

RESOLUTION OF THE  
RESOURCES AND DEVELOPMENT COMMITTEE  
of the 24<sup>th</sup> NAVAJO NATION COUNCIL -Fourth Year, 2022

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE CARES ACT INDIAN HOUSING BLOCK GRANT NUMBER 20BV0402810 AMENDMENT NO. ONE FOR FISCAL YEAR 2020

BE IT ENACTED:

Section One. Authority

- A. The Resources and Development Committee is a Standing Committee of the Navajo Nation Council. 2 N.N.C. §500(A).
- B. The Resources and Development Committee is the Standing Committee of the Navajo Nation Council with the authority to grant final approval for the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) Indian Housing Plan. 2 N.N.C. §501(B)(2)(b).

Section Two. Findings

- A. The Coronavirus Aid, Relief, and Economic Security Act or the CARES Act, Public Law No. 116-136, was signed into law on March 27, 2020. The CARES Act responds to the COVID-19 outbreak and its impact on the economy, public health, state and local governments, individuals, and businesses.
- B. On April 10, 2020 U.S. Department of Housing and Urban Development (HUD), issued Notice PIH 2020-05, attached as Exhibit C, which provided an opportunity for a Tribally Designated Housing Entity (TDHE) to submit its CARES Act Indian Housing Plan (IHP) without the usual certifications by the Navajo Nation President and the Resources and Development Committee.
- C. The HUD Notice PIH 2020-05, attached as Exhibit C, at page 34, waives the TDHE IHP Certification requirements. The HUD Notice PIH 2020-05 states:  
"Some Indian tribes and TDHEs have expressed to HUD that under the current conditions, they likely will have difficulty securing required internal approvals to be able to provide HUD with information normally required under a regular IHP. This includes certifications submitted by an Indian tribe authorizing a TDHE to act as its IHBG recipient, and other certifications of compliance required under section 102(b) of

NAHASDA. Accordingly, HUD is waiving the IHP certification requirements in Section 101-103 of NAHASDA and establishing the following [] alternative requirements as follows: ...

[I]f an authorized official of an Indian tribe or TDHE provides a statement to HUD indicating that it is not practical or safe for the Indian tribe or TDHE to secure new certifications due to the impact of COVID-19 on its operations, or the operations of a beneficiary Indian tribe, HUD will, consistent with Section 103(d) of NAHASDA, accept all IHP certifications that were previously submitted and accepted by HUD for FY 2020 IHBG grants (or for FY 2019 IHBG grants for those IHBG recipients that have not yet submitted their FY 2020 IHP), in lieu of requiring new tribal certifications to be submitted."

- D. In a memorandum dated April 29, 2020, **Exhibit E**, NHA Chief Executive Officer wrote: "Pursuant to the Statutory and Regulatory Waivers addressed in Notice PIH 2020-05, NHA will not obtain a new Certification from Navajo Nation President Johnathan Nez because it is unpractical and unsafe to gather Navajo Nation leadership to conduct business to secure approval of the IHP at this time due to the impact of COVID-19 on the operation of the Navajo Nation as the TDHE."
- E. The Navajo Housing Authority Board of Commissioners Resolution NHA-4963-2020, attached as **Exhibit D**, at Whereas Paragraph 5, stated that "NHA will receive \$22,333,177.00 in CARES Act IHBG funding." In the NHA-4963-2020 Resolved Paragraph A, the "The Board of Commissioners hereby authorizes and directs the NHA Chief Executive Officer and NHA management to make available up to \$22,333,177.00 in CARES Act IHBG funding for eligible projects."
- F. The Fiscal Year 2020 COVID-19 Indian Housing Plan, CARES Act IHP Grant Number 20BV0402810, attached as **Exhibit F**, was submitted to the Deputy Administrator, HUD Southwest Office of Native American Programs, on April 29, 2020.
- G. The Board of Commissioners of the Navajo Housing Authority, by Resolution NHA-5073-2021, attached as **Exhibit B**, requests the support and endorsement of the Navajo Nation Council Resources and Development Committee to approve an amendment to the Fiscal Year 2020 Navajo Nation Housing Plan for the NAHASDA Indian Housing Block Grant funding.

- H. Resolution NHA-5073-2021 states that the amendment would be made "(1) to NHA's CARES Act IHBG Budget contained in NHA's Amended FY 2020 IHP... for purposes of (i) adding such new eligible activities to such budget, (ii) reallocating budget costs of such new eligible activities to the unused balance of NHA's CARES ACT IHBG funds, and (iii) approving the use of such funds and making such funds available from the unused balance of NHA's CARES Act IHBG funds for such purposes."

**Section Three. Approval**

- A. The Navajo Nation hereby approves an amendment to the Fiscal Year 2020 Navajo Nation Housing Plan for the NAHASDA Indian Housing Block Grant funding. The amendment is contained in CARES ACT IHP AMENDMENT NO. ONE (1) to Grant Number 20BV04028, Federal Fiscal Year 2020, which is attached hereto as **Exhibit A**.
- B. The Navajo Nation hereby approves the submission of the amended Navajo Nation Indian Housing Plan, CARES ACT IHP AMENDMENT NO. ONE (1), by the Navajo Housing Authority on behalf of the Navajo Nation.

**CERTIFICATION**

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 24<sup>th</sup> Navajo Nation Council at a duly called meeting at Window Rock, (Navajo Nation) Arizona, at which quorum was present and that same was passed by a vote of 4 in favor, 0 opposed, on this 21<sup>st</sup> day of September 2022.



Rickie Nez, Chairperson  
Resources and Development Committee  
Of the 24<sup>th</sup> Navajo Nation Council

Motion: Honorable Kee Allen Begay, Jr.

Second: Honorable Wilson C. Stewart, Jr.



**SECTION 1: COVER PAGE**

(1) Grant Number: 20BV0402810

(2) Recipient Program Year: 10/1 - 9/30

(3) Federal Fiscal Year: 2020

- ☒ IHBG-CARES
- ☒ (4) Initial Plan (Complete this Section then proceed to Section 2) or an Amended IHP
- ☐ (6) Annual Performance Report (Complete items 27-30 and proceed to Section 3)
- ☐ (7) Tribe
- ☒ (8) TDHE

(9) Name of Recipient:

Navajo Housing Authority

(10) Contact Person:

Maureen G. Curley, Chief Executive Officer

(11) Telephone Number with Area Code (999) 999-9999 :

(928) 871-2602

(12) Mailing Address:

P. O. Box 4980

(13) City:

Window Rock

(14) State:

Arizona

(15) Zip Code (99999 or 99999-9999):

86515

(16) Fax Number with Area Code (if available) (999) 999-9999 :

(928) 729-6361

(17) Email Address (if available):

mcurley@hooghan.org

(18) If TDHE, List Tribes Below:

Navajo Tribe

(19) Tax Identification Number:

86-0185412

(20) DUNS Number:

068421718

(21) CCR/SAM Expiration Date (MM/DD/YYYY):

04/21/2021

(22) IHBG-CARES Amount:

\$22,333,177

Date Started Preparing for COVID-19

03/06/2020

(23) Name of Authorized IHP Submitter:

Maureen G. Curley

(24) Title of Authorized IHP Submitter:

Chief Executive Officer

(25) Signature of Authorized IHP Submitter:

Curtis 4/4/22

(26) IHP Submission Date(MM/DD/YYYY) :

(27) Name of Authorized APR Submitter:

(28) Title of Authorized APR Submitter:

(29) Signature of Authorized APR Submitter:

(30) APR Submission Date (MM/DD/YYYY):

**Certification:** The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

#### APR: REPORTING ON PROGRAM YEAR PROGRESS

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month program year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month program year. (NAHASDA § 404(b))

#### Program Descriptions

1.1. Program Name and Unique Identifier:

Unique Identifier

COVID-19 Respond

COVID-19 Respond - 1 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Low-Income Indian Households

1.2. Program Description (This should be the description of the planned program.):

The NHA Emergency Health Service will target activities to prevent, and respond to the COVID-19 pandemic on the Navajo Nation. NHA goal and objective is to assist NHA 1937 Housing Act and NAHASDA eligible residents on the Navajo Nation in partnership with local communities, resident organizations, and the Navajo Nation government.

