HUD Contingency Plan
for Possible Lapse in Appropriations
2018

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1. General Guidance and Legal Decisions

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

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

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

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

- Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.

- Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.[2]

In 1995, the Department of Justice Office of Legal Counsel provided a legal opinion that identifies the types of activities that can take place during a shutdown. This includes (1) activities to address cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response; (2) government functions funded with multi-year appropriations or indefinite appropriations; (3) express authorizations for agencies to enter into contracts or to borrow funds to accomplish their missions (without appropriations); (4) obligations necessary to discharge of the President's

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

constitutional duties and powers; and (5) the orderly termination of functions that may not continue during a period of lapsed appropriations.[3]

2. Guidance for Program Operations

a) Definition of Excepted

In the event of a government shutdown due to a lapse in appropriations, most Federal employees are required to stop work because no funds would be available to pay staff and the government is prohibited from accepting voluntary services. A limited number of employees are "excepted" from this general rule based on the functional activity they perform.[4] This list should 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 <u>without</u> 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.

In addition, Presidential appointees, who are confirmed by the Senate, are not subject to the furlough. 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.

b) Compliance with OMB Circular A-11

HUD will avoid initiating new activities unless the activities fall under one of the exceptions. As set forth specifically within this document, the Secretary has determined the

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

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

activities that are essential to operate HUD during an appropriations hiatus. HUD estimates that a half-day (four hours) would be needed to complete the shutdown.

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., 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.

National Finance Center records indicate that HUD has 7,797 employees on board as of August 1, 2017. The following chart demonstrates the approximate number of employees, by funding stream, and those who are excepted or exempt:

Funding Streams	**Number of Employees (National Finance Center Records)**	**Approximate Number of Excepted and Exempt Full-time Employees as projected**	**Approximate Maximum Number of Recalled/ Intermittent Employees on any given day**
Annual Appropriations			
Administrative Offices & Management			
Executive Office	59	11	5
Field Policy and Management	331	26	65
Chief Human Capital Officer	141	14	25
Chief Financial Officer	169	18	40
Chief Information Officer	205	14	15
Chief Procurement Officer	113	14	40
Administration	228	31	35
General Counsel	549	23	75
Departmental Equal Employment Opportunity	18	0	0
Strategic Planning and Management	31	1	1
Program Offices			
Housing	2,506	86	300
Public and Indian Housing	1,344	22	37
Fair Housing and Equal Opportunity	484	2	5
Policy Development and Research	140	3	7
Lead Hazard Control and Healthy Homes	42	3	2
Community Planning and Development	709	6	36
Office of Inspector General	585	26	275
Ginnie Mae	143	15	21
TOTAL	**7,797**	**315**	**984**

The reasons for the retention of excepted employees are set forth in this document by program office. Additionally, during an appropriations hiatus, HUD anticipates that a modest

number of employees, up to 954, would be called in on an intermittent basis to work solely on excepted activities.

c) Excepted Activities by Office

i. Office of Public and Indian Housing (PIH)

PIH will 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. In addition, PIH will:

- Keep open the line of credit control system for the purposes of disbursing funds for public housing (operating subsidies and capital funds) that were appropriated in prior years or necessary to support an exempted activity, and to complete the current fund assignment which will obligate funds for February and March. Funds that have already been obligated in the system and which can be drawn down without further action or review by HUD employees may also be accessed.
- Keep open HUDCAPS for section 8 tenant-based rental assistance, noting that funds are only available for payments through March. Obligated HAP funds (HUD-held reserves) are available for draw. Essential personnel at FMC in Kansas City will be available to assist.
- Manage property where HUD is the Administrative Receiver.

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
- Voucher Management System
- Financial Assessment Sub-System
- Financial Assessment Sub-System
- Physical Assessment Sub-System
- Integrated Assessment Sub-System
- Management Assessment Sub-System
- Technical Assistance Center
- Customer Assessment Sub-System

ii. Office of Community Planning and Development (CPD)

CPD will:

- Continue to provide for the delivery of essential housing and emergency services for homeless persons and persons with AIDS to protect against imminent threats to the safety of human life.
- Continue to disburse CDBG, HOME funds and other block grant funds in cases where failure to address issues result in a threat to safety of life and protection of property.
- Continue Disaster Recovery Assistance Programs funded through multi-year appropriations.
- Continue to maintain the CACI contract for the systems (e.g., IDIS, DRGR, eSNAPs) that support excepted activities.

Note: CPD grantees submit consolidated plans 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 does not fall under an excepted activity. Technical assistance providers may continue to carry out activities on previously approved work plans.

iii. Fair Housing and Equal Opportunity (FHEO)

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

iv. Office of Housing (Housing)

Work during an appropriations hiatus includes the performance of functions that are funded through multi-year appropriations 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. All excepted staff will be performing functions associated with multi-year or no-year credit reform financing ("x-year") appropriations, and are necessary to administer transactions for which a commitment has been made; administering the portfolio of FHA insured loans (collecting premiums, paying claims); or fulfilling obligations associated with Housing's project-based

rental assistance programs. In addition, "excepted" employees will be performing functions related to the protection of government property.

Multifamily Housing

FHA MF Production

- Closings on Projects with Firm Commitments that have a scheduled closing during the shutdown period.
- Closings on final Endorsements that have critical external deadlines.
- During the first 30 business days of a shut down the following will apply:
  a. MAP Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction draws. HUD will perform or contract for construction inspections on a post-review basis at such time the government re-opens.
  b. 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).
- No construction draws or construction inspections will be done in the first 10 days of any shutdown. Assuming a continued period of shutdown, HUD will process construction draws using intermittent staff between the 11th and 30th day of the shutdown 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 where the failure to close or prepare to close would threaten the property and demands an immediate response (e..g. loss of tax credits).

Asset Management/FHA and Assisted Housing

- Make payments under Section 8 contracts, rent supplement contracts, Section 236 agreements, Project Rental Assistance Contracts (PRAC) on an as needed basis to ensure ongoing viability of assets and preservation of affordable housing. Payments will be contingent on budget authority being available from prior year appropriations or recaptures. Payments may require processing Section 8 and PRAC renewals for expiring contracts and processing amendment funds for non-expiring Section 8 contract renewals.
- Process payments to PBCAs.
- Management of HUD-owned property and property where HUD is the mortgagee-in-possession.

- Approval of emergency repairs.
- Respond to issues relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured or assisted multifamily projects.

Healthcare Programs

- Conduct closings of projects with Firm Commitments issued prior to the shutdown and with scheduled closing dates or critical deadlines.
- Manage HUD-owned property and property where HUD is Mortgagee-in-possession.
- Approve emergency repairs.
- Respond to issues relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured healthcare projects.
- During the first 30 business days of a shutdown the following will apply:
  a. Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction draws. HUD will perform or contract for construction inspections on a post-review basis at such time the government re-opens.
  b. 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 appropriation 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 review Notice of Return violations on pre-endorsement loan requiring FHA staff intervention;
  - 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.
- The Office of Single Family Housing will maintain the minimum operations necessary to support FHA's existing portfolio, operating both the FHA Call Center and the National Servicing Center's Call Center, the payment of claims, servicing Secretary-held notes and mortgages (including making payments required under HECMs assigned to the Secretary-Held portfolio), addressing emergency concerns

with HUD's Emergency Homeownership Loan Program (EHLP), and ensuring the continuity of FHA's REO disposition process and servicer loss mitigation activities.

- 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 provides overall financial management guidance to the program offices and senior leadership; with the objective of averting potential ADA violations during a shutdown. FAB's role is as follows:
    - Serve as the principal advisor to the FHA Commissioner and Housing Program Offices OMB, Treasury and HUD's Office of the Chief Financial Officer on matters relating to the Office of Housing- FHA's financial management, IT System, Asset Sales and budgetary funds control execution activities.
    - FAB's limited budget staff will process required Advice of Allotment actions to prevent violations of the Antideficiency Act in support of the identified excepted activities.
    - Work closely with CFO to help provide guidance on appropriation issues, including Antideficiency Act matters.
    - 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 - necessary to collect mortgage insurance premiums, pay lender claims, support collection and disbursement functions between FHA and U.S. Treasury. The limited number of staff will also conduct financial business or transactions related to the protection of government property.

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.

v. 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. Ginnie Mae may incur obligations and continue its operations during an appropriations lapse 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.

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

	Lapse of Appropriations
Ability to Issue Commitment Authority	Yes Emergency Exception (property protection) – Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Issue Mortgage-Backed Securities and Structured Multi-Class Transactions	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Receive/Process Monthly MBS Loan & Payment Accounting Data	Yes Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.
Ability to Pay Securities Holders	Yes Emergency Exception – Failure to pay investors would cause a default on the guarantee of the Government and mortgage market stability would be put at risk.

