



# **HUD Contingency Plan for Possible Lapse in Appropriations 2021**

October 18, 2021

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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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

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

<sup>2</sup> OMB Circular.

<sup>3</sup> 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 (if any) 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.<sup>4</sup> This list should

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<sup>4</sup> 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.<sup>5</sup>
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. The automatic apportionment does not affect previously approved apportionments (e.g.,

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<sup>5</sup> 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 [Agency-Lapse-FAQs-9-23-21.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/09/Agency-Lapse-FAQs-9-23-21.pdf) ([whitehouse.gov](https://www.whitehouse.gov)).



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.

<b>Lapse Plan Summary Overview<sup>6</sup></b>	
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:	8,233
<b>Total number of employees to be retained under the plan for each of the following categories:<sup>7</sup></b>	
Compensation is financed by a resource other than annual appropriations:	<i>44 FTEs<sup>8</sup></i>
Necessary to perform activities expressly authorized by law:	<i>0 FTEs</i>
Necessary to perform activities necessarily implied by law:	<i>815 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>733 FTEs</i>

<sup>6</sup> This chart is prescribed for Agency lapse plans by Section 124 of OMB Circular No. A-11.

<sup>7</sup> 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.

<sup>8</sup> Technically all HUD employees (other than OIG employees) are now funded from appropriations other than annual; however, because the availability of carryover resources changes from year to year and may not be sufficient to retain employees under a lapse, we have not included those employees within this number. Please see more discussion about carryover evaluations in section 2(a), "Available Resources for HUD Salaries and Expenses Funding During a Lapse in Appropriations."

<b>Brief summary of significant agency activities that will continue during a lapse:</b>
<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• Many of HUD’s programs addressing imminent threats to the health and welfare of HUD tenants and children will continue where such grant funding has already been obligated before the lapse occurs.</li> <li>• 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 the funding remains available.</li> </ul>
<b>Brief summary of significant agency activities that will cease during a lapse:</b>
<ul style="list-style-type: none"> <li>• Monthly subsidy programs such as the public housing operating subsidies, housing choice voucher subsidies, and multifamily assistance contracts can be at risk of running out of funding during a lapse period.</li> <li>• Nearly all of HUD’s fair housing activities will cease during a lapse.</li> </ul>

National Finance Center records indicate that HUD has 8,233 employees on board as of September 27, 2021. 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
<b>Administrative Offices &amp; Management</b>				
Executive Office	70	9		3
Field Policy and Management	336	3		71

Chief Human Capital Officer	190	6		8
Chief Financial Officer	219	8	6	21
Chief Information Officer	250	17		24
Chief Procurement Officer	121	10		22
Administration	175	33	6	35
General Counsel	592	13		85
Departmental Equal Employment Opportunity	19	0		0
<b>Program Offices</b>				
Housing	2516	90		180
Public and Indian Housing	1365	2		52
Fair Housing and Equal Opportunity	602	2		7
Policy Development and Research	155	3		4
Lead Hazard Control and Healthy Homes	48	2		4
Community Planning and Development	849	18	12	11
Office of Inspector General	537	11		0
Ginnie Mae	189	11	20	34
<b>TOTAL</b>	<b>8,233</b>	<b>238</b>	<b>44</b>	<b>561</b>

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 522, 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) (including the Office of Native American Programs)**

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.<sup>9</sup> 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:

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<sup>9</sup> 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.

- 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.
- 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)**

FHEO recipients will continue to have access to LOCCS, including any funding previously approved for draw before the lapse occurred. 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:

	<b>Lapse of Appropriations</b>
<b>Ability to Issue Commitment Authority</b>	Yes Emergency Exception (property protection) – Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
<b>Ability to Issue Mortgage-Backed Securities and Structured Multi-Class Transactions</b>	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
<b>Ability to Receive/Process Monthly MBS Loan &amp; Payment Accounting Data</b>	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
<b>Ability to Pay Securities Holders</b>	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.
<b>Ability to Engage and Pay Contractors</b>	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.
<b>Ability to engage in Issuer Defaults activities (e.g. Pre and Post related)</b>	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.
<b>Ability to Travel for Emergency Purposes (e.g., Issuer Defaults)</b>	Yes Emergency Exception – Ability to default is essential for market stability and protecting Government's property.
<b>Ability to Review and Process Mortgage Servicing Rights (MSR) Transfers and Financial Agreement Requests</b>	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 10 HUD Regional Offices and the 54 Field Offices. Additionally, FPM will facilitate the intermittent opening of field offices to accommodate the processing of Single Family Housing's endorsement and Real Estate Owned (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 the Office of Disaster Management and National Security (ODMNS)'s request for coordination of disasters associated with active FEMA Mission Assignments (MA), as well as on-going response and recovery related 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 are exempt because they are Presidential appointees, confirmed by the Senate. (Individuals acting in exempted positions who have not been appointed by the President and confirmed by the Senate may only perform excepted duties, which include providing oversight and direction for all excepted activities within their scope of responsibility during the lapse in appropriations.)

A limited number of Executive Offices employees will assist HUD leadership with the oversight and direction of the Department's excepted activities. This includes limited staff within the Office of Public Affairs (OPA) who provide 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 HUD administrative support offices staff as necessary to coordinate such communications. Moreover, OPA will:

- Provide helpful stand-alone information on [hud.gov](https://www.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](http://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](mailto:postshutdown@hud.gov) mailbox to assist employees immediately following the shutdown.

A limited number of staff in CIR will be excepted to serve as points of contact for congressional and intergovernmental stakeholders regarding excepted activities. Please see Section 8 below for more information on external stakeholder outreach and communications plans.

#### **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., including in a telework environment.
- 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 (OCAO)**

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

- Manage and maintain full operation of the headquarters building facilities, including Weaver Building parking.
- Maintain operation of 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.

- Collaborate with FPM to prepare Field Offices for orderly shutdown, including signage, telecommunications greetings and coordination of access control measures in coordination with local building management.
- Maintain HQ Weaver 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 HQ and 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.

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

OCAO'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, OCAO 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 will perform official duties during a furlough as long as she 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), Chief of Staff, and the Executive Assistant to the Inspector General are 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 provide necessary support to the IG and OIG staff that are excepted and performing work that must continue during a government shutdown.

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; 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; and 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 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.

The Senior Advisor for Operations and External Affairs will be an excepted position to lead OMT efforts and 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 Management Division. The Director, HCMD, will be an excepted position to ensure the proper shut-down of OIG operations and the furlough of

OIG employees who are not excepted from furlough, as well as to coordinate with OIG leadership on the recall of employees for the duration of a lapse in appropriations, as needed.

### **Office of Investigation**

The Assistant Inspector General (AIG) for Investigation will be an excepted position to lead investigative work that must continue during the shutdown of the government. 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.

### **Office of Audit**

The AIG for Audit is an excepted position to lead audit work that must continue during the shutdown of the government. All auditors who are working on disaster-related assignments will continue to perform their work during the shutdown of the government. All other 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.

### **Office of Evaluations**

The AIG for Evaluation is an excepted position to lead evaluation work that must continue during the shutdown of the government. All evaluators who are working on disaster-related evaluations will continue to perform their work during the shutdown. 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.

### **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 Senior Advisor for Operations and External Affairs 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 generally 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 may 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. No one should presume that their status falls within this limited special category without specific instruction from HUD leadership.

#### **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 shutdown for teleworking employees, including the permitted uses of HUD-issue laptops and smart phones.
- 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](http://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 that we empathize with the stress they have been under as a result of the shutdown. Depending upon the length of the shutdown, the Department's activities may include, but will not be limited to, 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](mailto: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
<b>Office of the Human Capital Officer</b>		
P162 - HUD Integrated Human Resources and Training System		HIHRTS
P262 – webTA		webTA
Career Connector		USA Staffing
P162D - HIHRTS DataStore		HIHRTS DS
<b>Office of the Chief Financial Officer</b>		
A21 - Loan Accounting System		LAS
A39 - HUD's Consolidated Financial Statement System		HCFS
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
<b>Housing</b>		
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
P323 – Salesforce GSS	SFGSS
P323a – FHA Catalyst	ICSS
<b>Office of the Chief Information Officer</b>	
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
A73 - Inventory of Automated Systems	IAS
D100 - HUD SharePoint Server	SharePoint