1. Acquire a Firm to provide testing kits and testing service for NHA employees, sub-recipients, and residents to prevent the spread of COVID-19
2. Acquire and provide Personal Protection Equipment for housing providers, housing residents, and employee. The types of PPEs will include facial masks, gloves, testing gear for protective gowns/suits, foot booties, hand

sanitizers, goggles and respirators if necessary.

3. Acquire On-Call Bio Cleaning service and supplies for NHA facilities and public rental/homeownership housing.

**1.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**1.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**1.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**1.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

All low-income families residing in NHA owned and operated units and all other low-income families in the community including elderly, veterans, homelessness.

**1.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The NHA has approximately 4244 public units at 181 development site with a household members of 25,485 living in 1937 Housing Act and NAHASDA units. Furthermore, NHA has approximately 3478 homeownership units across Navajo Nation which house over 24,406 family members. Overall, under the Housing Service program NHA will provide service to approximately 49,889 individuals at 7,722 individual NHA housing locations.

**1.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

#### 1.9: Planned and Actual Outputs for 12-Month Program Year

Planned Number of Units to be Completed in Year Under this Program

Planned Number of Households To Be Served in Year Under this Program

Planned Number of Acres To Be Purchased in Year Under this Program

5000

APR: Actual Number of Units Completed in Program Year

APR: Actual Number of Households Served in Program Year

APR: Actual Number of Acres Purchased in Program Year

1.10: APR: *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

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**2.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 3 - Emergency Support to Nursing/Group Homes

**2.2. Program Description** (This should be the description of the planned program.):

The NHA will provide financial support for continued operation of eligible transitional and group homes for the on-going health and safety of our Elderly Navajo tribal members in an effort to prepare, prevent and respond to COVID-19.

1. The elderly facilities are experiencing an increase in operations cost due to quarantine of clients who have left the facility and taken to their routine dialysis treatment and/or medical appointments off-site, which will requires the individual to isolate in a different facilities and/or in a different part of facility for 14 days during their evaluation. The continued operations support will cover staffing, daily meals, and facilities operations for a. Ganado Elderly Group Home, b. Chinle Assisted Living and Nursing Home and c. Kaibeto Creek Assisted Living

**2.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**2.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**2.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**2.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low income Indian Households.

**2.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

Assistance to low income elderly individuals at no costs or charge.

**2.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**2.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

250

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**2.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**3.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 6 - Emergency Operation and Maintenance of NAHASDA-Assisted Housing Units

**3.2. Program Description** (This should be the description of the planned program.):

Provide Operations & Maintenance Relief for eligible housing sub-recipient tenants, who have been impacted by employment layoff or loss of employment which effect providing service to housing organization. NHA will assist sub-recipient with 50% of their monthly O & M cost for a period of seven (7) Months (June 01, 2020 to December 31, 2020)

**3.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**3.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19, and to avoid spread of the virus.

**3.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**3.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income eligible families.

**3.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

NHA will assist sub-recipient with 50% of their monthly O & M cost for a period of seven (7) Months (June 01, 2020 to December 31, 2020)

**3.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

### 3.9: Planned and Actual Outputs for 12-Month Program Year

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

35

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**3.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 100.512(b)(2))*

**4.1. Program Name and Unique Identifier:**

Unique Identifier

COVID-19 Prevention

COVID-19 Prevention - 7 - Emergency Temporary Housing for Low-Income Indian Households

**4.2. Program Description** (This should be the description of the planned program.):

NHA will provide with rental of hotel rooms and purchase and delivery of meals to temporarily house at-risk, low-income elderly and Tribal members to prevent spread of COVID-19. NHA will pay directly to third party for the rental of the rooms.

**4.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**4.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**4.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**4.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income Indian families.

**4.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level and type of assistance will to serve all low-income elderly, Veterans and Tribal members at 100% of the cost of the hotels for five months.

**4.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

#### 4.9: Planned and Actual Outputs for 12-Month Program Year

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

50

APR: Actual Number of <b>Units</b> Completed in Program Year	APR: Actual Number of <b>Households</b> Served in Program Year	APR: Actual Number of <b>Acres</b> Purchased in Program Year
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**4.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**Program Descriptions**

**5.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 8 - Emergency Temporary Housing for Non-Low Income Indian Households

**5.2. Program Description** (This should be the description of the planned program.):

The NHA Temporary Housing assistance will provide short term temporary housing assistance payment for individuals housed in hotels or motel which require them to be quarantine during the 14 day monitoring period. Furthermore, additional days for quarantine may be require if individual test positive after the (14) day monitoring period. The temporary quarantine for individuals to hinder the spread of virus within Navajo tribal communities. The NHA will pay directly to third party operator/owner for rental of rooms.

**5.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**5.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**5.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above):

**5.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian households

**5.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The NHA will assist the following individuals: non-low-income, for minimum of 14 days to 30 days for treatment and monitoring of virus. All rental cost will be paid at 100% for duration of treatment and monitoring.

**5.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**5.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

450

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**5.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**Program Descriptions**

**6.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 10 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Non-Low Income Indian Households

**6.2. Program Description** (This should be the description of the planned program.):

The NHA Emergency Health Service will target activities to prevent, and respond to the COVID-19 on the Navajo Nation. NHA goal and objective is assist NHA 1937 Housing Act and NAHASDA residents on the Navajo Nation, in partnership with local communities, resident organization, and Navajo Nation government.

1. Acquire a Firm to provide testing kits and testing service for NHA employees, sub-recipients, and residents to prevent the spread of COVID-19

2. Acquire and provide Personal Protection Equipment for housing providers, housing residents, and employee. The types of PPEs will include facial masks, gloves, testing gear for protective gowns/suits, foot booties, goggles and respirators if necessary.

3. Acquire On-Call Bio Cleaning service and supplies for NHA facilities and public rental/homeownership housing.

**6.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**6.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19 and to promote the safety of residents, communities and housing staff.

**6.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**6.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian Households

**6.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The type and level of assistance will be extension to non-low income households residing in NHA housing and on and off Navajo reservation.

**6.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**6.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

250

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**6.10: APR:** *If the program is behind schedule, explain why (24 CFR § 1000.512(b)(2))*

**7.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 12 - Emergency Temporary Rental Assistance for Non-Low Income Indian Households

**7.2. Program Description** (This should be the description of the planned program.):

NHA will provide temporary rental to COVID-19 impacted families living on or off the Navajo Reservation in private rental market units.

**7.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**7.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**7.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome:** (Only if you selected "Other" above.):

**7.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian Households

**7.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

NHA will pay directly to property owners on behalf on non-low income families at 100% of cost of all income levels for two months.

**7.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**7.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

10

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**7.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**8.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 13 - Housing Services for Shelter-In-Place for Low -Income Indian Households

**8.2. Program Description** (This should be the description of the planned program.):

The NHA will provide a variety of COVID-19 related housing services to NHA residents and sub-recipients, and other tribal members and families within Navajo Nation community to prevent the spread of the COVID-19. Activities will include delivery of meals, food, water, medical prescriptions to shelter in-place families.

**8.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**8.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**8.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**8.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income Indian Households.

**8.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level of assistance will include NHA residents and sub-recipients, and other tribal members and families within Navajo Nation communities.

**8.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs:

**8.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

20

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**8.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 100.512(b)(2))*

**9.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 16 - Improvements to Facilities Ventilation of NHA Office Buildings

**9.2. Program Description** (This should be the description of the planned program.):

Installation of HVAC filtration and UV lighting within all NHA buildings to provide clean and safe ventilation to employees who provide housing to low income families.

**9.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**9.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(10) Improve energy efficiency

**Describe Other Intended Outcome** (Only if you selected "Other" above):

**9.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**9.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

NHA Employees providing housing to low income families.

**9.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

Type of assistance is to provide a healthy, safe and energy efficient environment for employees to work while providing services to low income families.