Ability to Engage and Pay Contractors	Yes, if those contractors are necessary to carry out Ginnie Mae's functions May not fall directly under emergency exception but if an agency may continue to operate during an appropriation lapse, it may incur obligations beyond employee salaries that are necessary for carrying out the functions. Ginnie Mae manages contractual obligations under mandatory, no-year funding.
Ability to Travel for Emergency Purposes (e.g., Issuer Defaults)	Yes Emergency Exception – Ability to default is essential for market stability and protecting Government's property.

vi. 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.

vii. Office of Lead Hazard Control and Healthy Homes (OLHCHH)

OLHCHH will continue to provide oversight and approval of payment requests to reimburse Lead Hazard Control and Healthy Homes grantees for activities that protect the health and welfare of residents and children.

viii. Office of General Counsel (OGC)

If a lapse in appropriations appears to be reasonably foreseeable, 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 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 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 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 basis to handle affirmation and defensive litigation 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 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 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.

ix. Office of Field Policy and Management (FPM)

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

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

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

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

x. 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 in support of orderly shutdown and excepted activities.
- 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.
- Provide guidance on appropriation law issues, including Antideficiency Act issues.
- 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 alloting funds, committing funds in PRISM, and reviewing invoices for shared services. WCF is no-year money.

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

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

A limited number of OPA employees will assist HUD leadership with internal and external communications that affect Agency's ability to protect the safety of human life, the

protection of property, and the orderly termination of agency functions. During this period the OPA will work with OCHCO and FPM staff as necessary to coordinate such communications.

xii. 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, handling of time and attendance systems, etc.
- Provide program clients with lists of activities that continued during the previous lapses and provide guidance about whether new programs are excepted activities
- Provide advice about the ramifications of a shutdown with respect to all program, contractual, operational and personnel functions.
- Communicate with the Office of Personnel Management (OPM) on 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 release 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.Prepare and distribute employee notices of furlough.
- Process personnel and pay records in connection with shutdown furlough actions.
- Coordinate OCHCO communication and manage employee hotline.
- Coordinate and disseminate information and policy for shutdown.
- Provide employee assistance for the Department.
- Coordinate and provide time-keeping responsibilities, employee pay, benefits, and retirement administration.
- Process VSIP/VERA actions approved for 30 September to ensure employee actions met OPM/OMB timeline.
- Provide information and documents (SF-8 and SF-50s) to employees requesting unemployment compensation. Employees unable to access worksite as directed by furlough instructions. In addition, Department firewall precludes employees from accessing PII (Personal Identification Information) via external hud.gov site.
- Project workload to respond to unemployment offices verifying employee service time for compensation eligibility.

xiii. 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.

xiv. Office of the Chief Procurement Officer (OCPO)

OCPO will maintain a minimal number of 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 performance during government shutdown due to a lapse in appropriations.

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.
b) Expressly Authorized to Continue Even Without Funding.
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 extent that the Chief Procurement Officer (CPO) determines that imminent danger to life or property would result from their termination or diminution. 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.

Actions Necessary Prior to a Shutdown:

a) OCPO, in conjunction with Program Offices will identify excepted activities and associated contracts. 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.

b) OCPO will ensure that its shared service provider, the Bureau of Fiscal Services, will keep PRISM available as needed and staff the PRISM Help Desk.

c) 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.

d) OCPO offers the following "Contracts Decision Tree" for Departmental decision making with respect to contracts in the event of a lapse in appropriations:

1. Is the contract fully funded using annual appropriations or are other funds available to fund it (no year or multi-year)?
    a. If **YES,** will contract require government supervision?
    b. If **NO**, contract can continue if contract is a sensible use of taxpayer funds.
    c. If **YES** <u>and</u> 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. A statute or other legal requirement expressly authorizes an agency to obligate funds in advance of appropriations; or
    b. 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
    c. The function is necessary to the discharge of the President's constitutional duties and powers (e.g., Commander-in-Chief or conducting foreign relations).
    d. If **NO**, contract cannot continue.
    e. If **YES,** will contract require government oversight?
        i. If **NO**, contract can continue.
        ii. If **YES**, there must be excepted individuals available to oversee it, so the contract may continue during the furlough.

xv. Office of Administration (OA)

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

- Manage the headquarters building facilities.
- Maintain the field facilities, including serving as liaison with GSA/private building owners on matters relating to building services, security and emergency preparation; maintaining and monitoring telecommunications and security systems, as needed; and providing logistical support for any other staff designated to work during the shutdown or furlough.
- Maintain building security. During a shutdown period, the Children's House childcare center will remain open. Both the Fitness Center and Credit Union will be closed, as well as the Urban Café, and Dunkin' Donuts. Shuttle service also will be suspended.
- Maintain contracts to keep the buildings open and manage security of the buildings.
- 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.
- Provide assistance to OCHCO staff in the field with time-keeping related functions related to the orderly shut-down of operations.
- 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 Administration excepted work (e.g., building security, building facility, etc.) will continue to work.

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

- A core team to monitor national security and disaster situational awareness that is able to surge the rest of the Department's continuity of operations and disaster teams should they be required.

- Departmental Continuity of Operations Teams and Disaster Response and Recovery Teams are not excepted, but will be recalled should a disaster strike or a security incident occur.

Provision of 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.

xvi. Office of Strategic Planning and Management (OSPM)

OSPM will have excepted staff to manage receipt of grant applications and respond to applicant inquiries for pre-FY2018 competitive funding and ongoing competitions using FY2017 funds. HUD has entered into a shared services agreement with HHS to use their GrantSolutions system. OSPM has confirmed with HHS its continued support for operations and maintenance of GrantSolutions in the event of a lapse in appropriations. Staff will monitor GrantSolutions throughout the process to ensure it is operating as expected. HHS notifies OSPM when manual intervention is required to link facsimile transmissions of supporting documents to associated NOFA application. OSPM will share reports generated from grants.gov with program offices on a daily basis for the duration of the shutdown.

xvii. Office of the Inspector General (OIG)

This plan documents the steps the Office of Inspector General (OIG) for the U.S. Department of Housing and Urban Development (HUD) will implement upon notice by the Office of Management and Budget (OMB) of a lapse in its annual appropriation, including the expiration of a Continuing Resolution (CR), and the exhausting of any prior year appropriation remaining available. The Inspector General (IG) wants to ensure a capacity to fulfill its responsibilities under the Inspector General Act of 1978. The primary mission of the OIG is to investigate and audit HUD programs and operations, and to respond to irregularities or violations of law or regulation in HUD programs and operations, especially as they might relate to protecting HUD funds.

Immediate Office of the Inspector General

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

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

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

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

Office of Legal Counsel

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

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

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

Office of Management and Technology (OMT)

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

1. 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

2. Director, Human Capital Division. The Director, HCD, will be excepted from furlough for the initial 40 hours to ensure the proper shut-down of OIG operations and the furlough of OIG employees who are not excepted from furlough.

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

Office of Investigation

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

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

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

Office of Audit

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

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

Joint Civil Fraud

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

Office of Evaluations

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

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

Ad hoc or "on-call" Excepted Functions

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

COMMUNICATIONS:

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

ORDERLY SHUTDOWN:

OIG expects most of the activity to support an orderly shutdown to commence with OMB's determination that a shut-down is required. Supervisory staff will work with their AIGs to begin notification for all employees on first day of a shutdown. Employees will carry out orderly shutdown activities. The focus is for all OIG employees to identify any critical pending work and take all the actions possible to avoid or to minimize any impairment due to the furlough. The AIGs will provide Managers and Supervisors with a checklist for the orderly

shutdown. Supervisors shall account for all employees' time and will relay any concerns regarding pending work through channels to their respective Deputy AIG. The AIGs will ensure the IG is fully informed on any critical issues.

xviii. 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

3. Legal Issues

i. 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. 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 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.

ii. 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.

4. 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:

- Staff emails from the Deputy Secretary on major developments as advised by the Office of Personnel Management (OPM) and the Office of Management and Budget (OMB).
- Critical human resources information regarding furlough information as advised by OPM and OMB.
- Instructions for managers on how and specifically, what to communicate to employees and when.
- Guidance for all employees on procedures for Day 1 of a potential shutdown.

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

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

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

- Clearly and calmly communicate all details of the shutdown to their employees.
- Explain which functions will stay operational during the shutdown.
- Explain which employees are expected to report to work during the shutdown.
- Answer any questions employees may have (using OMB/OPM talking points), or direct them to where they can get their questions answered.

Furlough Guidance for Employees: OCHCO will develop a HUD email list of all non-excepted employees and communicate that HUD employees who are not excepted in the office for a period during a shutdown:

- Will place a voicemail message on their individual call in box explaining their absence.
- May not do any HUD-related work by home phone or computer
- May not use government property such as a laptop, smart phone or iPad to perform work.
- May not 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 and provide copies to OCHCO.

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 and provide those records to OCHCO upon enactment or appropriations.

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*:

The following is a schedule of internal communications. All internal communications efforts are coordinated with OMB and OPM.

APPROXIMATELY ONE WEEK PRIOR FROM THE POTENTIAL LAPSE IN APPROPRIATIONS:

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

TWO OR THREE 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.
- Deputy Secretary 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.

