a shutdown impact operations of the Office of Native American Programs (ONAP) Office of Loan Guarantee?*
- A:** The Office of Loan Guarantee (OLG) will be closed. Therefore, no case numbers, firm commitments or loan guarantee certificates will be issued for the Indian Housing Loan Guarantee Program (Section 184) and Native Hawaiian Housing Loan Guarantee Program (Section 184A), and no firm commitments or loan guarantees would be issued for the Indian Housing Block Grant Loan Guarantee (Title VI program). Furthermore, no claims would be paid during a Government shutdown.
- However, where possible, HUD would take limited necessary actions to protect against imminent threat to life, safety, or property.
- Q:** *Will technical assistance and training for ONAP grantees still be provided during the government shut down?*
- A:** Yes. However, technical assistance and training would be limited to those requests that were already approved and obligated prior to the Government shutdown and that do not require HUD staff review and approval.
- Q:** *How will the government shut down affect individual Indian Housing Block Grant (IHBG) and Indian Community Development Block grant (ICDBG) awards?*
- A:** All previously obligated IHBG and ICDBG funds that have been made available in LOCCS will be available for draw down during the government shut down. Grant recipients should continue to use the same process for drawing down funds from LOCCS.
- Q:** *When will Indian Housing Block Grant recipients receive their grant award, if the Grant Agreement was not returned prior to the government shut down?*

A: If the grantee did not return their signed grant agreement prior to the government shutdown, grant funds will not be available in LOCCS until the grant agreement process is completed. All processing will cease during the government shut down.

Q: *Is any funding available to Indian Housing Block Grant during the government shut down?*

A: Yes, IHBG and ICDBG funds recorded and made available in LOCCS prior to the government shut down will be available to grantees during the government shutdown. Grantees should use the normal LOCCS process to draw down funds during the government shut down.

Q: *Will the Indian Housing Block Grant (IHBG) Formula Customer Service Center continue to operate?*

A: The IHBG Formula Customer Service Center will operate during a Government shutdown. Requests can be sent via e-mail, facsimile, or voicemail; however, when actions by the Formula Customer Service Center require HUD action or review, responses to such requests may be delayed until the government shutdown has ended.

Q: *Will tribes/TDHEs be notified of their IHBG formula allocations during a Government shutdown?*

A: No, tribes/TDHEs will not be notified of their IHBG formula allocations during the government shutdown. .

Rental Assistance Demonstration

Q: *Will PHAs still have the ability to submit Rental Assistance Demonstration (RAD) Applications during the Shutdown?*

A: Yes, applications for RAD can be submitted through RADApplications@hud.gov. However, there will not be staff to review during the shutdown and the review would start when the shutdown is over.

Q: *I have a RAD project that is scheduled to close, will I be able to close my RAD deal during the shutdown?*

A: Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD) where a Rental Assistance Demonstration Conversion Commitment was issued and the closing was scheduled prior to the shutdown will continue. In addition, where the failure to close or prepare to closed would imminently threaten the property and demands an immediate response (e.g., loss of tax credits), the closing may continue during the lapse.