P199 - LAN Servers Patch Management	LSPM
P200 - LAN Servers Anti-Virus Management	LSA-VM
P223 - Amazon Web Services	WAN
P255 - MicroStrategy	MSTR
P274 - Hud WebCenter	HWC
P285 - Business Systems Management	BSM
P295 - Customer Relationship Management	CRM
P305 - HUD CDM Solution Suite	CDM
P314 - Power BI Report Server	PowerBIGateway
P331 - eCase	eCase
P302 - Enterprise Data Management	EDM
P281 - Digital Identity and Access Management	DIAMS
<b>Office of the Chief Procurement Officer</b>	
Purchase Request Information System Management	PRISM
<b>Public and Indian Housing</b>	
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
<b>Community Planning and Development</b>	
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
<b>Fair Housing and Equal Opportunity</b>	
HUD Enforcement Management System	HEMS
<b>Office of Public Affairs</b>	
Cision, Lexis Nexis	OPA
P068 - HUD Website	HUD.gov
<b>Congressional and Intergovernmental Relations</b>	
CIR Grants Notification Tool	CIRZip
<b>Office of Strategic Planning and Management</b>	
P017 - Grants Interface Management System	GIMS
<b>Office of Administration</b>	

HUD Emergency Operations Notification Center	MIR3
<b>Office of Lead Hazard Control and Healthy Homes</b>	
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.. 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) All managers who will be working throughout the shutdown shall be provided with any necessary shutdown instructions, and the authoritative location for shutdown documentation will be identified and communicated.

**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. 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 has collected the most frequently asked questions (FAQs) for each program office, which are included as Appendix B to this Plan and available on the HUD website. A list of stakeholders has also been compiled, by program, to enable distribution of these Programs will also compile email lists of stakeholders in advance of a lapse to support necessary communication.

Upon any lapse in appropriations, the FAQs for Stakeholders will be:

- 1) Posted on the HUD website.
- 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.

In addition, as part of their orderly shutdown duties on the first day of the lapse, staff within CIR will ensure key Committee staff are briefed on the coverage plan during the shutdown, including 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 the result of a sudden emergency requiring curtailment of the Agency's activities. This government shutdown is not expected to exceed 30 days. Therefore, this furlough notice expires on (30 days from effective date).

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 Anti-deficiency 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**

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 or, as appropriate, remotely perform excepted activities and functions. You will be compensated for time spent working on authorized excepted activities when appropriations are enacted.

If you are unable to work due to illness or extenuating circumstances while in an "excepted" status, you must notify your supervisor who will change your designation to "non-excepted" until you are able to return to work. Failure to report to work or perform your duties as an "excepted" employee, if extenuating circumstances do not exist, may result in an absent without leave (AWOL) or leave without pay (LWOP) status and potential disciplinary action.

*When **not** performing excepted activities and functions, you will receive notification of a change in your furlough designation from "excepted" to "non-excepted" and be placed in a furlough status.* This is a non-pay, nonduty status. Any paid leave (annual, sick, court, etc.) approved for use during the shutdown is hereby cancelled, meaning your leave may not be used and will not be charged against your accrued annual or sick leave for non-work hours during the furlough period.

When in a furlough you must remain away from your HUD workplace and you are prohibited from using HUD-issued devices (e.g., laptops, desktop computers, iPads, cell phones). You are also prohibited from remotely accessing HUD email, HUDmobile, HUD business systems, the Virtual Private Network (VPN), HUD@Work intranet, or other electronic capabilities provided by HUD.

### **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/Indigenous Peoples Day holiday on Monday, October 11 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 holiday. As an excepted employee, you are expected to return to work on your next regularly scheduled workday following the holiday. For the vast majority of you, this means you would return to work on Tuesday, October 12.

If you have a work schedule that does not include Monday, October 11, 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 11, 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 8.

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 at OCHCOPolicyOffice@hud.gov or the head of your organization, GDAS or equivalent.