ONE OR TWO DAYS PRIOR TO A POTENTIAL LAPSE IN APPROPRIATIONS:

- Agency-wide meetings occurring where managers are briefing staff
- Deputy Secretary email updating employees
- 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

- Deputy Secretary email updating employees. Inform employees to follow previous instructions they have been given.
- 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/OPA distributes formal furlough notices to employees via email.
- 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:

- OCHCO 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 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 will hold two Operation Status meetings.

The first meeting will be at 10:00 a.m. The attendees will be:

Secretary
Chief of Staff to the Secretary
Deputy Chief of Staff to the Secretary
Deputy Secretary
Chief of Staff to Deputy Secretary
Chief Operating Officer
General Counsel
Principal Deputy General Counsel
All Assistant Secretaries
All Principal Deputy Assistant Secretaries
Chief Human Capital Officer
Chief Information Officer
Chief Procurement Officer
Chief Financial Officer
Chief Administrative Officer
Director, Field Policy and Management

The second meeting will be scheduled after the daily OMB call and include the 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

Process for Approving Intermittent Staff:

The Day Before the Employee is Needed to Work

- 10:00 a.m. GDASs or equivalents or operational leads submit requests to recall staff to the Deputy General Counsel for Operations.

- Before the second daily meeting, the Deputy Secretary reviews and approves the list and the Deputy for General Counsel circulates the list of staff for recall to the GDASs or equivalents and operational leads.

- The Chief Administrative Officer places approved intermittent staff to the Robert Weaver building access list for the next day. FPM notifies Regional Administrators of approved intermittent staff.

- 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 attached).

- 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.

COMMUNICATIONS DIRECTLY BEFORE GOVERNMENT RESUMES BUSINESS:

When it appears that Government will resume business, the following activities will occur:

- 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.
- OCHCO and OPA will update the hotline with information on return to work.

COMMUNICATIONS OPTIONS DIRECTLY AFTER GOVERNMENT RESUMES BUSINESS:

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

<u>CALENDAR:</u>

Day 1

- Principal staff, Regional Administrators, and Field Office Directors greet employees at main entrances to HUD buildings.
- Robert Weaver Building will have display boards and monitors with a welcome back video.
- Welcome back banner to be posted on hud@work and hudconnect**.**
- Hud.gov will have a back in business banner.
- Emails from principal staff will go out to their respective staffs with links to their respective videos.
- Secretary's Welcome Back video will be posted on hud.gov.
- Secretary will tweet something favorable about civil service employees
- Regional Administrators should follow suit with a favorable civil service tweet
- The Deputy Secretary's Welcome Back video will be posted on hud@work.
- 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.

Day 2

- All Hands Meeting/Broadcast featuring Secretary/Deputy Secretary
    - Welcome back
    - Value of Public Service
    - Pay, leave, EPPES and EPACs will be briefly discussed

Day 3

- 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.

Day 4

Broadcast

- The Deputy Secretary reaffirms the need for public service and appreciation of HUD employees
- 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

5. 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.

Table 1: Excepted System List

Program Office	System Name	System Acronym
Office of the Human Capital Officer		
P162 - HUD Integrated Human Resources and Training System		HIHRTS
P262 - webTA		webTA
P162D - HIHRTS DataStore		HIHRTS DS
Office of the Chief Financial Officer		
A21 - Loan Accounting System		LAS
A39 - HUD's Consolidated Financial Statement System		HCFSS
A67 - Line of Credit Control System		LOCCS
A75 - HUD Central Accounting and Program System		HUDCAPS
A75R - Financial Data Mart		FDM
A96 - Program Accounting System		PAS
D08 - Bond Payment		BONDMAPPER
A75I - Personnel Services Cost Subsystem		PSCRS
P236 - Secure Payment System (Client Installed on User Workstations)		SPS
P293 - New Core Interface Solution (NCIS)		NCIS
ARC – Oracle Shared Services (needed for reporting)		OMS
P299 – HUD Pay.gov Common Service		HPCS
Housing		
A43 - SF Insurance System		SFIS
A43C - SF Insurance Claims Subsystem		CLAIMS
A80D - Distributive Shares and Refund Subsystem		DSRS
A80B - SF Premiums Collection Subsystem-Periodic		SFPCS-P
A80R - SF Premiums Collection Subsystem-Upfront		SFPCS-U
F72 - Title I Insurance and Claims System		TIIS
U26A - Electronic Data Interchange		EDI
P013 - FHA Subsidiary Ledger P256 - SF Help Desk (FHA-CRM under FHA Trans)		FHASL
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		LAMS

Delivery System	
F24A - Development Application Processing System	DAP
Multifamily End User Support System	MFEUSS
P085 - Comprehensive Servicing and Monitoring System	CSMS
Resource Desk (managed by FPG)	
P260 - Asset Management Disposition and Management	ADAM
P-233A – Transaccess: Case Binder Management Module	SFI TA:CBMM
A80H - SF Mortgage Asset Recovery Technology	SMART
F57 - Credit Alert Verification Reporting System	CAIVRS
F42S - Single Family Default Monitoring System	SFDMS
P278 - Lender Electronic Portal	LEAP
P303 – Loan Review System	LRS
Office of the Chief Information Officer	
P104-Web Access Security Subsystem	WASS
P207 - Mainframe (IBM)	MIBM
P208 - Internet Server	InterS
P209 - LAN File Server	LFS
P210 - Intranet Server	IntraS
P212 - Mainframe (Unisys)	MU
P223 - WAN File Server	WFS
X01 – HUD Cloud Services	HUDCS
D110 – Office 365	O365
Office of the Chief Procurement Officer	
Purchase Request Information System Management	PRISM
Public and Indian Housing	
P181 - Enterprise Income Verification	EIV
P113 - Inventory Management System	IMS PIC
P224 - Voucher Management System	VMS
P092 - Financial Assessment SubSystem -Multifamily Housing	FASS-FHA
P093 - Financial Assessment SubSystem -Public Housing	FASS-PH
P109 - Physical Assessment SubSystem	PASS
P100 - Integrated Assessment SubSystem	NASS
P097- Management Assessment SubSystem	MASS
F98A - Technical Assistance Center	TAC
P091 - Customer Assessment SubSystem	CASS
P304 – Office of Native American Program Loan Origination System	ONAP
Community Planning and Development	
C04 - Integrated Disbursement and Information System	IDIS
C08QA - Recovery Grant Reporting	DRGR

C38 - Electronic Special Needs Assistance Programs System	e-snaps
D77D - CPD Maps	CPD Maps
Fair Housing and Equal Opportunity	
HUD Enforcement Management System	HEMS
Office of Public Affairs	
Cision, Lexis Nexis	OPA
P068 - HUD Website	HUD.gov
Congressional and Intergovernmental Relations	
CIR Grants Notification Tool	CIRZip
Office of Strategic Planning and Management	
P017 - Grants Interface Management System	GIMS
Office of Administration	
HUD Emergency Operations Notification Center	MIR3
Office of Lead Hazard Control and Healthy Homes	
Healthy Homes Grants Management System	HHGMS

- Actions Necessary Prior to a Shutdown

These actions will ensure an orderly shutdown of the government.

a) The Deputy CIO in collaboration with the Program officials will ensure that all excepted activities enabled through the use of technology in Table 1 are updated prior to the shutdown. From this listing, managers must further identify and update the list of excepted employees listed in Table 2. Additionally, managers must identify OCIO managed contracts that need to be utilized during the shutdown in support of the excepted activities.

b) The Deputy CIO will be required to identify all non-excepted activity supporting contracts and work with the Office of the Chief Procurement Officer to issue Stop Work Orders for contracts that are not necessary

c) The Deputy CIO for Infrastructure and Operations will identify all infrastructure components that will be utilized to support excepted functions during the shutdown.

d) Shutdown Binders will be provided to all managers who will be working throughout the shutdown and the authoritative location for shutdown documentation will be identified and communicated.

e) A teleconference bridge will be coordinated and a schedule for regular shutdown briefings will be defined and communicated.

f) Finalize the OCIO Shutdown Communication Plan.

- 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.

- Resumption Activities

Following official notification that a shutdown 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.

6. Critical Contract Support

- Contracting Contingency Plan for Use in the Absence of Appropriations

In implementing the following plan, it is critical that managers and Contracting Officers seek and obtain any legal advice necessary to ensure compliance with the Antideficiency Act (ADA).

- Actions Necessary Prior to a Shutdown

a) OCPO will identify excepted activities. 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:

1. 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

2. 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.

b) OCPO will develop a listing of contracts necessary to continue, in whole or in part, during a shutdown. The CPO will determine, plan, and when appropriate, implement an effective distribution of warranted Contracting Officers to support an orderly shutdown and the management of contracts supporting excepted activities.

c) Contracting Officers must:

1. Review all of their contracts to ensure that they include the following Federal Acquisition Regulation (FAR) clauses:

(a) Termination for the Convenience of the Government clause in FAR 52.249-1 through -5, or 52.212-4, as appropriate; and either

(b) Suspension of Work clause in FAR 52.242-14 (mandatory in fixed-price construction and architect-engineer contracts); or

(c) Stop-Work Order clause in FAR 52.242-15 (optional in contracts for supplies, services, or research and development (R&D).