**9.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**9.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

400

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**9.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**10.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 17 - Rehabilitation and Renovation of NAHASDA Public Rental Units

**10.2. Program Description** *(This should be the description of the planned program.):*

Rehabilitate and Renovate delapidated public rental units at Kayenta Sandstone Housing to increase housing availability for low income families in response to COVID-17 and the new variant.

**10.3. Eligible Activity Number** *(Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(5) Rehabilitation of Rental Housing [202(2)]

**10.4. Intended Outcome Number** *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(5) Address homelessness

**Describe Other Intended Outcome** *(Only if you selected "Other" above):*

**10.5 Actual Outcome Number** *(In the APR identify the actual outcome from the Outcome list.):*

**Describe Other Actual Outcome** *(Only if you selected "Other" above.):*

**10.6 Who Will Be Assisted** *(Describe the types of households that will be assisted under the program.):*

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income eligible families.

**10.7. Types and Level of Assistance** *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

The type and level of assistance to address high wait list of low income families across Navajo Nation seeking affordable housing. Public rental policy will be applied to serve up to 30% of income level.

**10.8. APR:** *Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs*

**10.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of <b>Units</b> to be Completed in Year Under this Program	Planned Number of <b>Households</b> To Be Served in Year Under this Program	Planned Number of <b>Acres</b> To Be Purchased in Year Under this Program
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200

APR: Actual Number of <b>Units</b> Completed in Program Year	APR: Actual Number of <b>Households</b> Served in Program Year	APR: Actual Number of <b>Acres</b> Purchased in Program Year
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**10.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**Program Descriptions**

**11.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 18 - Emergency Response, Communication and Outreach to Prevent and Reduce COVID-19 for Low-income Families

**11.2. Program Description** *(This should be the description of the planned program.):*

1. IT equipment, laptops, printers, scanners and software/hardware and telecommunication to maintain operation and carryout eligible activities, projects and programs; and 2. Risk Management and Safety Activities: Outreach to all NHA tenants regarding safety and prevention of COVID-19 virus.

**11.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(18) Other Housing Services [202(3)]

**11.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(6) Assist affordable housing for low income households

**Describe Other Intended Outcome** (Only if you selected "Other" above):

**11.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**11.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Eligible low-income families

**11.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

Types of assistance will be to upgrade communication technology for NHA programs to maintain services and operation, and outreach to low income families residing in NHA public rentals and homeownership units about prevention and spread of COVID 19 virus.

**11.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs

**11.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of <b>Units</b> to be Completed in Year Under this Program	Planned Number of <b>Households</b> To Be Served in Year Under this Program	Planned Number of <b>Acres</b> To Be Purchased in Year Under this Program
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3000

APR: Actual Number of <b>Units</b> Completed in Program Year	APR: Actual Number of <b>Households</b> Served in Program Year	APR: Actual Number of <b>Acres</b> Purchased in Program Year
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**11.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**12.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 19 - Rehabilitation Assistance to Homeownership Units

**12.2. Program Description** (This should be the description of the planned program.):

Rehabilitation and renovation of homeownership units for the Navajo Nation low-income Veterans.

**12.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**12.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**12.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**12.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income Indian Households

**12.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level and type of assistance will be to serve Navajo Veterans with renovation and/re rehabilitation of existing homes up to \$30,000.00 per home.

**12.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs

**12.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

10

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**12.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

## SECTION 5: BUDGETS

NAHASDA §§ 102(b)(2)(C), 404(b)

(1) Sources of Funding (NAHASDA § 102(b)(2)(C)(i), (404(b))) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month program year. **APR Actual Sources of Funding** – Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month program year.)

SOURCE	IHP					APR					
	(A) Estimated amount on hand at beginning of program year	(B) Estimated amount to be received during 12- month program year	(C) Estimated total sources of funds (A+B)	(D) Estimated funds to be expended during 12- month program year	(E) Estimated unexpended funds remaining at end of program year (C-D)	(F) Actual amount on hand at beginning of program year	(G) Actual amount received during 12- month program year	(H) Actual total sources of funding (F+G)	(I) Actual funds expended during 12- month program year	(J) Actual unexpended funds remaining at end of 12- month program year (H - I)	(K) Actual unexpended funds obligated but not expended at end of 12- month program year
IHBG-CARES Funds		\$22,333,177	\$22,333,177	\$22,333,177	\$0			\$0		\$0	

TOTAL	\$0	\$22,833,177	\$22,333,177	\$22,333,177	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL Columns C & H, 2 through 10		\$0						\$0			

**Notes:**

- For the IHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- Total of Column D should match the total of Column N from the **Uses of Funding** table below.
- Total of Column I should match the Total of Column Q from the **Uses of Funding** table below.
- For the IHP, describe any estimated leverage in Line 3 below (Estimated Sources or Uses of Funding). For the APR, describe actual leverage in Line 4 below.

(2) **Uses of Funding** (NAHASDA § 102(b)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. Actual expenditures in the APR section are for the 12-month program year

PROGRAM NAME	IHP		APR			
	(L) Prior and current year IHBG (only) funds to be expended in 12- month program year	(M) Total all other funds to be expended in 12- month program year	(N) Total funds to be expended in 12-month program year (L+M)	(O) Total IHBG (only) funds expended in 12-month program year	(P) Total all other funds expended in 12-month program year	(Q) Total funds expended in 12- month program year (O+P)
COVID-19 Respond - 1 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Low-Income	\$3,550,000		\$3,550,000			\$0
COVID-19 Respond - 3 - Emergency Support to Nursing/Group Homes	\$467,835		\$467,835			\$0
COVID-19 Respond - 6 - Emergency Operation and Maintenance of NAHASDA-Assisted Housing Units	\$1,250,000		\$1,250,000			\$0

COVID-19 Prevention - 7 - Emergency Temporary Housing for Low-Income Indian Households	\$123,418
COVID-19 Prevention - 8 - Emergency Temporary Housing for Non-Low Income Indian Households	\$20,657
COVID-19 Respond - 10 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Non-Low	\$2,450,000
COVID-19 Respond - 12 - Emergency Temporary Rental Assistance for Non-Low Income Indian Households	\$3,751
COVID-19 Prevention - 13 - Housing Services for Shelter-In-Place for Low - Income Indian Households	\$51,516
COVID-19 Respond - 16 - Improvements to Facilities Ventilation of NHA Office Buildings	\$2,450,000
COVID-19 Respond - 17 - Rehabilitation and Renovation of NAHASDA Public Rental Units	\$1,250,000
COVID-19 Respond - 18 - Emergency Response, Communication and Outreach to Prevent and Reduce COVID-19 for	\$5,250,000
COVID-19 Respond - 19 - Rehabilitation Assistance to Homeownership Units	\$1,000,000
Planning and Administration	\$4,466,000

\$123,418	
\$20,657	
\$2,450,000	
\$3,751	
\$51,516	
\$2,450,000	
\$1,250,000	
\$5,250,000	
\$1,000,000	
\$4,466,000	

\$0
\$0
\$0
\$0
\$0
\$0
\$0
\$0
\$0
\$0

TOTAL

\$22,333,177	\$0	\$22,333,177	\$0	\$0	\$0
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Notes:

- Total of Column L cannot exceed the IHBG funds from Column C, Row 1 from the Sources of Funding table in Line 1 above.
- Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources of Funding table in Line 1 above.
- Total of Column O cannot exceed total IHBG funds received in Column H, Row 1 from the Sources of Funding table in Line 1 above.
- Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources of Funding table in Line 1 above.
- Total of Column Q should equal total of Column I of the Sources of Funding table in Line 1 above.