### **Information on Appeal Rights**

Employees who have completed a probationary or trial period or one (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 one (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 two (2) years of current continuous service in the same or similar positions in an executive agency under other than a temporary appointment limited to two (2) years or less. Career SES appointees (except reemployed 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 one (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 two (2) years of current continuous service in the same or similar positions in an executive agency under other than a temporary appointment limited to two (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:

Assistant General Counsel, Personnel Law Division  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> St., SW  
Room 2124  
Washington DC 20410  
[mspbappealdcpld@hud.gov](mailto:mspbappealdcpld@hud.gov)  
(202) 402-5364 (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 pre-complaint counseling with a HUD EEO Counselor. In order to pursue this matter through the discrimination complaints process, you must contact a 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  
Wayne Williams, Acting Director  
Office of Departmental Equal Employment Opportunity  
451 7<sup>th</sup> 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](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.

Additional information on the shutdown furlough is available at [www.hud.gov](http://www.hud.gov) and [www.opm.gov](http://www.opm.gov). If you have any questions regarding this memorandum or your designation, you should contact the head of your organization, GDAS, or equivalent.

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

**b) Sample Notice to Employee Occupying an Excepted Position**

MEMORANDUM FOR: [Insert Excepted Employee Name]  
FROM: [Insert Program Management Information]  
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 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](mailto:hud@work), [www.hud.gov](http://www.hud.gov) and [www.opm.gov](http://www.opm.gov). If you have any questions regarding this memorandum or your designation, you should contact the head of your organization, GDAS, or equivalent.

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

MEMORANDUM FOR: [Insert Intermittent Employee Information]  
FROM: [Insert Program Management Information]  
SUBJECT: Notice to Return to Work on an Intermittent Excepted Activity

This memorandum is to advise you are needed to return to work to perform a particular excepted activity during the government shutdown. Certain governmental functions are excepted activities and are authorized to continue during a lapse of appropriations. This is a temporary recall to duty until you complete the following task. 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 instructions from me.

Once you have completed the excepted work activity, please email your supervisor and me a record of your time worked. You should also keep a log of the time worked for the excepted activity. Please account for your time to the nearest fifteen minutes. Once appropriations for FY 2021 are enacted, you will be compensated for your work on this excepted activity.

If you have any questions regarding this memorandum or your designation, you should contact [Insert Program Management information (name(s) and phone number(s)].

**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

Your status for the furlough is Non-Excepted. Because you are not engaged in one of HUD's excepted functions, you are being placed in a furlough (non-duty, non-pay) status effective October 1, 2021).

This furlough is not expected to exceed 30 days. Therefore, this furlough notice expires on (30 days from effective date).

In the absence of Fiscal Year (FY) 2022 appropriations or a continuing resolution, 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 U.S. Office of Management and Budget (OMB) and the HUD Furlough Plan, as applicable.

**Shutdown Activities**

**On Friday, October 1, 2021**, prior to the HUD offices officially shutting down at 1:30 p.m., **you are required to complete an orderly shutdown of your work. This involves your immediate action to:**

1. Close out scheduled activities (for example, cancel meetings, trainings, and travel).
2. Change your voice and email status. Scripts for your out-of-office messages on voice mail and email are included in this packet.
3. Input and validate your time in webTA to reflect your work schedule for pay period 20 (September 26 – October 9, 2021).

Non-excepted employees must complete shutdown activities in **not more than four hours on October 1, 2021.** Any exceptions must be approved in advance. When you conclude your shutdown activities, you **must not** log into the HUD systems or perform any HUD official duties until the Federal Government reopens.

If you are scheduled to be on leave or are unable to perform your shutdown activities, either remotely or in person, by 1:30 p.m. on October 1, 2021, you may complete the required actions on the next business day you are originally scheduled to return to work. Please inform your supervisor or manager by email that you are unable to complete your shutdown activities until your return. With the exception of using up to four hours to complete the orderly shutdown, you must not use any HUD equipment, systems, or services or perform official duties after 1:30 p.m. on October 1, 2021.

During the furlough, you must remain away from your HUD workplace until the Federal Government re-opens or your furlough status is changed to “excepted” and you are recalled to work on an excepted activity. 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 time spent working on authorized excepted activities when appropriations are enacted.

As a non-excepted employee, you are in a non-pay status and are prohibited from serving as an unpaid volunteer to work on HUD activities. You are prohibited from using HUD-issued devices (e.g., laptops, desktop computers, iPads, cell phones) during the furlough. You are also prohibited from remotely accessing HUD email, HUDmobile, HUD business systems, the Virtual Private Network (VPN), HUD@Work intranet, or other electronic capabilities provided by HUD.