2. Terminations for convenience, stop-work orders, and suspension of work orders may be issued only if the contracts contain the appropriate clauses. When appropriate, stop-work and suspension of work orders are preferable to terminations because they keep the contract active and avoid termination costs as well as re-procurement action.

3. If, in the course of his or her review, a Contracting Officer finds that the appropriate termination for convenience and suspension of work or stop-work clauses are not included in his or her contracts, the contracts must be modified on a bilateral basis to incorporate the appropriate clause(s). This should be done as a precaution to protect the Government's interests regardless of whether the contract supports a non-excepted activity.

4. Federal Supply Schedule Orders: FAR section 8.406-5 allows ordering activity contracting officers to terminate individual orders (but *not* the "parent" contract) for the Government's convenience in compliance with FAR 12.403. Before terminating orders for the Government's convenience, the ordering activity contracting officer shall attempt to enter into a "no cost" settlement agreement with the contractor.

5. As appropriate, Contracting Officers should draft stop-work and suspension of work orders in advance for contracts supporting non-excepted activities (e.g., those not on the Component's listing of contracts necessary to continue in whole or in part to support activities that are excepted from shutdown). For example, a stop-work order may have to be issued for non-excepted contractor support services that will be suspended if a Government facility is shut down and its Federal employees furloughed. The Office of Management and Budget (OMB) has determined that the normal winding down of operations should take no more than four hours. Having pre-approved templates and drafts of stop-work and suspension of work orders on hand and ready for review and approval at a level higher than the Contracting Officer prior to issuance will facilitate closing down activity and the four hour OMB shutdown estimate.

In accordance with FAR 42.1303(c), suggested language for a stop-work order includes the following:

Reference Contract #:

Dear Contractor:

As you are aware, the government has not been funded for FY 20XX. Therefore, under the authority of FAR 52.242-15 I require that you immediately STOP WORK on Contract # XXXXXXX. Any work done after receipt of this notice is at your own risk and will not be reimbursed. Do not resume work until provided a written cancellation of the stop work order by a warranted Contracting Officer. Thank you for your assistance during this period of government shut-down. Please immediately provide this stop work order to any and all subcontractors on this Contract.

Sincerely,

Contracting Officer

- Shutdown Activities

a) Following official notification from the OPM or other official source within HUD of a lapse in funding and the need to shut down operations:

1. OCPO will finalize and activate the plan for an effective distribution of warranted Contracting Officers, Contracting Officer Representatives, and program management to support an orderly shutdown and the management of contracts supporting excepted activities.

2. Contracting Officers shall finalize their draft partial/full termination for convenience modifications, partial/full stop-work, and partial/full suspension of work orders, updating them with specifics regarding the appropriations lapse as detailed in the official notification.

b) FAR 42.1303(b) requires that partial/full stop-work orders be approved at a level higher than the Contracting Officer. Following receipt of appropriate higher level approval, Contracting Officers shall issue partial/full termination for convenience modifications (in accordance with FAR Part 49), partial/full stop-work, and partial/full suspension of work orders (in accordance with FAR Subpart 42.13) to appropriate contractors, with a copy to the Contracting Officer Representative.

c) As indicated in the Stop-Work Order clause in FAR 52.242-15, stop-work orders are generally effective for 90 days, unless a lesser period has been indicated in the clause. Prior to expiration, they can be extended by supplemental agreement issued on a Standard Form 30 by the Contracting Officer if the contractor agrees, or the contract can be terminated for the convenience of the Government in accordance with FAR Part 49.

d) If a contract determined to be necessary to support an excepted activity is incrementally funded, and funds expire during the shutdown, the contract, including any modification thereto, must contain an availability of appropriations clause, such as that provided in FAR 52.232-18, Availability of Funds:

> AVAILABILITY OF FUNDS (APR 1984)
> Funds are not presently available for this contract. The Government's obligation under this contract is contingent upon the availability of appropriated funds from which payment for contract purposes can be made. No legal liability on the part of the Government for any payment may arise until funds are made available to the Contracting Officer for this contract and until the Contractor receives notice of such availability, to be confirmed in writing by the Contracting Officer.

e) If a service contract is determined to be necessary to support an excepted activity, or if a contract is already funded, but the facility in which contract employees work is closed

down during the shutdown, a Contracting Officer may authorize contractors to allow their employees to telecommute provided that the contracts do not specifically prohibit contractors from permitting their employees to telecommute.

- Actions Necessary During Shutdown

During the period of lapse in appropriations OCPO will take action necessary to manage contracts determined as necessary to support an excepted activity, or to satisfy any implied requirement that multiyear funds be spent by a date certain. Such activity may include issuance of Partial/Full Stop Work Orders, Partial/Full Terminations for the Convenience of the Government or cancelling, in part/full, previously issued stop work orders.

- Actions Necessary Following Reauthorization of Funds After a Shutdown

Following official notification that a shutdown is concluded and funding is available for obligation:

a) The CPO will issue a notice rescinding the distribution plan for warranted Contracting Officer supporting shutdown and the management of contracts supporting excepted activities.
b) Contracting Officers will cancel stop-work and suspension of work orders, and modify contracts, as appropriate, to provide available obligation.
c) Contracting Officers will follow the appropriate settlement procedures in FAR Part 49 for contracts terminated in whole or partially for the convenience of the Government. In addition, through negotiation and bilateral modification, as supported by sole source justification, the previous contract level of effort may be reinstated provided that the Government's needs have not changed.
d) Contracting Officers will issue written notices of funding availability for any contract modification supporting an excepted activity that was issued during the shutdown in which an availability of appropriations clause was used.

7. HUD Building Access and Security

a) Weaver Building Access and Security Plan

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

During normal working hours under shutdown conditions, access to the building will be limited to the southeast lobby, as it is after hours under normal conditions. Security guard staffing will be maintained to keep the building open and manage the facility for excepted staff. Security guard staffing will be reduced.

8. External stakeholder and federal/nonfederal elected communications plan

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

The Lapse of Appropriations FAQs will be used in the following ways:

DAY 1:

During the 4 hour period that all personnel are permitted to work, the "approved message" regarding the shutdown and a link to the FAQs for external stakeholders will be:

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

9. Federal Holidays

The Department will observe the federal holidays. With few exceptions, excepted employees will be furloughed on federal holidays.

10. 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 C: Full-time Excepted Employees by Office and Exception

Appendix A: Drafted Templates for Internal Communications

MEMORANDUM FOR:	All Excepted HUD Employees
FROM:	Chief Human Capital Officer, A
SUBJECT:	Furlough Decision Notice for Excepted Employees Due to Lapse of Appropriations

Background

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

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

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

You were informed, on [Date], that your position was identified as performing excepted functions and activities in the event of an agency shutdown due to a lapse in appropriations.

This means that during the government shutdown, you are expected to report to work to perform excepted activities and functions. You will be compensated for this work time on authorized excepted activities when appropriations are enacted.

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

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

Guidance on status during federal holidays

As an employee who has been excepted from furlough and continues to work during the shutdown, you are required to work on those days you would normally be scheduled to work (typically Monday through Friday at HUD). You are not typically scheduled to work on federal holidays. For example, the Columbus Day holiday on Monday, October 9, is not a day you would normally be scheduled to work, and we are not requiring you to work on that day. Because of the operation of the shutdown furlough rules, we must place you in a furlough status for the Columbus Day holiday. As an excepted employee, you are expected to return to work on your next regularly scheduled workday following the Columbus Day holiday. For the vast majority of you, this means you would return to work on Tuesday, October 10.

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

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

Information on Appeal Rights

Employees who have completed a probationary or trial period or 1 year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the Merit Systems Protection Board (MSPB). Employees in the excepted service who have veterans preference may appeal to the MSPB if they have completed 1 year of current continuous service in the same or similar positions as the one they now hold. Employees in the excepted service

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

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

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

   If you have the right of appeal and wish to appeal this action to the MSPB, your petition for appeal **must** be filed during the period beginning with the day after the effective date of the adverse action and ending not later than 30 calendar days after the effective date, or 30 days after the date of receipt of the decision, whichever is later. Failure to file a timely appeal could result in dismissal of your appeal absent good cause. You may obtain a copy of the appeals form and a copy of the Board's regulations from the MSPB website at http://www.mspb.gov"). If you decide to appeal to the MSPB, you may file your appeal by mail, by facsimile, by commercial overnight delivery, or personal delivery to the Chief Administrative Judge, Merit Systems Protection Board. Your appeal must be filed with the MSPB regional or field office serving the area of your duty station when the action was taken. Information about MSPB locations and procedures may be found at https://e-appeal.mspb.gov/faq.aspx. You must submit an original and one copy of the appeal. In accordance with 5 C.F.R. 1201.24(a)(7), you must also submit a copy of (1) the agency decision being appealed, and (2) if available, the SF-50 or similar notice of the personnel action. No other attachments should be included with the appeal as the agency will be responsible for submitting certain documents and there will be several opportunities to submit evidence and argument after the appeal is filed. You are advised

not to miss this deadline for filing merely because you do not currently have all of these documents in your possession. As an alternative to filing a paper appeal, you may file an appeal electronically by using e-Appeal, the MSPB's Internet filing procedure, at http://e-appeal.mspb.gov.