(3) Estimated Sources or Uses of Funding (NAHASDA § 102(b)(2)(C)). (Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses of Funding table on the previous page. This planned loan repayment can be associated with Title VI or with private or tribal funding that is used for an eligible activity described in an IHP that has been determined to be in compliance by HUD. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

--

(4) APR (NAHASDA § 404(b)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses of Funding table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

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## SECTION 7: INDIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE

NAHASDA § 102(b)(2)(D)

By signing the IHP, the recipient certifies its compliance with Title II of the Civil Rights Act of 1968 (25 USC Part 1301 et seq.), and ensures that the recipient has all appropriate policies and procedures in place to operate its planned programs. The recipient should not assert that it has the appropriate policies and procedures in place if these documents do not exist in its files, as this will be one of the items verified during any HUD monitoring review.

**(1) In accordance with applicable statutes, the recipient certifies that:**

It will comply with Title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes.

Yes ☒ No ☐

**(2) In accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that:**

There are households within its jurisdiction at or below 80 percent of median income.

Yes ☐ No ☐ Not Applicable ☒

**(3) The following certifications will only apply where applicable based on program activities.**

a. It will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD;

Yes ☒ No ☐ Not Applicable ☐

b. Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA;

Yes ☒ No ☐ Not Applicable ☐

c. Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA; and

Yes ☒ No ☐ Not Applicable ☐

d. Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

## SECTION 8: IHP TRIBAL CERTIFICATION

NAHASDA § 102(c)

This certification is used when a Tribally Designated Housing Entity (TDHE) prepares the IHP or IHP amendment on behalf of a tribe.

This certification must be executed by the recognized tribal government covered under the IHP.

(1) The recognized tribal government of the grant beneficiary certifies that:

(2) ☒ It had an opportunity to review the IHP or IHP amendment and has authorized the submission of the IHP by the TDHE; or

(3) ☐ It has delegated to such TDHE the authority to submit an IHP or IHP amendment on behalf of the Tribe without prior review by the Tribe.

(4) Tribe:	Navajo Nation
(5) Authorized Official's Name and Title:	Jonathan Nez, President
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	

## SECTION 9: TRIBAL WAGE RATE CERTIFICATION

NAHASDA §§ 102(b)(2)(D)(vi), 104(b)

By signing the IHP, you certify whether you will use tribally determined wages, Davis-Bacon wages, or HUD determined wages. Check only the applicable box below.

- (1) ☐ You will use tribally determined wage rates when required for IHBG-assisted construction or maintenance activities. The Tribe has appropriate laws and regulations in place in order for it to determine and distribute prevailing wages.
- (2) ☒ You will use Davis-Bacon or HUD determined wage rates when required for IHBG-assisted construction or maintenance activities.
- (3) ☐ You will use Davis-Bacon and/or HUD determined wage rates when required for IHBG-assisted construction except for the activities described below.

(4) If you checked the box in Line 3, list the other activities that will be using tribally determined wage rates:

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## SECTION 12: AUDITS

24 CFR § 1000.544

This section is used to indicate whether a financial audit based on the Single Audit Act and 2 CFR Part 200 Subpart F is required, based on a review of your financial records.

Did you expend \$750,000 or more in total Federal awards during the APR reporting period?

Yes ☐ No ☐

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and your Area Office of Native American Programs.

If No, an audit is not required.



Hooghan—Center of Family Growth, Strength and Beauty  
**NAVAJO HOUSING AUTHORITY**

RESOLUTION NHA-5073-2021

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF  
THE NAVAJO HOUSING AUTHORITY**

EXHIBIT

**B**

**Amending Resolution NHA-4963-2020 through Approval of an Amendment  
No. 01 to the Fiscal Year 2020 CARES Act COVID-19 Indian Housing Plan  
Indian Housing Block Grant by Adding New Eligible Housing Activities  
Beneficial to Prevent and Respond to COVID-19.**

**WHEREAS:**

I. Pursuant to 6 N.N.C. §§ 604, 605, and 616(b)(9) & (b)(14), the NHA Board of Commissioners is empowered with authority to remedy unsafe and unsanitary housing conditions that are injurious to the public health, safety and morals; manage the affairs of the NHA and obligate funding reserves to enhance the living conditions of the Navajo People; take such further actions as are commonly engaged by corporate bodies of this character as the Board may deem necessary and desirable to effectuate NHA's purposes; and

2. On October 26, 1996, the U.S. Congress enacted the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Public Law 104-330, 25 U.S.C. §§ 4101 *et seq.*, to reorganize the housing assistance provided to Native Americans formerly provided under the Housing Act of 1937 by the U.S. Department of Housing and Urban Development (HUD). NAHASDA provides housing assistance that recognizes the rights of Indian self-determination and self-governance with a single block grant program that shifts responsibility for oversight and monitoring to the Tribally Designated Housing Entity (TDHE); and

3. Pursuant to 24 C.F.R. § 1000.202, NHA as the Navajo Nation's TDHE, is an eligible recipient of NAHASDA Block Grants; and

4. The Navajo Nation has been in a Public Health State of Emergency since March 11, 2020 due to COVID-19. It assembled a COVID-19 Preparedness Team to monitor, plan, prepare and coordinate precautionary efforts to address the COVID-19. A Health Command Operations Center was also established within the Department of Health, which is made up of five function areas including Command, Operations, Planning, Logistics and Finance/Administration. Navajo Housing Authority has set upon Incident Command to ensure NHA can continue its critical mission and operations during this Public Health State of Emergency; and

5. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was passed into law on March 27, 2020, to "cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred prior to the date of enactment of this Act."; and

6. NHA was allocated and received CARES Act IHBG funds in the amount of \$22,333,177.00 on June 5, 2020 and pursuant to Resolution NHA-4963-2020 dated April 17, 2020 (hereinafter referred to as "Resolution NHA-4963-2020"), the NHA Board of Commissioners approved an amendment to NHA's FY 2020 Indian Housing Plan (the "Amended FY 2020 IHP") to (i) provide for the implementation of NHA's program activities related to the preparation, prevention and response to the Nation's COVID-19 pandemic relief effort; (ii) approve the inclusion in NHA's Amended FY 2020 IHP, of an additional CARES Act IHBG budget in the total amount of \$22,333,177.00 for such purposes; and

7. In FY 2022, the NHA Executive Management has determined that an amendment to the use of NHA's CARES Act IHBG funds was necessary to add new eligible activities including housing rehabilitation assistance, upgrade and improvement to HVAC systems to improve ventilation to all NHA office buildings, and IT technology and prevention outreach services, all of which are essential to prevent and respond to the COVID-19 pandemic while maintaining the operation and services of NHA; and

8. The NHA Board of Commissioners has determined it is in the best interest of the NHA to amend (i) the Amended FY 2020 IHP for the purpose of reducing and deleting certain program activities from NHA's CARES Act IHBG budget, adding new eligible activities to such budget and allocating new budget costs related thereto to the unused balance of NHA's CARES Act IHBG funds for the purpose of preventing and responding to the COVID-19 pandemic by making such funds available promptly while providing for the orderly administration thereof; and (ii) Resolution NHA-4963-2020 for the purpose set forth herein.

**NOW, THEREFORE, BE IT RESOLVED:**

A. The Board of Commissioners hereby amends Resolution NHA-4963-2020 to approve and include as amendment number one (1) to NHA's CARES Act IHBG Budget contained in NHA's Amended FY 2020 IHP, as set forth in Exhibit "A" attached hereto (hereinafter "Amendment No. 1"), for the purpose of (1) the addition of new eligible activities to NHA's CARES Act IHBG Budget that are beneficial to prevent and respond to the COVID-19 pandemic; and (2) amending NHA's CARES Act IHBG Budget as set forth in Amendment No. 1 for purposes of (i) adding such new eligible activities to such budget, (ii) reallocating budget costs of such new eligible activities to the unused balance of NHA's CARES Act IHBG funds, and (iii) approving the use of such funds and making such funds available from the unused balance of NHA's CARES Act IHBG funds for such purposes.

B. The NHA Board of Commissioners hereby directs and authorizes NHA's Chief Executive Officer to secure, review and obtain approval by the Resources and Development Committee of the Navajo Nation Council for Amendment No. 1 to the NHA's Amended FY 2020 IHP and to secure the Navajo Nation President's signature thereto, in compliance with NAHASDA, prior to its submission to HUD.