Real Estate Assessment Center**Physical Inspections**

- Q:** *There is a physical inspection auction scheduled during the government shutdown. Will it still happen and if not, how will we (the contractor/ inspectors) be notified?*
- A:** If the Federal Government shuts down, the auction will be postponed. The only exception to this rule is if holding a limited auction is necessary to schedule inspections for specific projects where a known health or safety risk exists. The Reverse Auction Program (RAP) contractors who are eligible to bid on auction properties will be notified via email.
- Q:** *If an inspection is confirmed and scheduled, may the inspector conduct the inspection during a government shutdown?*
- A:** Yes and no. Where contracts have been obligated prior to the lapse in appropriations, contracted inspectors will conduct the inspection during a shutdown. However, HUD employees will not be able to conduct inspections during a government shutdown unless there is a known threat to life or property at that specific location.
- Q:** *Will inspections results which have been uploaded into Real Estate Assessment Center (REAC) near the date of a government shutdown be released?*
- A:** No. There will be no staff available to review the inspections to make a decision on their release during a government shutdown.
- Q:** *Can I upload inspections during the shutdown?*
- A:** Yes, but they will not be reviewed and therefore cannot be released as discussed above. Also there will be no technical support available during the government shutdown if upload problems are encountered.
- Q:** *Will the Reverse Auction Program (RAP) contractors be able to bill HUD for their RAP inspections?*
- A:** Yes, contractors will be able to bill up to the line of credit which will be current as of the date of a shutdown.
- Q:** *Will Inspector Administration (IA) continue to report performance or conduct issues to contract inspectors during the shutdown?*
- A:** IA will not communicate any performance or conduct issues to inspectors during the period of a government shutdown.
- Q:** *Will Inspector Administration (IA) receive, investigate, and respond to alleged complaints against inspectors*
- A:** IA will not receive, investigate, or respond to any complaints during the shutdown.
- Q:** *Can I still submit an appeal if the government is closed?*
- A:** Yes, you should still mail/submit your request for a technical review (TR) or data base adjustment (DBA) within the deadlines specified in the regulation; however, none will be

reviewed until after the government reopens. Therefore, a response to an appeal will most likely be delayed.

Q: *If my PHA or property is scheduled to undergo a physical inspection during a government shutdown, will the inspection still be conducted?*

A: Yes and no. Where contracts have been obligated prior to the lapse in appropriations, contracted inspectors will conduct the inspection during a shutdown. However, HUD employees will not be able to conduct inspections during a government shutdown unless there is a known threat to life or property at that specific location. For any canceled inspections, the HUD inspector will contact your PHA/property again and re-negotiate a mutually agreeable date for the rescheduled physical inspection to take place.

Technical Assistance Center (TAC)

Q: *Will someone with the REAC Technical Assistance Center (TAC) be available to take calls, answer questions, and provide customer service?*

A: Yes. The TAC will be operational and available to receive and answer questions. Responses that require HUD staff review or approval will be delayed until the lapse in appropriations has ended.

Public Housing Assessment System (PHAS)

Q: *Will PHAS scores be released?*

A: No, PHAS scores will not be released until after the government reopens.

Q: *Will PHAS appeals be accepted and reviewed?*

A: You should still submit your appeal on time in accordance with regulation; however appeals will not be reviewed and you will not receive a response until after the government reopens.

Financial Submissions (FASS-PH and FASS-MF)

Q: *Can PHAs submit their financial information during a government shutdown?*

A: Since the financial system will still be operational during the shutdown, PHAs will still be able to submit their financial information; however no one will be available to review the submission until the government reopens.

Q: *Will Public Housing financial late presumptive failures (LPF) be levied for PHAs that fail to submit timely?*

A: No. LPFs will not be levied for late submissions during a government shutdown; however any PHA that is due to submit, but does not submit by the due date must submit immediately after the government reopens.

Q: *Will multifamily properties be able to submit their financial data?*

A: Yes. However, no one will be available to review the submissions during a government shutdown. Any property that is due to submit but does not submit by the due date must submit immediately after the government reopens.

Q: *If I encounter a REAC financial system problem while attempting to submit my financial information, will someone be available to assist me at the REAC Technical Assistance Center (TAC)?*

A: The REAC Technical Assistance Center will be available to provide assistance during a government shutdown.

d) Fair Housing and Equal Opportunity (FHEO)

Fair Housing Initiatives Program:

Q: *When will I be able to receive funds?*

A: The Department will pay FHIP grantees for all work conducted prior to the shutdown, where the GTR has already approved payment. For work completed during the shutdown, GTRs will periodically review invoices in LOCCS and approve payments.