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

Deputy Assistant General Counsel, Personnel Law Division
U.S. Department of Housing and Urban Development
451 7th St., SW
Room 3142
Washington DC 20410
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 precomplaint counseling with a HUD EEO

Counselor. In order to pursue this matter through the discrimination complaints process, you must contact an HUD EEO Counselor within 45 days of the effective date of this adverse action. A HUD EEO Counselor may be contacted through the HUD Office of Departmental Equal Employment Opportunity (ODEEO) by telephone at (202) 402-3096 or in writing to:

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

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

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

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

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

MEMORANDUM FOR:[GDAS or equivalent to Insert Name of Excepted Employees]

FROM: Relevant PAS, GDAS, or Equivalent

SUBJECT: Notice of Excepted Position

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

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

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

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

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

MEMORANDUM FOR: [GDAS to Insert Name of Excepted Employee on a Limited Basis]

FROM: [Relevant PAS, GDAS or Equivalent]

SUBJECT: Notice to Return to Work on an Excepted Activity

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

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

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

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

MEMORANDUM FOR: All Non-Excepted HUD Employees

FROM: Towanda A. Brooks, Chief Human Capital Officer, A

SUBJECT: Furlough Decision Notice Due to Lapse of Appropriations

In the absence of Fiscal Year (FY) 2018 appropriations, no further financial obligations may be incurred by HUD, except for those related to the orderly suspension of HUD's operations or the performance of excepted activities as defined by the Office of Management and Budget. This action is as a result of a sudden emergency requiring curtailment of the Agency's activities. No advance notification was possible.

You are being placed in a furlough status effective immediately, and HUD offices are officially closing at 1:30 p.m. today. This furlough is not expected to exceed 30 days. During the furlough period, you will be in a nonpay, nonduty status. Any paid leave (annual, sick, court, etc.) approved for use during the furlough period is hereby cancelled.

Please take immediate action to:

1. Close out scheduled activities (for example, cancel meetings, trainings, and travel).
2. Change your voice and email status prior to leaving the building. Scripts for your out-of-office messages on voice mail and email will be distributed in an email.
3. If you have not done so already, validate your time for pay period 19.

You should listen to public broadcasts and media to ascertain when the Federal Government will reopen. When you hear that an FY 2018 Appropriation has been approved, you will be expected to return to work on the next day. 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 for information to learn if HUD has reopened. OPM also maintains a website (www.opm.gov/status) and smartphone app showing the operating status of the Federal Government. These are expected to be operational during the furlough. Additionally, OPM has issued guidance on the shutdown furlough process which can be accessed at: http://www.opm.gov/policy-data-oversight/pay-leave/furlough-guidance/.

During the furlough, you are not permitted to serve as an unpaid volunteer on HUD activities and must remain away from your work place until the Federal Government re-opens or you are recalled to work on an excepted activity. The only persons within your HUD organization who may recall you to work on an excepted activity are the Assistant Secretaries, General Deputy Assistant Secretaries, or functional equivalents. You may only work on an excepted activity if you have a specific written authorization from an Assistant Secretary, General Deputy Assistant Secretary, or functional equivalent. You will be compensated for this work time on authorized excepted activities when appropriations are enacted.

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

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

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

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

   If you have the right of appeal and wish to appeal this action to the MSPB, your petition for appeal **must** be filed during the period beginning with the day after the effective date of the adverse action and ending not later than 30 calendar days after the effective date, or 30 days after the date of receipt of the decision, whichever is later. Failure to file a timely appeal could result in dismissal of your appeal absent good cause. You may obtain a copy of the appeals form and a copy of the Board's regulations from the MSPB website at http://www.mspb.gov. If you decide to appeal to the MSPB, you may file your appeal by mail, by facsimile, by commercial overnight delivery, or personal delivery to the Chief Administrative Judge, Merit Systems Protection Board. Your appeal must be filed with the MSPB regional or field office serving the area of your duty station when the action was taken. Information about MSPB locations and procedures may be found at https://e-appeal.mspb.gov/faq.aspx. You must submit an original and one copy of the appeal. In accordance with 5 C.F.R. 1201.24(a)(7), you must also submit a copy of (1) the agency decision being appealed, and (2) if available, the SF-50 or similar notice of the personnel action. No other attachments should be included with the appeal as the

agency will be responsible for submitting certain documents and there will be several opportunities to submit evidence and argument after the appeal is filed. You are advised not to miss this deadline for filing merely because you do not currently have all of these documents in your possession. As an alternative to filing a paper appeal, you may file an appeal electronically by using e-Appeal, the MSPB's Internet filing procedure, at http://e-appeal.mspb.gov.

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

Deputy Assistant General Counsel, Personnel Law Division
U.S. Department of Housing and Urban Development
451 7th St., SW
Room 2124
Washington DC 20410
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. To obtain information on filing a grievance under the negotiated grievance procedure, contact your local union steward.

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

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

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

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

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

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

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

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

Shutdown FAQS for HUD Employees

1. What is a shutdown furlough and why is a shutdown furlough necessary?
In the event that funds are not available through an appropriations law 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 in the event that there is a lapse in appropriations, often referred to as a government shutdown. The plan is publicly available document and is posted on HUD's website:
http://portal.hud.gov/hudportal/documents/huddoc?id=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. A very small number of employees are considered excepted.

5. How did HUD determine which employees are excepted?

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

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

Your manager will likely first informally share with you if you are excepted. You will receive a formal communication confirming your status as either excepted or non-excepted. Please note, notification that you are non-excepted is not the same as receiving a furlough notice. By law, HUD cannot distribute furlough notices until the morning.

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

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

Shutdown Process

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

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

required activities in fewer than four hours and their supervisors or managers approve, they may leave.

9. If I am a non-excepted employee, will I be paid for the time I work on the morning after shutdown?

Non-excepted employees will be guaranteed compensation for the actual time it takes them to complete their shutdown activities up to a maximum of four hours. For example, if a non-excepted employee completes their shutdown activities in one hour, they will be compensated for one hour of time. Compensation earned by employees conducting shutdown activities will be paid when Congress approves appropriations and the government re-opens.

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

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

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

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

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

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

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

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

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

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

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

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

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

No. HUD employees do not need to turn in their smart phones or other HUD-issue equipment. However, except for the time it takes to complete shutdown activities on Tuesday morning, non-excepted employees should not use their smart phones or other HUD-issued equipment until the shutdown is over.

Access to HUD Offices During a Shutdown

17. When will HUD offices close to the general public?
HUD offices will close to the general public at midnight on [Date].
18. Will I have access to HUD offices after the shutdown begins?
Non-excepted employees will not be allowed to access HUD offices after the shutdown begins at midnight, other than to conduct up to four hours of shutdown activities the next morning. In limited situations, union officials may have access to union office space during the shutdown to perform representational activities pursuant to a collective bargaining agreement or statute. All requests and communications from HUD's labor unions should be e-mailed to ELRDivision@hud.gov.

19. What other facilities at HUD Headquarters will be open during the shutdown?
The Children's Center will be open during the shutdown. However, the following facilities will be closed:

- Credit Union
- The Credit Union will have alternate sites available in the Washington Metro Area. Log onto www.cuservicecenters.com or call (800) 919-2872.
- Urban Cafe
- Occupational Health Center
- Fitness Center
- Shuttle service

Field staff and headquarters staff who work in a building other than the Weaver Building should consult their managers to determine what facilities in their buildings may or may not be open during a shutdown.
20. If I am an excepted employee who parks at the Weaver Building, will I be allowed to park during a shutdown?
Yes. Excepted employees who currently pay for parking in the Weaver Building will be allowed to continue to park in the garage when they are working.

During a Government Shutdown

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

22. Who should I call if I have questions regarding retirement, insurance, or other benefits questions that I may have during the shutdown furlough?
Please contact the Department's of Treasury's Bureau of Fiscal Service at (304) 480-8275.

23. Will an employee continue to be covered under the Federal Employee Health Benefits (FEHB) program during a shutdown furlough if the agency is unable to make its premium payments on time?
Yes, the employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.