Due to your non-duty, non-pay status, any paid leave (annual, sick, court, etc.) previously approved for use during the furlough period is hereby cancelled. This means that your leave may not be used and will not be charged against your accrued annual or sick leave for non-work hours during the furlough period.

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://workforcsecurity.doleta.gov/unemploy/unemcomp.asp>.) Agencies or 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>.

We recognize the difficult financial implications of any furlough, no matter how limited its length. We will make every effort to keep you informed as additional information regarding the agency funding level becomes available. If you have questions, check [www.hud.gov](http://www.hud.gov) for additional information.

### Appeals, Complaints, or Grievances

This action is the result of a sudden emergency requiring curtailment of the Agency's activities. Advance notification was not possible. The customary 30-day advance notice period and opportunity to answer are suspended under the provisions of 5 CFR 752.404(d)(2). The 30-day advance notice otherwise required by 5 CFR 359.806(a) for Senior Executive Service (SES) career appointees (other than reemployed annuitants) is either shortened or waived.

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 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 one (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 two (2) years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two (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:

Javes Myung  
Assistant General Counsel, Personnel Law Division  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> St., SW, Room 2124  
Washington DC 20410  
[mspbappealdcpld@hud.gov](mailto:mspbappealdcpld@hud.gov)  
(202) 402-5364 (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. 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 a 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  
John Benison, Director  
Office of Departmental Equal Employment Opportunity  
451 7<sup>th</sup> 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](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.

#### Notification of Reopening the Federal Government

It is your responsibility to stay informed about when the Federal government will reopen. You may obtain current information about the operating status of the Federal government by listening to public broadcasts and media. Additional information and updates concerning the status of the shutdown furlough is available at [www.hud.gov](http://www.hud.gov). You may also 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 to learn if HUD has reopened.

The U.S. Office of Personnel Management (OPM) is another official resource which provides daily updates on the operating status for Federal agencies in the Washington, DC, commuting area on its website at [www.opm.gov/status](http://www.opm.gov/status). OPM also offers a smartphone app to which you may subscribe to receive operating status updates automatically. These are expected to be operational during the furlough. Additionally, OPM has issued guidance on the shutdown furlough process which can be accessed at: <https://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/>.

**When you hear that an FY 2022 Appropriation has been approved, you will be expected to return to work on the next scheduled work day.** Thank you for your adherence to these rules and your patience in this matter. Please direct any questions you have regarding this memorandum to the head of your organization, GDAS, or equivalent.

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

### **General Questions**

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

In the event that 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 for any 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. The vast majority of HUD employees are non-excepted, meaning that they are prohibited from working during a shutdown. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or certain other types of work that, by law, may continue to be performed during a lapse in appropriations.

**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 furlough is officially declared.

**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 of the change in your furlough designation status and directed 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. When the specific task for which you are recalled to work is completed, your furlough designation status will be returned to “non-excepted” for the duration of the furlough.

## **Shutdown Process**

### **8. What activities must employees complete to orderly shutdown the government?**

Orderly termination activities include securing any personal identifying information (PII), updating any emergency notification information, and updating your personal contact information (e.g., personal email, home, and/or mobile phone numbers) in HIRTS. Any items in refrigerators and trash bins at the official worksite should be discarded and removed from locked offices (if applicable to your current workstation). Managers and supervisors can provide program-specific instructions of required orderly termination activities.

### **9. 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. HUD determines when those activities shall be performed; typically, the first few hours of the first scheduled workday after the lapse occurs. 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, their workday has ended.

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

In accordance with the "[Government Employee Fair Treatment Act of 2019](#)," non-excepted employees, as well as "excepted" employees are guaranteed compensation at the standard rate of pay when Congress approves appropriations and the government re-opens.

An employee who is furloughed as the result of a lapse in appropriations must be paid for furlough periods that occurred during the lapse. After the lapse ends, retroactive pay is provided at the employee's "standard rate of pay." If the pay cannot be provided on the normal pay date for the given pay period, it must be provided at the earliest date possible after the lapse ends. A furloughed employee is **not** entitled to retroactive pay for furlough periods if the employee had been previously (before the lapse) scheduled to be in nonpay status during those periods. For example, an employee may have scheduled leave without pay (LWOP) for an extended period or be in a suspension status (i.e., pay suspended based on an adverse action). Furloughed employees will accrue annual and sick leave as if they had been in pay status during the furlough periods.