C. The Board of Commissioners hereby approves and directs the NHA's Chief Executive Officer and NHA management to make available such funds necessary from NHA's unused balance of CARES Act IHBG funds from the CARES Act IHBG budget contained in NHA's Amended FY 2020 IHP in accordance with the added eligible activities and related costs thereto as set forth in Amendment No. 1 to NHA's CARES Act IHBG Budget contained in NHA's Amended FY 2020 IHP.

**CERTIFICATION**

Commissioner Tammy E. Yazzie moved that the foregoing Resolution NHA-5073-2021 be adopted and this was seconded by Commissioner David N. Sloan.

Same was passed by the following vote:

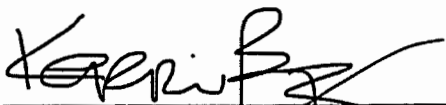
AYES: 3      NAYS: 0      ABSTAINED: 0

The Secretary, thereupon, declared said motion carried and said Resolution **NHA-5073-2021** was adopted this 24th day of March, 2022.



David Sloan, Chairperson  
NHA BOARD OF COMMISSIONERS

ATTEST:



Kerrie L. Begaye, Secretary/Treasurer  
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF: 

LEGAL REVIEW: 

CHIEF EXECUTIVE OFFICER: 



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

OFFICE OF PUBLIC AND INDIAN HOUSING



**SPECIAL ATTENTION OF:**  
Office Directors of Public Housing;  
Regional Directors; Public Housing  
Agencies; Offices of Native American  
Programs; Indian Tribes, and  
Tribally Designated Housing Entities

**NOTICE PIH 2020-05**

Issued: April 10, 2020

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

Cross References: PIH Notice 2018-18; PIH  
Notice 2019-11; PIH Notice 2011-64; 82 FR  
5458 (January 18, 2017); 83 FR 35490 (July  
26, 2018)

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**SUBJECT:** COVID-19 Statutory and Regulatory Waivers for the Public Housing,  
Housing Choice Voucher, Indian Housing Block Grant and Indian Community  
Development Block Grant programs, Suspension of Public Housing Assessment  
System and Section Eight Management Assessment Program

**1. PURPOSE**

Pursuant to the authority provided under the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136), HUD is waiving and establishing alternative requirements for numerous statutory and regulatory requirements for the Public Housing program, Housing Choice Voucher (HCV) program, Indian Housing Block Grant (IHBG) program, and Indian Community Development Block Grant (ICDBG) program. These waivers provide administrative flexibilities and relief to public housing agencies (PHAs), Indian tribes, and tribally designated housing entities (TDHEs) in response to the COVID-19 national emergency. With respect to the Public Housing and HCV programs, use of these waivers is at the discretion of the PHA; however, HUD strongly encourages PHAs to utilize any and all waivers and alternative requirements as necessary to keep public housing and HCV programs operational to the extent practicable.

This notice also provides information on additional actions HUD is taking, including the temporary suspension of the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP).

**2. BACKGROUND**

An outbreak of a respiratory disease caused by a novel (new) coronavirus has as of this date been detected in over 200 countries world-wide, including in the United States. The virus has been named "severe acute respiratory syndrome coronavirus 2" (SARS-CoV-2) and the disease it causes has been named "Coronavirus Disease 2019" ("COVID-19"). On January 31, 2020, Secretary of Health and Human Services Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19. On March 13, 2020, President Trump declared the COVID-19 pandemic a

national emergency.

The Federal Government is working closely with state, local, Tribal, and territorial partners, as well as public health partners, to respond to this public health threat. While various parts of the country are experiencing different levels of COVID-19 activity all 50 states have reported cases of COVID-19 to the Centers for Disease Control and Prevention (CDC).

The COVID-19 pandemic presents significant challenges for HUD and our PHA, Tribal, and TDHE partners to continue to carry out HUD's fundamental mission to provide decent, safe, and sanitary affordable housing for low-income families. Program operations have been severely impacted as PHAs, tribes, and TDHEs comply with critically important advisories and directives from public health professionals, including social distancing and other preventive practices that will slow the spread of COVID-19 and reduce the risk of exposure.

On March 27, 2020, President Trump signed the CARES Act into law, which authorizes over \$2 trillion in emergency assistance and health care response for individuals, families and businesses affected by the COVID-19 pandemic, and emergency appropriations to support Executive Branch agency operations during the COVID-19 pandemic. The CARES Act further provides HUD with broad authority, in the context of the current public health emergency, to waive statutes and regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for the Public Housing and HCV programs, IHBG program, and ICDBG program. Through issuance of this notice, HUD is exercising this authority to provide PHAs, Indian tribes, and TDHEs with flexibility to adjust program practices where necessary to prioritize mission critical functions when normal operations are restricted and severely constrained, further prevent the spread of COVID-19, and mitigate the health risks posed by COVID-19 to PHA, Tribal, and TDHE staff, families, landlords, and their communities at large.

Note that the CARES Act also provides supplemental funding for the Public Housing and HCV programs as well as additional funding flexibilities with Operating and Capital funds for the Public Housing program. HUD will publish additional guidance describing the eligible uses of these additional funds, the allowable fungibility between the Operating and Capital Funds, and the process by which HUD will distribute the funds for the public housing and HCV program. HUD will also publish Implementation Notices in the very near future for both the IHBG and ICDBG programs funded under the CARES Act. These Notices will further describe eligible uses as well as the process by which HUD will distribute these funds.

### **3. CONTINUED OPERATIONS DURING THE COVID-19 NATIONAL EMERGENCY**

The waivers implemented through this notice provide administrative relief and allow for alternative approaches to various aspects of PHA, Tribal, and TDHE operations. With this flexibility, HUD strongly encourages PHAs, Indian tribes, and TDHEs to continue using available funding to house families, keep families in their homes, and conduct critical operations that can be done remotely and safely. Some critical functions for PHAs include, but are not limited to issuing vouchers so families can find housing, processing Requests for

Tenancy Approvals (RFTAs) so families can be approved to move into a unit, processing requests for portability moves, ensuring occupancy of Public Housing units, processing minimum rent hardship exemptions, and completing reexaminations for participants who have experienced a decrease in income. Some critical functions for Indian tribes and TDHEs include but are not limited to ensuring low income Native American families remain housed, alleviating severe overcrowding, and carrying out eligible affordable housing activities.

HUD encourages PHAs, Indian tribes, and TDHEs to apply the waivers authorized in this notice based on local circumstances and needs. HUD also encourages PHAs, Indian tribes, and TDHEs to document and expeditiously implement plans for alternative procedures in order to provide stable housing for some of our country's most vulnerable families. Alternative processes may include electronic transmission of information to families, conducting briefings online, conducting conference calls, or using self-service features on the PHA's, Indian tribe's, or TDHE's website if available, and providing business-reply envelopes or secure drop-box apparatuses for document or rent submission for assisted families that do not have access to the Internet.

PHAs and industry groups are encouraged to work together with each other and with HUD during this challenging time to share ideas on how these critical functions can continue in order to house families. Likewise, it is imperative that Indian tribes, as well as regional and national organizations representing Native American housing interests, work together and with HUD's Office of Native American Programs (ONAP) and its area offices to find and share safe and efficient methods to carry out affordable housing activities to support low-income Indian families and their health in Indian Country and across the nation.

It is important to note that, for the Public Housing and HCV programs, HUD has not provided waiver authority that would allow tenants to stop paying their portion of the rent as determined by the PHA. Thus, it is critically important for PHAs to have revised procedures in place to allow for the timely completion of interim reexaminations for decreases in family income (see further discussion of this topic and the waiver authority/alternative requirement (PH and HCV-3) provided in section 7 of this notice).

#### **4. WAIVER AND ALTERNATIVE REQUIREMENT AUTHORITY**

These waivers and alternative requirements are established under the authority of the CARES Act as well as Secretary Carson's finding that these waivers and alternative requirements are necessary for the safe and effective administration of the Public Housing and HCV programs, consistent with the purposes described under the CARES Act, to prevent, prepare for, and respond to COVID-19.