24. Are employees entitled to unemployment compensation while on furlough?
It is possible that furloughed employees may become eligible for unemployment compensation. State unemployment compensation requirements differ. Some States require a 1-week waiting period before an individual qualifies for payments. In general, the law of the State in which an employee's last official duty station in Federal civilian service was located will be the State law that determines eligibility for unemployment insurance benefits. (See the Department of Labor website "Unemployment Compensation for Federal Employees" at: http://workforcesecurity.doleta.gov/unemploy/unemcomp.asp.) Employees should submit questions to the appropriate State (or District of Columbia) office. The Department of Labor's website provides links to individual State offices at: http://www.servicelocator.org/OWSLinks.asp. **HUD's agency code for unemployment compensation purposes is: 465.**

25. May employees take other jobs while on furlough?
While on furlough, an individual remains an employee of the Federal Government. Therefore, executive branch-wide standards of ethical conduct and rules regarding outside employment continue to apply when an individual is furloughed (specifically, the executive branch-wide standards of ethical conduct (the standards), at 5 CFR part 2635. In addition, there are specific statutes which prohibit certain outside activities, and agency-specific supplemental rules that require prior approval of, and sometimes prohibit, outside employment. Additional information on outside activities is available on the web at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/general_counsel/ethics. Therefore, before engaging in outside employment, employees should review this information and then consult their agency ethics official to learn if there are any agency- specific supplemental rules governing the employee.

26. If I am a non-excepted employee, can I work as a volunteer?
No. Non-excepted employees are prohibited from working during a government shutdown, even as a volunteer.

27. 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; so therefore, counselors from the EAP will remain available to provide support to all HUD

employees and their families. Employees may contact the program 24 hours a day, 7 days a week by calling 1-800-222-0364 (888-262-7848/TTY) or visiting www.FOH4You.com where they will find information and resources to assist them through this and any other challenging time.

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

You should pay close attention to media reports to ascertain when the federal government will re-open. You may also visit the Office of Personnel Management's website: (http://www.opm.gov) to check the latest status on the government shutdown or to sign-up to receive email updates (please remember to sign-up using your personal email). When you hear that an FY 2016 appropriation 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.

29. 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. Therefore, agencies are instructed that during a government shutdown all paid leave must be cancelled. For additional questions and answers on military leave, please visit: http://www.opm.gov/faqs/topic/payleave.

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

No. When an excepted employee is not working or not performing excepted activities in compliance with the Antideficiency Act, he or she cannot be in a paid leave status. If an excepted employee refuses to report for work after being ordered to do so, he or she will be considered in an absence without leave (AWOL) and will be subject to any consequences that may follow from being AWOL. We are awaiting additional guidance from OPM regarding how this question should be answered for excepted employees funded by multi-year funding.

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

Should your supervisor need to contact you during the possible shutdown, we need to have your correct personal telephone number and email address. Please take the time to log into HIHRTS to update your contact (personal) information not later than the end of the day on September 30, 2015. Should you have any problems, please call the help desk for assistance at 1-888-297-8689 (option 9).

Appendix B:

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

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

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

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

A: No. Virtually all meetings, visits and appearances will be cancelled. HUD employees will not be traveling during the shutdown unless there is an emergency.

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

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

with approval from OMB. All excepted employees can only carry out those activities allowed under the OMB guidance.

Q: ***Will I be able to access grants.gov during a shutdown?***
A: Yes, it will be open for business. Please visit http://www.grants.gov/

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

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

Q: ***I have an on-going contract with HUD that has been funded. May I continue to work on the contract?***
A: HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.

Q: ***If I have a contract to provide on-site services, do I come to work?***
A: HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.
Q: ***What activities will continue?***
A: A limited number of the activities normally supported by the federal government are "excepted" from shutting down during a lapse in appropriations. These activities have to meet a very strict legal standard for protecting life and property in order to continue. A few of HUD's programs will continue to operate as a result. For example, to ensure the safety of life, HUD homeless assistance grants, including supportive housing for veterans and housing for people with AIDS, will continue to be funded. For the protection of property, Ginnie Mae will continue to guarantee mortgage backed securities. A full list of HUD programs and their designations under a lapse in appropriations can be found on the HUD website as part of HUD's contingency plan.

Q: ***Will I be able to find and apply for a HUD Funding Opportunity during the Federal Government shutdown?***
A: The Grants.gov System will be open and operating during the federal government shutdown. The Grants.gov Contact Center also will remain available and provide

assistance to callers during their normal operating hours of 24 hours a day, 7 days a week except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at Support@Grants.gov.

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

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

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

B. Office of Housing

Office of Single Family Housing/FHA

FHA's Resource Center and National Servicing Center's (NSC) Call Center will be available to answer questions. If the questions need to be elevated to HUD staff, the questions may not be answered until the staff returns to work.

The call centers will be provided with the contact information for the essential staff available during the government shutdown to handle health and safety issues.

Q: ***Will FHA endorse single family loans during a shutdown?***
A: FHA will be able to endorse single family loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, during the shutdown. A limited number of FHA staff will be available to endorse new loans. Due to limited staff, the time to endorse the cases may be extended.

Q: ***Will my FHA-insured loan still close?***
A: The decision to close or not will be decided by each individual lender, so you should contact your lender.

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, reversing the trend toward a strengthening market that we've been experiencing.

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 FHA have staff available to answer questions if there is a government shutdown?***
A: Limited FHA staff will be available to respond to questions, emails or other correspondence.

Q: ***Can I get an FHA case number?***
A: Yes. Lenders will be able to obtain an FHA case number from the FHA Connection.

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 Title I loans be insured during the government shutdown?***
A: No, FHA does not have the authority to insure Title I loans during this period.

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: ***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. Because the purpose behind the CAIVRS verification is to ensure that no borrower with delinquent, Federal, non-tax debt is given a new FHA-insured loan in accordance with the Debt Collection Improvement Act, 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 government is shutdown, then 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. In such cases, a credit report that does not include evidence of a delinquent federal non-tax debt will be accepted by FHA as a substitute for the regularly required CAIVRS verification, provided that no other documentation in the loan file contains information that indicates the borrower is delinquent on a non-tax debt owed to the federal government. 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: ***Will the FHA TOTAL Scorecard be available for lenders?***

A: Yes. FHA TOTAL Scorecard will be available.

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.

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: ***Can lenders submit packages for condo approvals?***
A: FHA will not approve condo projects during a government shutdown and recommends that lenders hold their applications until after the shutdown.

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: ***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: ***Who handles safety issues with a HUD Home?***
A: FHA has Field Service Managers (FSM) who are responsible for ensuring that properties are safely secured. If there is an issue that the FSM cannot handle, FHA will have some essential staff that will ensure that all the safety issues are addressed.

Q: ***Will HUD Homes be listed?***
A: Yes. FHA's Asset Managers (AM) will handle the sale of HUD Homes.

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 if there is a government shutdown.

Q: ***Can lenders submit applications for FHA approval?***
A: FHA will not approve any lender applications during the government shutdown.

Q: ***Will FHA recertify a lender's FHA approval?***
A: No. FHA will not recertify any lenders during the government shutdown.

Q: ***Will lenders be able to submit audited financial statements to the LEAP?***

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

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: ***Will FHA monitor lenders during the government shutdown?***
A: No. FHA will not perform any post technical endorsement or Quality Assurance Reviews during a government shutdown.

Industry FAQs under a Shutdown

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/FHA National Servicing Center: (**877) 622-8525**
- HUD's primary internet site: **www.hud.gov** **(will not be updated)**
- The Resource Center FAQ site: **www.hud.gov/answers**

In the event of a government shutdown, most HUD/FHA staff will not be available to respond to case-specific questions. The Resource Center and the National Servicing Center will still be operational by contract staff who are equipped to answer general inquiries. However, all responses to questions that cannot be answered by contract staff may have to be deferred until the government re-opens.

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

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.

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 a 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 FHA insure any loans during the government shutdown and does this also impact lenders with Lender Insurance (LI) approval?***
A: FHA-insured loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, (Direct Endorsement or Lender Insurance) will be endorsed during the government shutdown period as long as FHA does not run out of commitment authority.

Q: ***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.

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.

Servicing

Q: ***Will lenders be able to submit FHA Mortgage Insurance Premiums during a government shutdown?***
A: Upfront Premiums – Yes. Lenders will be able to submit UFMIPs for any new endorsements.
Monthly Premiums - Yes. Lenders are required to submit monthly MIPs during the shutdown.

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 request through EVARS. However, FHA staff will not be available to process requests on forward mortgages. Requests will remain in the system until the government reopens. Please do not submit duplicate requests.

Q: ***Can lenders continue to take on-line courses through EClass?***
A: Yes. This web-based loss mitigation training program will be available for use. However, non-FHA approved Housing Counseling Agencies cannot receive approval to access EClass until the government reopens.

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

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

REO/HUD Home Sales

Q: ***Will I be able to place a bid on a HUD-owned property via the HUD Home Bid site during the shutdown?***
A: Yes. FHA contractors will handle the sale of HUD Homes and the bidding site (www.hud.gov/hudhomes) will be available and maintained during the shutdown.

Q: ***Who can I notify about health or safety issues on a HUD-owned property?***
A: The staff at the FHA Resource Center can provide contact information for contractors responsible for the maintenance of HUD-owned properties.

Q: ***Will HUD Broker Name Address Identifiers (NAIDs) applications be processed?***
A: No. Name Address Identifier applications will not be processed during the government shutdown.

Lender Approval/Monitoring

Q: ***Will FHA's lenders be able 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.

Q: ***Can lenders submit applications to become an FHA approved lender through 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 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 the government shutdown.