### **11. If I am an excepted employee, what happens to my pay and leave after a shutdown?**

An excepted employee who is required to work during a lapse in appropriations must be paid for those work periods occurring during the lapse. After the lapse ends, retroactive pay is provided at the employee's "standard rate of pay." If the pay cannot be provided on the normal pay date for the given pay period, it must be provided at the earliest date possible after the lapse ends.

Excepted employees who are required to perform work during a lapse in appropriations "shall be entitled to use leave" under 5 U.S.C. chapter 63, if applicable (or under other applicable law if

chapter 63 is not applicable), but that compensation for the leave will be paid after the lapse ends. The use of such paid leave is subject to the normally applicable rules for the applicable leave program, including leave request and approval procedures. While excepted employees have the option to use their paid leave (i.e., establish entitlement to paid leave to be paid after the lapse ends), they are not required to use leave to cover periods of authorized absence from work. Instead, they may choose to remain in the default status of being furloughed during any such authorized absence during the lapse. We expect employees generally to choose to allow the default furlough status to be applied to any approved absence, since section 1341(c)(2) provides retroactive pay for furlough periods without charge to leave. (See “Treatment of Furloughed Employees” section for guidance on furlough hours.)

For additional information on retroactive pay and leave resulting from a government shutdown, please review guidance issued by the U.S. Office of Personnel Management, [CPM-2019-04](#), dated January 23, 2019.

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

No. If the government shuts down, and you are a non-excepted employee, you are prohibited from doing any work until the enactment of appropriations. You are also prohibited from checking your HUD email or using your government-issued technology (including iPads, desktop computers, laptops, cell phones, etc.) No work hours or comp time may be accrued.

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

In general, all HUD employees should begin their tour of duty at the same time and place as they normally would, unless otherwise instructed by their managers. For example, if you work under a regular or maximum telework schedule due to the pandemic, you should begin your workday from the approved telework location at your normally schedule time, unless your supervisor or manager directs otherwise. 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 automatic replies or “out of office” messages on your email and voicemail).

**14. Can I telework on the morning after shutdown under my already approved telework agreement or situational telework status?**

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

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

You will perform the necessary activities the next business day after the compressed day off.

**16. 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, as soon as possible please contact your manager and remotely complete the required shutdown activities as soon as possible.

**17. 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.

**18. 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. However, except for the time it takes to complete orderly shutdown activities in the first few hours of the lapse, non-excepted employees should not use their smart phones or other HUD-issued equipment until the shutdown is over. During the lapse, employees are not authorized to remotely access government IT systems to conduct any official business, even if those equipment/services remain available and functional, unless they are designated as an excepted or intermittent employee. While Departmental policies allow for limited personal use of government resources, no use of government resources for personal use is authorized while on furlough, even if those equipment/services remain available and functional.

**Access to HUD Offices During a Shutdown****19. 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.

**20. 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](mailto:ELRDivision@hud.gov).

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

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

- The HUD Credit Union – note that the Credit Union will have alternative sites available in the Washington Metro Area. Log onto <https://www.hudfcu.org/> or call (800) 919-2872.
- 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.

**22. 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**

**23. 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.

**24. 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.

**25. 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.

**26. Can employees obtain TSP loans during a furlough?**

TSP will continue its normal daily operations during a government shutdown. Loan eligibility and more information may be found at the following link: <https://www.tsp.gov>.

**27. 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: [https://oui.doleta.gov/unemploy/docs/factsheet/UCFE\\_FactSheet.pdf](https://oui.doleta.gov/unemploy/docs/factsheet/UCFE_FactSheet.pdf).) 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>. HUD's agency code for unemployment compensation purposes is 465.

**28. 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 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 on the web at:

[Ethics | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#). 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.

**29. Should new employees scheduled to enter on duty with HUD during a shutdown still report for duty?**

No, new or transferring employees cannot on-board during a shutdown. In the event the shutdown continues through the scheduled EOD date, employees will be contacted with additional guidance.

**30. Will vacancy announcements on USAJobs remain open to applicants?**

USAJobs will be operational during the government shutdown. Any open vacancies at the time of the shutdown will continue to be posted and will close at the announced date.