The Secretary may waive and/or establish alternative requirements for additional statutory and regulatory provisions in addition to these waivers by subsequent notice.

With respect to the waivers and alternative requirements under Native American programs, such waivers and alternative requirements are also established under the authority of the CARES Act and Secretary Carson's finding that all waivers provided under this Notice are

necessary to expedite or facilitate the use of Indian Housing Block Grant and Indian Community Development Block Grant funds to prevent, prepare for, and respond to the coronavirus. HUD plans to continue to issue more waiver relief as the COVID-19 pandemic unfolds, and Indian tribes and TDHEs are encouraged to submit any additional waiver requests to their area ONAPs. HUD will consider all requests and determine whether to approve additional relief.

## **5. WAIVER AND ALTERNATIVE REQUIREMENT APPLICABILITY**

Through this notice HUD is making the waivers and alternative requirements listed in this notice effective immediately for those PHAs that elect to adopt them. PHAs may adopt the use of these waivers at any time during the period of availability (see Section 6 below).

With respect to the Public Housing program, the CARES Act provides that the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under the CARES Act supplemental appropriation, the FY 2020 Operating Fund and Capital Fund appropriations, and any prior Operating Fund or Capital Fund appropriations.

With respect to the HCV program, the CARES Act provides that the Secretary may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under the CARES Act supplemental appropriation or under the FY 2020 Tenant-Based Rental Assistance (TBRA) appropriation. This means the waiver/alternative requirements are applicable to the HCV program, including special purpose vouchers such as Mainstream vouchers, Family Unification Program (FUP) vouchers, and HUD-VASH vouchers, provided that HCV program operations including those special purpose vouchers are supported by amounts provided by the FY 2020 TBRA appropriation (including FY 2020 renewal funding, FY 2020 administrative fees, and FY 2020 new special purpose voucher allocations) or amounts from the CARES Act supplemental appropriation during the period of applicability.

The use of these waivers is at the discretion of the individual PHA. A PHA may choose to apply all, some, or none of the waivers to their Public Housing and HCV programs. (PHAs may continue to request regulatory waivers from HUD in accordance with Notice PIH 2018-16 for waivers that are not covered by this notice, however, the PHA may not implement those waivers until the waiver request is approved by HUD.)

Some of the waivers require the use of alternative requirements. If the PHA adopts a waiver with an alternative requirement, the PHA must comply with all the terms and conditions of the alternative requirement. Please see the individual waiver descriptions for information on the applicable alternative requirements.

PHAs are required to keep written documentation that record which waivers the PHA applied to their programs(s) and the effective dates. A summary of the available waivers/alternative requirements and a suggested format for such documentation is included as an attachment to this notice. A PHA does not need to notify HUD or receive HUD approval to begin utilizing

these waivers/alternative requirements. However, HUD may subsequently require the PHA to provide information to HUD on the waivers used by the PHA and the date the PHA applied the waiver to its program(s).

If a PHA chooses to apply any of the waivers provided for in this notice, the PHA is required to notify residents and owners of any impacts that the waiver and alternative requirement (where applicable) may have on them by whatever means it considers most effective as soon as practicable. HUD recognizes that the COVID-19 public health emergency presents unique challenges from a staffing and communication perspective and encourages PHAs to adapt their communications in consideration of local conditions and resources. For example, a PHA may need to initially provide this notification by placing information on its website and as a voice-mail message and following up with more formal written notice as circumstances allow.

HUD reminds PHAs that all materials, notices, and communications to families regarding the use of the waiver authorities must be clearly communicated and provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations. Section 504 and the ADA require recipients to ensure effective communication with applicants, participants, and members of the public and to provide appropriate auxiliary aids and services where necessary to afford individuals with hearing, vision, and other communication-related disabilities an equal opportunity to access information. PHAs must provide appropriate auxiliary aids and services necessary to ensure effective communication in all notices and communications, which includes ensuring that information is provided in appropriate accessible formats as needed, e.g., Braille, audio, large type, assistive listening devices, and sign language interpreters, accessible websites and other electronic communications (See 24 CFR 8.6, 28 CFR 35.160, and 28 CFR 36.303). PHAs must also continue to take reasonable steps to ensure meaningful access to their programs and activities to Limited English Proficient (LEP) individuals. As an aid to recipients, HUD published Final Guidance to Federal Financial Assistance Recipients: Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (LEP Guidance) in the Federal Register on January 22, 2007 (72 FR 2732). LEP guidance and information is available here: <https://www.federalregister.gov/documents/2007/01/22/07-217/final-guidance-to-federal-financial-assistance-recipients-regarding-title-vi-prohibition-against>

## **6. PERIOD OF AVAILABILITY.**

With respect to the Public Housing and HCV programs, pursuant to the CARES Act, the waivers/alternative requirements are effective for immediate use by PHAs as of the date of this notice. The specific statute and regulation being waived (or solely the regulation if no statutory requirement is being waived), the period of availability, and the alternative requirement (if applicable), are found in sections 7 through 12 of this notice. The period of

availability for these waivers/alternative requirements, collectively or individually, may be extended by PIH notice should HUD determine this to be necessary. PHAs are not required to keep the waiver/ alternative requirement in-place for the full period of availability (including any extension) but may at any time choose to revert to regular program requirements and operations.

The period of availability for the Public Housing and HCV waivers is in most cases either one of short-term or longer-term duration. Short-term waivers generally end on July 31, 2020, while the longer-term waivers typically expire on December 31, 2020. Short term waivers provide PHAs with essential flexibilities when normal operations are severely disrupted. Longer term waivers include waivers that permit PHAs to defer important but less critical functions to focus on their most vital responsibilities and effectively manage their transition back to normal operations. Other waivers have unique dates, such as when the period of availability is dependent on a PHA's fiscal year end date or based on a specific action or activity.

With respect to Native American programs, pursuant to the CARES Act, waivers and alternative requirements provided under the IHBG program and the ICDBG program are deemed to be effective as of the date the Indian tribe or TDHE began preparing for COVID-19. In accordance with the Act, this waiver relief is available only for IHBG funding and ICDBG funding provided under the CARES Act, and IHBG and ICDBG funding appropriated under the FY20 Consolidated Appropriations Act (Public Law 116-94).

The waivers and alternative requirements issued under the IHBG and ICDBG programs are generally available until funds are expended, unless otherwise noted under specific waivers below. HUD is allowing waivers and alternative requirements to remain available to Indian tribes and TDHEs until funds are expended because all funds subject to these waivers and alternative requirements must be used to prevent, prepare for, and respond to COVID-19.

## **7. WAIVERS APPLICABLE TO BOTH PUBLIC HOUSING AND HCV PROGRAMS**

### **PH and HCV-1: PHA 5-Year and Annual Plan Submission Dates, Significant Amendment Requirements**

Statutory Authority: Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), and Section 5A(h)(2) of the United States Housing Act of 1937 (hereafter "the USHA of 1937")  
Regulatory Authority: 24 CFR §§ 903.5(a)(3); 903.5(b)(3), 903.21

**Description:** For all PHAs, after submission of their first 5-Year Plan, all subsequent 5-Year Plans must be submitted once every five PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year. Non-qualified PHAs must also submit their Annual Plan no later than 75 days before the commencement of their fiscal year. Qualified PHAs are not required to submit an annual plan to HUD but are required to hold an annual hearing to discuss proposed plans for the upcoming fiscal year, and are required to submit an annual civil rights certification.

Due to the potential postponement of public hearings due to limitations on large public gatherings, HUD is waiving these requirements, and providing alternative deadlines for some PHAs. Specifically, HUD is establishing an alternative requirement under which PHAs with 6/30/20 or 9/30/20 fiscal year-end (FYE) dates must submit their 5-Year (if due in 2020) and Annual Plans or civil rights certification for qualified PHAs no later than 10/18/20 (75 days before 1/1/21) and PHAs with 12/31/20 FYE dates must submit their 5-Year (if due in 2020) and annual plans no later than 1/16/21 (75 days before 4/1/21). Please see the chart below:

PHA FYE	Revised Submission Requirement	Revised Due Date
6/30/20 and 9/30/20	75 days before 1/1/21	10/18/20
12/31/20	75 days before 4/1/21	1/16/21

Unless HUD subsequently revises this waiver authority and alternative requirement, PHAs with FYE dates of 3/31 are not impacted by this waiver and are required to submit the 5-Year (if due in 2020) and Annual Plan no later than 75 days before the commencement of their fiscal years.