Q: ***Will lenders be able to submit audited financial statements to the LEAP?***

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

Consumer FAQs Under a Shutdown

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

- HUD/FHA Resource Center: (**800) CALL-FHA 225-5342 or Email: answers@hud.gov**
- HUD/FHA National Servicing Center: (**877) 622-8525**
- HUD's primary internet site: **www.hud.gov (will not be being updated)**
- The Resource Center FAQ site: **www.hud.gov/answers**

In the event of a government shutdown, HUD/FHA most staff will not be available to respond to case-specific questions. The Resource Center and the National Servicing Center will still be operational by contract staff who are equipped to answer general inquiries. However, questions that cannot be answered by contract staff may have to be deferred until the government re-opens.

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: ***Will FHA have staff available to answer questions if there is a government shutdown?***

A: Limited HUD/FHA staff will be available but may not be able to respond to case specific questions. Responses to all questions that cannot be answered by contract staff at the Resource Center and the NSC will be delayed and may be deferred until the government re-opens.

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.

Q: ***Will I be able to place a bid on a HUD-owned property via the HUD Home Bid site during the shutdown?***
A: Yes. FHA contractors will handle the sale of HUD Homes and the bidding site (www.hud.gov/hudhomes) will be available and maintained during a shutdown.

Office of Housing Counseling

Q: ***Will the Housing Counseling System (HC) be available to HUD-approved agencies?***
A: The Housing Counseling System (HCS) will not be available. Consequently, counseling agencies will be unable to update agency profile information, submit activity data, or otherwise utilize the functionality in HCS. Once HCS back online, FHA will require all counseling agencies to submit activity data for the shutdown period retroactively.

Q: ***Will clients be able to utilize Housing Counseling search engines?***
A: The hud.gov website will be available in "Maintenance Mode" only. This means that hud.gov will be up but there will be no updates made to pages on the site. As a result, HUD's website housing counseling search functionality, and similarly HUD's toll free number to search for counseling services, will still be available to households seeking counseling services. However, with HCS down, the data behind the search functionality will not be updated.

Q: ***Will HUD-approved agencies be able to access HUD grant funds through the LOCCS System?***
A: While the LOCCS system should be functioning, there will be no HUD staff available to approve requests for disbursements. Consequently, no grant disbursements will occur during a shut down.

Office of Multifamily Housing – Contingency Plans Q&A

Multifamily Production

Q: ***Will HUD close loans?***
A: Yes, but only on projects with firm commitments that have a scheduled closing date, or projects with critical external deadlines, during the shut-down period.

Q: ***Will construction draws be processed? What guidance can we give the industry about FHA Multifamily insured loans under construction?***
A: For the first 30 business days of a shut-down, the following policy will apply:
- MAP Lenders servicing construction loans may at their, and the Owners', and General Contractors' risk, process interim construction draws. HUD will perform or contract for construction inspections on a post-review basis at such time the government re-opens. No change orders will be processed or approved.

- 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: ***What if my Firm Commitment expires?***
A: Staff is aware of expiring extensions and has attempted to make provisions for a short extension before the shutdown for all deals where the third party reports are still current.

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 will be delayed.

Q: ***Will HUD continue to collect MIP?***
A: Yes.

Q: ***Will REAC still be scheduling and doing inspections?***
A: No.

<u>Asset Management and Assisted Housing</u>

Q: ***Will HUD make payments under Section 8 contracts, rent supplement, section 236, or PRACS where there is a permanent or indefinite authority or multi-year funding?***
A: For Section 236's, interest reduction payments will continue based and Rent Supplement payments from prior year funding and recaptures will continue. The Department will make payments under Section 8and Project Rental Assistance Contracts where there is a permanent or indefinite authority or multi-year funding, or where there is budget authority available from prior year appropriations or recaptures. This includes 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 to offset monthly voucher requests for Section 8 housing assistance payments?***
A: Yes.

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 are funded at this time and they 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 are available.

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.

<u>Multifamily FHA Insurance and General Asset Management</u>

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, 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 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 call (202) 402-2855.

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

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.

Q: ***Will HUD be approving M2M rehab escrow construction draws?***
A: No, but PAEs will continue their escrow administration functions.

RAD

Q: ***Will PHAs still have the ability to submit RAD Applications during the Shutdown?***
A: Yes, Applications for RAD can be submitted through RADApplications@hud.gov, however there will not be staff to review during the shutdown and the review would start when the shutdown is over.

Q: ***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: If you have received a Rental Assistance Demonstration Conversion Commitment (RCC) prior to the shutdown and your closing is scheduled, the closing will continue where the failure to close would threaten the property and demands an immediate response (i.e. loss of tax credits).

Section 202/811 Programs

Q: ***Can Section 202/811 projects be closed?***
A: Yes, but only on projects with firm commitments that have a scheduled closing date 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: No change orders, construction draws or construction inspections will be done in the first 10 days of any shutdown. Assuming a continued period of shutdown, HUD will process construction draws using intermittent staff between the 11th and 30th day of the shutdown. HUD will rely on the sponsors' supervisory architects' certifications, and will

perform or contract for construction inspections on a post-review basis at such time the government re-opens.

Q: ***Will there be technical assistance available to grant applicants?***
A: No.

Q: ***Will HUD process Service Coordinator extensions?***
A: No.

Q: ***Can I still submit my application to Grants.gov?***
A: Yes, Grants.gov will be accessible, however phone support in program offices will not be available.

Q: ***Will I be able to find and apply for a HUD funding Opportunity during the Federal Government shutdown?***
A: The Grants.gov System will be open and operating during the federal government shutdown. The Grants.gov Contact Center also will remain available and provide assistance to callers during their normal operating hours of 24 hours a day, 7 days a week except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at Support@Grants.gov . Due to the Federal government shutdown, some HUD staff may not be available to address your questions until the Federal government returns to normal operations.

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

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

Office of Healthcare Programs

Q: ***We have received a mortgage insurance commitment and are scheduled to go to closing. Can the loan closing occur as planned?***
A: Loan closings will occur during the shutdown if an insurance commitment was issued before the government 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 the first 30 business days of a lapse in appropriations, Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction draws.

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.

Q: ***If I have questions about how the shutdown will affect my project, or the protection of property in HUD-insured Healthcare facilities, to whom should I address them?***
A: The following people will be available to answer questions during the shutdown:

Name	Area of Responsibility	Telephone	Email
Roger Lukoff	Deputy Assistant Secretary – Healthcare Programs	202-402-4762	Roger.M.lukoff@hud.gov
Geoffrey Papsco	Hospital Facilities Program	202-402-2436	Geoffrey.G. Papsco@hud.gov
Roger Lewis	Residential Care Facilities Program	206-220-6464	Roger.Lewis@hud.gov
Robin Senator	Architecture and Engineering	212-542-7874	Robin.L.Senator@hud.gov

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) or tribally-designated housing entities (TDHEs) are not part of the Federal Government and therefore would not be required to shut down as part of a Federal government closure. However, since PHA and TDHE administrative and operations funding are provided by the federal government and may be impacted by the shutdown, some PHAs and TDHEs may need to reduce or change their normal operating hours. You should contact your local PHA or TDHE for information on changes in operating hours or office closures.

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

A: Depending on the length of the shutdown, some PHAs and TDHEs may not be able to maintain normal operations. You should contact your local PHA 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 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, landlord, unit condition, etc.?***

A: You may contact your local PHA, TDHE, and any other entity that might be of assistance in responding to your particular needs, including local government units such as building code enforcement and health departments.

Q: ***Who will the shutdown impact?***

A: A government shutdown would deeply impact the millions of families in need assisted by HUD programs. The median income of a HUD-assisted household is just over $10,000 per year, well below the national average. Low-income families make up 72 percent of HUD-assisted households - and more than half of those receiving vouchers are elderly or persons with disabilities.

<u>Questions from public housing authorities, TDHEs, and other tribal entities</u>

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

A: 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) and Indian housing that have already been obligated in the system and which can be drawn down without further action or review by HUD employees. However, funds that have not yet been obligated or that require HUD review will not be available.

The Housing Choice Voucher Program is funded on a calendar year basis, and the monthly payments for February and March are scheduled to be made available on a timely basis.

For the Housing Choice Voucher program, the February payments were disbursed, and are available to HCV participants. The Housing Choice Voucher Program is funded on a calendar year basis, and the monthly payments for March and April are scheduled to be made timely.

Obligated HAP funds (HUD-held reserves) are available for draw. Essential personnel at FMC in Kansas City will be available to assist.

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

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

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

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

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

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

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

A: No travel will take place during the government shutdown unless it is for emergency purposes.

Q: ***Will I be able to utilize HUD secure systems (including VMS, 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, submission questions or approvals, etc. during a government closure.

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 the shutdown.

<u>Questions from PHAs - Capital Fund, and Mixed Finance/Development</u>

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

A: If the disaster/emergency occurred before midnight of the shutdown, and funding is available, PHAs and TDHEs can apply for funding for emergencies and non-Presidentially declared disasters. Applications for such funding will not be processed until after the shutdown has ended.