**31. If I am a non-excepted employee, can I work for the Agency as a volunteer?**

No. An agency may not accept the voluntary services of an employee. 31 U.S.C. 1342. Non-excepted employees are prohibited any work activities or duties during a government shutdown, despite any willingness to provide such labor on a voluntary or non-pay basis.

**32. 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.

**33. 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.

**34. 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.

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

Yes. The EAP Health and Wellness Division is aware of the uncertainty and stress that can be caused by a government shutdown. We would like to remind all employees that we care. 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](http://www.FOH4You.com), where they will find information and resources to assist them through this and any other challenging time.

**36. 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 to your personal email account on any changes in the operating status. 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.

**37. 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. Agencies are instructed that during a government shutdown all paid leave must be cancelled. For additional questions and answers on leave, please visit: <http://www.opm.gov/faqs/topic/payleave>.

**38. 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. As part of your orderly termination activities, you should 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.

**39. How is the shutdown experience impacted by the COVID-19 pandemic?**

The Department's COVID-19 Safe Federal Workplace Plan remains in effect during a lapse (available at

<https://www.hud.gov/sites/dfiles/OA/documents/HUDSafeFedWorkplacePlan051721.pdf>).

Excepted employees should follow the safety guidance within this plan when performing their excepted duties. In addition, most orderly termination/orderly shutdown responsibilities can be completed in telework status (please see the response to question 14 above). Excepted employees who are able to perform their excepted duties in a telework status may do so without coming into the office. For additional guidance, please review the materials provided by the Safer Federal Workforce Task Force, available at [www.saferfederalworkforce.gov](http://www.saferfederalworkforce.gov).

**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 by email or telephone 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. For program-specific contact information, please review the relevant FAQs below.
- 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, or 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 I know when the government's funding has been restored?*
- A:** The 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:** *How will the implementation of HUD's shutdown plan impact HUD's staff?*

**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 shutdown. A very small number of employees are considered excepted. In determining whether an employee is excepted, the agency follows strict OMB guidance. All excepted employees can carry out only those activities allowed under an exception to the Antideficiency Act, which are identified in HUD's Contingency Plan.

**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 meet a very strict legal standard for protecting life and property to continue. Some HUD programs will continue to operate during a lapse as a result. 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](mailto: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.

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

**A:** Should a deadline for the submission of applications in response to a HUD NOFO fall during the shutdown, HUD may publish or post a notice extending the application deadline for the NOFO. The overall impact may result in delay in reviewing and awarding funds for these programs.

## **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](http://www.hud.gov) (will not be updated)
- The Resource Center FAQ site: [www.hud.gov/answers](http://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 correspondence during a government 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, Partial Release and Well Waiver packages, 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](mailto:answers@hud.gov)
- HUD's primary internet site: [www.hud.gov](http://www.hud.gov) (will not be updated)
- The Resource Center FAQ site: [www.hud.gov/answers](http://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. There may be delays in endorsement times for FHA.

**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.

**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.

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

- hsg-lossmit@hud.gov
- sfdatarerequests@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 correspondence during a government 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, Partial Release and Well Waiver packages, 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](http://www.hud.gov) (will not be updated)
- The Resource Center FAQ site: [www.hud.gov/answers](http://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](http://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](http://hud.gov) website will be available in "Maintenance Mode" only. This means that [hud.gov](http://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](mailto: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](mailto: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/](http://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](http://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](mailto: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 close 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:** Funds will be available for FHIP grantees for all work conducted prior to the shutdown, where the GTR has already approved payment before the lapse occurs. For work completed or payment requests submitted during the lapse in appropriations, HUD staff will not be available to review work or approve payment requests during the lapse. Such requests will be reviewed when the government reopens.

**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 will be able to submit file housing discrimination complaints during the shutdown. ; however, your complain will not be assessed until the government reopens. 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 (Allegations submitted by mail will not be assessed until the government reopens). 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 assessed 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. 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:** So long as the government is closed, FHEO representatives will not be available to appear at any events. 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 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 during a lapse.

**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 email Michelle Miller at Michelle.M.Miller@hud.gov, or Matt Ammon at Matthew.E.Ammon@hud.gov.

**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](http://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, 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)

### **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.