Fair Housing Assistance Program:

Q: *Will I be paid for fair housing complaints processed during the government shutdown.*

A: Subject to the status of appropriation and in accordance with relevant guidance, the Department will reimburse FHAP agencies for investigations conducted during the government shutdown.

Q: *Will I be able to use HEMS?*

A: Yes. HEMS will continue to be operational during the government shutdown. However, the Department will be unable to provide any technical support for the operation of HEMS.

Q: *Will I be able to draw down funds?*

A: Since drawing down funds requires approval from HUD staff, FHAP agencies will be unable to draw down FHAP funds from LOCCS during the shutdown.

Q: *Will complaints be dual filed during the government shutdown?*

A: Yes. Complaints originated by the FHAP agencies should be referred to HUD for dual filing after the government resumes service. Complaints received and or originated by HUD during the shutdown will be referred and dual filed once the government resumes service.

Fair Housing Complaints:

Q: *Can I still file a housing discrimination complaint when the government is shut down?*

A: You can continue to file housing discrimination complaints during the shutdown. If timeliness is in question, complaints will be considered filed as of the date received by the Department.

To file a complaint, you may:

- Mail a complaint into HUD. Please include the following information:
 1. Your name, address, and telephone numbers where you can be reached;
 2. The name and address of the persons, businesses, or organizations you believe discriminated against you;
 3. If there is a specific property involved, you should provide the property's address and physical description, such as apartment, condominium, house, or vacant lot; and
 4. A brief description of how you were discriminated against in an activity related to housing. You should include in this description the date when the discrimination happened and why you believe the discrimination occurred because of race, color, religion, national origin, sex, disability, or familial status (i.e., the presence of children under the age of 18 in a household or the presence of a person who is pregnant or in the process of securing legal custody of a person under the age of 18).
- Complete HUD's on-line [Complaint Form](#) (Allegations submitted with the online complaint form will not be reviewed or investigated until the government reopens.); or
- Contact a [state or local fair housing enforcement agency](#);
- Contact a private fair housing group in your community for assistance in addressing housing discrimination.

Q: *What is the status of my case?*

A: Because the government is closed, no action can currently be taken on any investigation or conciliation conducted by the Department of Housing and Urban Development. When the government reopens, we will resume action on your case. The investigation of your case will not be harmed by the delay caused by a government shutdown. If your case is with a state or local fair housing agency, its investigation will continue.

Speaking Engagements

Q: *I had an event planned with a representative from FHEO. Will they be able to speak at my event?*

A: We hope that this temporary shutdown is short lived so that we can fulfill all of our fair housing month engagements, but in an abundance of caution we must tell you that so long as the government is closed, we can no longer commit to appearing at any event.

If the government resumes business within 72 hours prior to your event, the FHEO representative may be able to attend.

While we hope to be able to attend all the events we had previously agreed to, we understand how critical these events are to mission of your organizations, and that you may need to find an alternate speaker.

e) Office of General Counsel

Q: *I am involved in a proceeding before HUD's Office of Hearings and Appeals. Will the government shutdown impact this?*

A: Yes. The attorney representing the government will file a stay of the proceedings due to the lapse in appropriations. If you are a party to the proceedings, you may file a response either opposing or supporting the stay. If the presiding judge grants the stay, the proceedings will be held in abeyance during the shutdown period and resume after the government reopens.

f) Office of Policy Development & Research

Q: *Will new content be posted on HUD User during a shutdown?*

A: No, in the event of a government shutdown, no new content would be posted.

g) Office of the Chief Financial Officer

Q: *Will system support be in place to assure continuity of payments for obligations incurred?*

A: Yes. Limited HUD staff will be supported by application support contractors working at non-government locations to keep payment systems operational.

Q: *Will payments continue to be made for existing obligations?*

A: Yes. There will be a limited staff to support such activities.

Q: *Will the travel office be open for emergency situations?*

A: Yes, the travel office will be staffed with one person to assist with travel for emergency purposes or excepted activities.