If the disaster/emergency occurs on or after the shutdown, no funding is available due to the lapse in appropriations. Therefore, the Department does not have funds available for emergencies and non-Presidentially declared disasters.

The Department recommends that PHAs and TDHEs contact FEMA in the event of Presidentially declared disasters.

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 should 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 deal in process and our Low Income Housing Tax Credits will be expiring. Will we be able to get our deal closed?***
A: The Office of Public Housing Investments (OPHI) will only be able to close deals on an emergency basis during a government shutdown. Any PHA involved in such a deal 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 PHAs – Housing Choice Voucher Program

Q: ***Will PHAs receive February Housing Assistance Payments (HAP) and administrative fees?***
A: February HAP and administrative fees are currently scheduled to 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.

Q: ***Will PHAs receive March (and subsequent) HAP and administrative fees?***
A: The February payments disbursed are available to HCV participants. The Housing Choice Voucher Program is funded on a calendar year basis, and the monthly payments for March and April are scheduled to be made timely.

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: No. During the period of the government shutdown these applications will not be processed.

Q: ***Will HUD continue to process subsidy-layering reviews (SLR) during a government shutdown?***
A: No. During the period of the government shutdown HUD will be unable to process subsidy-layering reviews.

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.

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 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). The shutdown will also result prevent the issuance of PLA's, firm commitments and loan guarantees for the Indian Housing Block Grant Loan Guarantee (Title VI program).

Q: ***Will technical assistance and training for ONAP grantees still be provided during the government shut down?***
A: Yes, but limited to those requests that have already been approved before a lapse in appropriations.

Q: ***How will the government shut down affect individual Indian Housing Block and Indian Community Development Block grant awards?***
A: All IHBG and ICDBG grant awards funds that have been record in LOCCS will be available 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 shut down, grant funds will not be available in LOCCS until the grant agreement process is complete. 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 shut down. 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: No, the IHBG Formula Customer Service Center will not be operating. Requests can be sent via e-mail, facsimiles and voice mail; however, responses to such requests will not be made until the government shutdown has ended.

Q: ***Will the Formula Negotiated Rulemaking Committee continue to meet?***

A: No. Funding and staff will not be available for the Formula Negotiated Rulemaking Committee to meet in person or by telephone during a government shutdown.

Q: ***Will technical assistance requests made by Formula Negotiated Rulemaking participants continue to be processed?***

A: Requests previously assigned by HUD to the IHBG formula contract support team will continue to be processed. However, they will not be posted until HUD approval once the government reopens. Furthermore, new requests made during the closure will not be assigned to the contractors until after the government reopens.

Q: ***Will tribes/TDHEs be notified of their IHBG formula allocations?***

A: No, tribes/TDHEs will not be notified of their IHBG formula allocations during the government closure since an appropriation will not be available to determine such allocations.

Rental Assistance Demonstration

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

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

Q: ***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: If you have received a Rental Assistance Demonstration Conversion Commitment prior to the shutdown and your closing is scheduled, the closing will continue where the failure to close would threaten the property and demands an immediate response (i.e. loss of tax credits).

Real Estate Assessment Center

Physical Inspections

Q: ***There is a physical inspection action 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 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: No. No inspections may be conducted during a government shutdown.

Q: ***Will inspections 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: No. Inspections will resume after the government reopens. The inspector must contact your PHA/property again and re-negotiate a mutually agreeable date for the 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: No. The TAC will not be operational. Assistance will be provided when the government reopens.

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: No one from the REAC Technical Assistance Center will be available to provide assistance during a government shutdown. You will have to wait until the government reopens to obtain assistance.

D. Community Planning and Development

Q: ***Will the various CPD program web pages be accessible to the public while the government is closed?***

A: The www.hud.gov website will be available but will not be updated.

Q: ***Will I be able to submit vouchers on behalf of my organization and make authorized drawdowns for approved CPD program activities (homeless assistance programs (including ESG), CDBG, HOME, HOPWA, or sustainability grants) from LOCCS during the closure period?***

A: Yes. The ability to make authorized drawdowns of pre-FY 2017 program funds will continue uninterrupted unless it is necessary for a HUD employee to approve a voucher or lift a system edit prior to a draw down in which case the draw down cannot be made.

Q: ***What would the few CPD staff that may be called into work during the closure be permitted to do?***

A: A minimal number of CPD staff will be considered excepted and will do only the following:

- Continue to provide for the delivery of essential housing and emergency services for homeless persons and persons with AIDS;
- Continue to disburse CDBG, HOME funds and other block grant funds that have already been appropriated and competitive funds that have been awarded and are under grant agreement and which do not require the action of a HUD employee for payment.
- Continue to disburse Disaster Recovery and NSP funds.

Q: ***May TA providers continue to deliver services during a government closure?***

A: TA providers that have approved work plans may carry out activities approved under those work plans during a government closure.

E. Fair Housing and Equal Opportunity (FHEO)

Fair Housing Initiatives Program:

Q: W***hen will I be able to receive funds?***

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

Fair Housing Assistance Program:

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

A: Subject to the FY2018 appropriation and in accordance with relevant guidance, the Department will reimburse FHAP agencies for investigations conducted during the government shutdown.

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

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

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

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

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

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

Fair Housing Complaints:

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

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

To file a complaint, you may:

- Mail a complaint into HUD. Please include the following information:

  1. Your name, address, and telephone numbers where you can be reached;
  2. The name and address of the persons, businesses, or organizations you believe discriminated against you;
  3. If there is a specific property involved, you should provide the property's address and physical description, such as apartment, condominium, house, or vacant lot; and
  4. A brief description of how you were discriminated against in an activity related to housing. You should include in this description the date when the discrimination happened and why you believe the discrimination occurred because of race, color, religion, national origin, sex, disability, or the presence of children under the age of 18 in a household.

- Complete HUD's on-line Complaint Form (Allegations submitted with the online complaint form will not be reviewed or investigated until the government reopens.); or
- Contact a state or local fair housing enforcement agency;

- Contact a private fair housing group in your community for assistance in addressing housing discrimination.

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

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

Speaking Engagements

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

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

If the government resumes business within 72 hours prior to your event, the FHEO representative will 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.

F. 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.

G. 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.

H. Office of the Chief Financial Officer

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

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

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

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

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

A: Yes, the travel office will be staffed with one person to assist with emergency situations only.

Q: ***What financial/funding source activities can proceed in the absence of a Continuing Resolution (CR)?***

A: While guidance is still not absolutely final, the following financial/funding source activities can proceed with limited staff in the absence of a Continuing Resolution:

- Government functions funded with multi-year appropriations or indefinite appropriations;
- Express authorization for agencies to enter into contracts or to borrow funds to accomplish their missions (without appropriations);
- Orderly termination of functions that may not continue during a period of lapsed appropriations;
- Obligations necessary to discharge the President's constitutional duties and powers, and
- 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.

The allowable financial activities will allow for activities involving obligated funds (grants and contracts) including obligated FY 2015 funding.

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 these unobligated funds is withdrawn with the lapsing of the CR.

I. Office of Lead Hazard Control and Healthy Homes

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

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

J. 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 essential 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 essential functions.

Q: ***Will I be able to get commitment authority during a shutdown?***
A: Ginnie Mae does have multi-year commitment authority which will be available upon approval by OMB, which is anticipated to be in place prior to the shutdown.

Q: ***Can I issue securities during a shutdown?***
A: Yes, Ginnie Mae will continue to process pools and guarantee securities.

Q: ***Will I still receive monthly principal and interest payments?***
A: Yes, issuers will continue to make pass-through payments to investors during a shutdown.

Q: ***If there is a need for Ginnie Mae to pay out on its guaranty during a shutdown due to a shutdown, can Ginnie Mae do so?***
A: Yes, even if there is a government shutdown Ginnie Mae will honor its guaranty.

Q: ***If I need to process a pool, where can I get information about Ginnie Mae's procedures?***
A: For questions about Ginnie Mae policies and procedures, you can consult the Ginnie Mae MBS guide on its website at ginniemae.gov, or contact Ginnie Mae's pool processing agent, the Bank of New York, Ginnie Mae Helpdesk at 1 (800) GNMA (4662).

Appendix C:

Employees by Office and Exception or Exemption as of August 1, 2017

Program Area	1-Threat to Life or Property	2-Fees or Multiyear Approps	4-Obligations Necessary to the Discharge of President's Constitutional Duties & Powers	5-Orderly Termination of Agency Functions	6-Presidentially Appointed	Total
CPD	2			3	1	6
EO				8	3	11
FHEO				1	1	2
FPM				26		26
GNMA	15				0	15
Housing	79	1		6		86
OCFO				18		18
OCHCO				14		14
OCIO	14					14
OCPO	3			11		14
ADMIN	16			15		31
OGC	16		3	3	1	23
OLHCHH	3					3
OIG	24			1	1	26
OSPM				1		1
PD&R				2	1	3
PIH	11			11		22
Total	183	1	3	120	8	315