In addition, the statute and regulations further provide that a significant amendment or modification to the Annual Plan may not be adopted until the PHA has duly called a meeting of its board of directors (or similar governing body) and the meeting, at which the amendment or modification is adopted, is open to the public, and that notification of the amendment or modification is provided to and approved by HUD.

HUD is waiving these requirements and establishing an alternative requirement that any change to a PHA policy, except for changes related to Section 18, Section 22, or the Rental Assistance Demonstration (RAD), that would normally trigger significant amendment requirements of the PHA Plan, may be effectuated without completing the significant amendment process.

The PHA is required to notify public housing residents and HCV families of any impacts that the significant amendment may have on them by whatever means it considers most effective as soon as practicable. As noted earlier, HUD recognizes that the COVID-19 public health emergency presents unique challenges from a staffing and communication perspective and encourages PHAs to adapt their communications in consideration of local conditions and resources. For example, a PHA may need to initially provide this notification by placing information on its website and as a voice-mail message and following up with more formal written notice as circumstances allow. All materials, notices, and communications must be clearly communicated and provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act (Section 504) and HUD's Section 504 regulation, and Titles II or III of the Americans with Disabilities Act (ADA) and implementing regulations.

**Period of Availability:** The period of availability for the waiver of the significant amendment process ends on July 31, 2020. The period of availability for the 5-Year/Annual Plan

submission varies depending on the end date of the PHA fiscal year. Please see the description section above.

**PH and HCV-2: Family Income and Composition: Delayed Annual Examinations**

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR § 982.516(a)(1) - HCV

Regulatory Authority: 24 CFR § 960.257(a) - Public Housing

**Description:** PHAs are required to conduct a reexamination of family income and composition at least annually. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving this statutory and regulatory requirement to permit PHAs to delay annual reexaminations of HCV and public housing families. However, if the PHA delays annual reexaminations for HCV families under this authority, it must also comply with the alternative requirement regarding the application of an increase in the payment standard amount during the Housing Assistance Payment (HAP) contract term (see HCV-7 below) if applicable, so as not to delay the application of the increased payment standard amount to the family's HAP calculation.

**Period of Availability:** All annual recertifications due in Calendar Year (CY) 2020 must be completed by December 31, 2020.

**PH and HCV-3: Family Income and Composition: Annual Examination - Income Verification requirements**

Regulatory Authority: 24 CFR § 5.233(a)(2)

Sub-regulatory Guidance: PIH Notice 2018-18

**Description:** PHAs are required to use the Enterprise Income Verification (EIV) System for verification of family income at the annual examination. 24 CFR § 5.233(a)(2) requires PHAs to use EIV as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with §5.236 and administrative guidance issued by HUD. PIH Notice 2018-18 describes the required verification hierarchy process PHAs must follow. HUD understands that documentation may be difficult to obtain as a result of the COVID-19 public health emergency. PHAs are also facing challenges with securely accessing HUD systems while many if not all staff are working remotely.

To address these challenges, HUD is waiving the requirements to use the income hierarchy described by PIH Notice 2018-18 and will allow PHAs to forgo third-party income verification requirements for annual reexaminations, including the use of EIV, if the PHA wishes to conduct the annual recertification rather than delaying the family's annual recertification (as permitted under PH and HCV-2 above).

During the allowable period of availability, PHAs may consider self-certification as the highest form of income verification to process annual reexaminations. This may occur over the telephone (but must be documented by PHA staff with a contemporaneous written record), through an email or postal mail with a self-certification form by the tenant, or through other electronic communications. PHAs are encouraged to incorporate procedures to remind families of the obligation to provide true and complete information when adopting these flexibilities.

PHAs are further reminded that there is no HUD requirement that income and family composition examinations and recertifications must be conducted in-person unless determined necessary as a reasonable accommodation as long as applicable public health guidelines are followed (e.g., social distancing) and any state or local ordinance is followed.

PHAs that conduct annual examinations under this waiver/alternative requirement will be responsible for addressing any material discrepancies that may arise later. For example, if a tenant self-certified that the tenant lost their job, but later the EIV Income Validation Tool (IVT) shows the tenant's employment continued, the PHA must take enforcement action in accordance with their policies and procedures.

Period of Availability: The period of availability to conduct annual reexaminations using these modified verification requirements ends on July 31, 2020.

#### **PH and HCV-4: Family Income and Composition: Interim Examinations**

Statutory Authority: Section 3(a)(1) of the USHA of 1937

Regulatory Authority: 24 CFR § 5.233(a)(2) - HCV and Public Housing

Regulatory Authority: 24 CFR § 982.516(c)(2) - HCV

Regulatory Authority: 24 CFR § 960.257(b) and (d) - Public Housing

Sub-regulatory Guidance: PIH Notice 2018-18

Description: For the HCV and public housing programs, PHAs are required to adopt policies (in their Administrative Plans and Admissions and Continued Occupancy Plans (ACOPs), respectively) prescribing when and under what conditions the family must report a change in family income or composition. However, at any time that a family requests an interim determination of family income or composition because of any changes since the last determination, the PHA must make the interim determination within a reasonable time after the family's request. In most cases, the reason a family requests an interim determination is due to a loss in income or a change in family composition.

PHAs are required to use EIV for verification of family income at interim reexamination. 24 CFR § 5.233(a)(2) requires PHAs to use EIV as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with §5.236 and administrative guidance issued by HUD. PIH Notice 2018-18 further describes the required verification hierarchy process PHAs must follow.

To assist PHAs that may be prioritizing the processing of interim reexaminations due to decreases in family income and mitigate the challenges of transferring documentation during periods of shelter-in-place/stay-at-home efforts in response to the COVID-19 emergency, HUD is waiving the requirements to use the income verification hierarchy as described by PIH Notice 2018-18. HUD will allow PHAs to forgo third-party income verification requirements for interim reexaminations, including the required use of EIV. During the allowable period of eligibility, PHAs may consider self-certification as the highest form of income verification to process interim reexaminations. This may occur over the telephone (with a contemporaneous written record by the PHA staff person), through an email with a self-certification form by the family, or through other electronic communications.

As noted in the previous waiver description, there is no HUD requirement that income and family composition examinations and recertifications must be conducted in-person unless it may be necessary as a reasonable accommodation for a person with a disability as long as applicable public health guidelines are followed (e.g., social distancing) and any local and state ordinances is followed.

PHAs that conduct interim reexaminations under this waiver/alternative requirement will be responsible for addressing any material discrepancies that may arise later. For example, if a tenant self-certified that the tenant lost their job, but later the EIV IVT Report shows the tenant's employment continued, the PHA must take enforcement action that is consistent with its policies and procedures.

PHAs may wish to review and adjust their interim reexamination policies (e.g., revising the PHA requirements when families must report increases in income between annual reexaminations or revising the policy regarding how to determine the effective date of an interim examination). PHAs should see HCV-1 and PH-4 for information on how these types of changes can be expedited.

Period of Availability: The period of availability ends on July 31, 2020.

#### **PH and HCV-5: Enterprise Income Verification (EIV) Monitoring**

Regulatory Authority: 24 CFR § 5.233

Sub-regulatory Guidance: PIH Notice 2018-18

Description: PIH Notice 2018-18 specifies the required monitoring of EIV reports. For example, PHAs are required to monitor the Deceased Tenants Report, the Identity Verification Report, the Immigration Report, the IVT Report, and the Multiple Subsidy Report and the New Hires Report on a monthly basis. Recognizing the challenges PHAs are facing with many if not all staff working remotely, HUD is waiving the mandatory EIV monitoring requirements.