Q: *If funding was provided under the prior CR does that funding remain available?*

A: Funding provided under the prior CR is only available if the funds had already been obligated prior to the lapsing of the CR. The authority to use any of the unobligated CR funds is unavailable.

h) Office of Lead Hazard Control and Healthy Homes

Q: *If I have questions, during a shutdown, about a lead hazard control or healthy home grant, who can answer my questions?*

A: During a shutdown, the Office of Lead Hazard Control and Healthy Homes will have minimal staff on hand to answer questions. You may telephone Michelle Miller at 202-402-5769, or Matt Ammon at 202-402-4337.

i) Ginnie Mae

Q: *Will Ginnie Mae continue to operate during a shutdown?*

A: Yes, Ginnie Mae will continue to operate if the government shuts down. Ginnie Mae's role in the secondary mortgage market is vital to the market's stability and liquidity and to maintaining overall economic security. Therefore, Ginnie Mae employees will continue excepted business operations under an emergency exception. Ginnie Mae will have limited staff available to manage business operations and answer questions. Ginnie Mae contractors are paid from Ginnie Mae reserves under a permanent indefinite appropriation, so there will not be a break in contractor services on excepted functions.

Q: *Will I be able to get commitment authority during a shutdown?*

A: Ginnie Mae does have multi-year commitment authority which will be available upon approval by OMB, which is anticipated to be in place prior to the shutdown.

Q: *Can I issue securities during a shutdown?*

A: Yes, Ginnie Mae will continue to process pools and guarantee securities.

Q: *Will I still receive monthly principal and interest payments?*

A: Yes, issuers will continue to make pass-through payments to investors during a shutdown.

Q: *If there is a need for Ginnie Mae to pay out on its guaranty during a shutdown due to a shutdown, can Ginnie Mae do so?*

A: Yes, even if there is a government shutdown Ginnie Mae will honor its guaranty.

Q: *If I need to process a pool, where can I get information about Ginnie Mae's procedures?*

A: For questions about Ginnie Mae policies and procedures, you can consult the Ginnie Mae MBS guide on its website at ginniemae.gov, or contact Ginnie Mae's pool processing agent, the Bank of New York, Ginnie Mae Helpdesk at 1 (800) GNMA (4662).

Q: *Why does Ginnie Mae have a shutdown plan?*

A: Ginnie Mae's Shutdown Response Plan is a supplemental to the *HUD Contingency Plan for Possible Lapse in Appropriations*, this plan does not supersede the HUD guidance. Ginnie Mae's plan includes additional instructions for Ginnie Mae employees from our "Lessons Learned" workshop. The plan is posted on Ginnie Mae's SharePoint portal.

Q: **Who is responsible for notifying the contractors?**

A: The contracting officers of HUD or GSA will officially notify contractors in writing of how they are to proceed during a Shutdown, this guidance will come SVP on Office of Management Operations (OMO). OMO will inform Ginnie Mae CORs if additional guidance is required with contractors.

Q: *I'm a COR. Can the contractors on my contract continue to work during the shutdown?*

A: Yes. Since Ginnie Mae's contracts are funded with non-appropriated funding, contractors can continue working on deliverables for Ginnie Mae during the shutdown., But contractors may not contact Ginnie Mae employees during this time, not unless their contract is considered excepted.

Q: Will my contractor receive payment for invoices submitted during a shutdown?

A: Only excepted contracts will get paid during a shutdown. All others will get paid upon the reopening of the government (this may include interest and penalty if it is incurred due to the shutdown). For special scenarios please contact your shutdown coordinator.

The following are Ginnie Mae's current excepted Vendors during a shutdown:

1. Bank of New York Mellon – Pool Processing Agent
2. Deloitte and Touche LLP – Mortgage-Backed Securities Operations and Analytics
3. Carrington Mortgage Services LLC – Master Subservicer
4. Selene Finance LP – Master Subservicer
5. Hunton and Williams – Legal Services (1-MBS & 2-Multiclass)
6. Venable – Legal Services
7. Guidehouse LLP – Securitized Transaction Financial
8. IBM - Infrastructure

Q: What are Ginnie Mae's excepted functions that will continue during a shutdown?

A: The excepted functions that have been approved are:

1. Principal and Interest Pass-Through
2. Commitment Authority
3. Pooling and Issuance of Securities
4. REMIC Securities Deal Management
5. Platinum Securities Deal Management
6. Issuer Default (including pre and post default activities see "Reference document" below)
7. Pool Transfers
8. Infrastructure Support
9. Financing agreement (Acknowledgement agreements)

Q: If I am an "Excepted" employee is there an expectation that I work the entire eight (8) hour day even if my job complete. Specifically, should I bill the government eight (8) hours if my task only requires three (3) hours of work. If the latter is correct what am I allowed to do for the remaining hours?

A: If you're "Excepted" employee it is expected that you are available the entire business day and that you bill the government for an 8 hour day.

Q: If I am an "Intermittent" employee how may I be contacted if I need to come into work?

A: Intermittent employees should provide their personal cell phone and email, and the Ginnie Mae coordinator will contact using your personal contact information that you provided.

Shutdown Process for Ginnie Mae

Q: Am I required to use the full four (4) hours to conduct shutdown activities?

A: No. Once you perform your shutdown activities, you must cease all other activities.

Access to Capital View During a Shutdown

Q: Will I have access to Capital View after the shutdown begins?

A: Non-excepted employees will not be allowed access to Capital View once funding has run out, other than to conduct up to four hours of shutdown activities the next business morning.

Q: If I am an excepted employee who parks at Capital View, will I be allowed to park during a shutdown?

A: Yes. Employees who currently pay for parking at Capital View will be allowed to continue to park in the garage when they are working.

During a Government Shutdown for Ginnie Mae Only

Q: Will invoices continue to get paid while the government is shut down?

A: Contracts that support excepted functions will continue to get paid during the shutdown. However, contracts that do not support excepted functions will not be paid until the shutdown ends.

Q: When I conclude my activities that directly support excepted functions, what should I do?

A: Upon completion of activities that directly support excepted functions, you must record the time spent and be on call until the end of your tour of duty.

Q: Will I get reimbursed for official travel during the shutdown?

A: Yes, all employees will be reimbursed for official travel with proper authorization and completion of all applicable requirements (i.e., Concur).

Q: What types of activities am I permitted to conduct to identify when and if an Issuer default is warranted?

A: Ginnie Mae has been approved to conduct “Financial Statement Reviews” and “Compliance Reviews” in order to determine if an Issuer Default is warranted.

Q: I got a request to repurchase loans out of a pool. Is reviewing and/or approving loan buyout requests an approved excepted activity?

A: No, loan buyouts are not an approved excepted activity for Ginnie Mae during the shutdown.

Q: An Issuer has asked about pooling parameters for redelivered loans into Ginnie Mae pools. Is this an approved excepted activity?

A: No, reviewing and providing instructions to pool redelivered loans is not an approved excepted activity for Ginnie Mae during the shutdown.

Q: *An Issuer has asked if there is a pool type that would allow for less than 25% VA guaranty? Are loan eligibility-type activities an approved excepted activity?*

A: No, loan eligibility-type activities is not an approved excepted activity for Ginnie Mae during the shutdown.

Q: *An Issuer has asked us to review an uncleared field review finding. Can I work on field reviews during the shutdown?*

A: No, field review activities are not an approved excepted activity for Ginnie Mae during the shutdown.

Q: *I'm a Ginnie Mae term employee. What types of activities can I do during the shutdown?*

A: Ginnie Mae term employees are typically funded with no-year money. Therefore, there are no restrictions to the work a term employee can perform during a shutdown. Furthermore, term employees must complete time and attendance sheets, to be certified by the master timekeeper, when directed to do so.