Period of Availability: The period of availability ends on July 31, 2020.

**PH and HCV-6: Family Self-Sufficiency (FSS) Contract of Participation; Contract Extension**

Regulatory Authority: 24 CFR § 984.303(d)

Description: Part 984 establishes the requirements for the Section 8 and Public Housing FSS Program. Section 984.303(d) authorizes a PHA to extend a family's contract of participation for a period not to exceed two years upon a finding of good cause. HUD has made a determination that the circumstances surrounding COVID-19 qualify as "good cause" to extend family contracts, and FSS programs may consider this expanded definition of "good cause" as they make their determinations on each family's eligibility for an extension.

Period of Availability: The period of availability during which the PHA may extend the family's contract of participation using COVID-19 as the "good cause" ends on December 31, 2020.

**PH and HCV-7: Waiting List: Opening and Closing; Public Notice**

Regulatory Authority: 24 CFR § 982.206(a)(2)

Sub-regulatory Guidance: PIH Notice 2012-34

Description: The regulation provides that when a PHA opens its waiting list, the PHA must give public notice by publication in a local newspaper of general circulation and also by minority media and other suitable means. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving this requirement and is providing an alternative requirement that the PHA may provide public notice in a voicemail message on its main or general information telephone number and through its website (if such a PHA website is available). PHAs must comply with applicable fair housing and other civil rights requirements when they provide public notice under this alternative requirement, including ensuring effective communication with persons with hearing, visual, and other communication-related disabilities. PHAs must ensure effective communication with persons with disabilities in all notifications and communications. For example, a PHA that chooses to provide public notice through a voice-mail message must ensure the notice is accessible for persons with hearing impairments, which may include also distributing the notice by email and public postings on websites. The voice-mail notice also must comply with all other applicable civil rights requirements, including ensuring meaningful access for persons with limited English proficiency. See 24 CFR 5.105(a) ("Nondiscrimination and Equal Opportunity").

Period of Availability: The period of availability ends on July 31, 2020.

## **8. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – HOUSING QUALITY STANDARDS (HQS) INSPECTIONS**

**Introduction:** HUD recognizes the unprecedented challenge the COVID-19 pandemic poses to PHAs in carrying out the most essential of their HCV program administrative responsibilities – ensuring that assisted families are living in decent, safe, and sanitary housing. HQS inspections protect the health and safety of HCV families. However, conducting physical inspections of units in many communities during this national emergency poses its own health risks for families, participating owners, and PHA personnel, and may run counter to public health orders, directives, or recommendations such as shelter-in-place or other social distancing practices designed to contain and reduce exposure to COVID-19. In order to provide PHAs with the necessary flexibilities to continue to allow families to lease units and to postpone normally required HQS inspections for units under HAP contract, HUD is authorizing the use of the HQS-related waivers and alternative requirements listed in this section. PHAs are in the best position to determine which (if any) of these waivers should be applied to their HCV programs based on the needs and current conditions in their local communities.

PHAs that delay inspections under these waivers must inspect the units as soon as reasonably possible when it is again safe to do so, but must complete all delayed unit inspections no later than the date specified in this notice (or subsequent extensions provided by HUD). HUD has established relatively short periods of availability for these HQS waivers given the health and safety nature of these requirements. However, HUD will consider extending these HQS waivers and alternative requirements if HUD determines an extension is necessary.

Any PHA that applies any of these waivers to its HCV program retains the right to conduct an HQS inspection on any assisted unit at any time. Likewise, the PHA may always choose to conduct an initial inspection on a unit a family wishes to lease if such an inspection is determined to be warranted by the PHA, regardless of whether the PHA chooses to apply the initial HQS inspection waivers to its HCV program. Crucially, use of any of these waivers by the PHA does not relieve owners of their responsibility to maintain the unit in accordance with HQS as required in the HAP contract, nor does it in any way restrict the PHA from taking action to enforce the owner's obligations. Furthermore, use of any of these waivers by the PHA does not create any right in any third party (such as with the assisted family) to require enforcement of the HQS requirements by HUD or the PHA, or to assert any claim against HUD or the PHA, for damages, injunction or other relief, for alleged failure to enforce the HQS (see § 982.407).

### **HQS-1: Initial Inspection Requirements**

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(o)(8)(C) of the USHA of 1937  
Regulatory Authority: 24 CFR §§ 982.305(a), 982.305(b), 982.405

**Description:** Section 8(o)(8)(A)(i) requires that the PHA must inspect the unit before any assistance payment is made to determine whether the unit meets HQS. Section 8(o)(8)(C)

requires the PHA to conduct the initial inspection within certain time frames after receiving the RFTA. Section 982.305 provides that the PHA may not approve the assisted tenancy or execute a HAP contract until the unit has been inspected by the PHA and passes HQS. Additionally, Section 982.305 requires that the PHA must inspect the unit to determine that the unit satisfies the HQS before the beginning of the initial lease term, and that the PHA must perform this inspection within either 15 days or within a reasonable time depending on the size of the PHA.

HUD is waiving these requirements and providing an alternative requirement. In order to place the unit under HAP contract and commence making payments, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question instead of conducting an initial inspection. At minimum the PHA must require this owner certification. However, the PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so. The PHA is required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than October 31, 2020.

This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability for PHAs to accept owner's self-certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self-certification ends on October 31, 2020.

#### **HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections, PHA Acceptance of Completed Units**

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937  
Regulatory Authority: 24 CFR §§ 983.301(b), 983.156(a)(1)

Description: The statute and regulations at § 983.301(b) provide that the PHA must inspect each contract unit before execution of the HAP contract and that the HAP contract may not be executed until the units fully comply with HQS. For rehabilitated and newly constructed units, § 983.156(a)(1) further provides that the PHA must inspect the units to determine if the housing has been completed in accordance with the Agreement to Enter into the HAP Contract (AHAP), including compliance with the HQS and any additional requirement imposed by the PHA under the Agreement.

HUD is waiving the HQS inspection requirement and establishing an alternative requirement. Instead of conducting the pre-HAP contract HQS inspection, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. At minimum the PHA must require the owner's certification. However, the PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so. The PHA is

required to conduct an HQS inspection on the unit as soon as reasonably possible but no later than October 31, 2020.

If the PHA has imposed an additional requirement under the AHAP for newly constructed or rehabilitated projects, the PHA may choose to allow the owner to certify that the PHA requirement has been met instead of inspecting the housing to make that determination.

This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability for PHAs to accept owner's self-certification for the pre-HAP inspection/completion of work requirement ends on July 31, 2020. The period of availability for the PHA to complete all delayed inspections on units placed under a HAP contract based on the owner's self-certification ends on October 31, 2020.

### **HQS-3: Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option**

Statutory Authority: Section 8(o)(8)(A)(ii) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

Description: Section 8(o)(8)(A)(ii) provides the PHA with the option to choose to approve an assisted tenancy, execute the HAP contract, and begin making housing assistance payments on a unit that fails the initial HQS inspection, provided the unit's failure to meet HQS is the result only of NLT conditions. The statute further requires that the PHA must withhold housing assistance payments from the owner if the NLT conditions are not corrected within 30 days.

HUD is waiving the requirement that the PHA must withhold the payment if the NLT repairs are not made in 30 days. Instead, the PHA may provide an extension of up to an additional 30 days to the owner to make the NLT repairs and continue to make payments to the owner during the period of that maximum 30-day extension. If the owner has not made the NLT repairs by the end of the PHA extension period, the PHA must withhold payments.

This NLT initial inspection option is available to the PHA for both tenant-based units and project-based units. This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability for the PHA to approve an extension of up to an additional 30 days ends on July 31, 2020. The extension to make the NLT repairs may extend beyond July 31, 2020, depending on the date the PHA approved the extension. For example, if the PHA approved the extension on July 15<sup>th</sup>, the maximum extension provided to the owner would be August 15<sup>th</sup>.

#### **HQS-4: HQS Initial Inspection Requirement – Alternative Inspection Option**

Statutory Authority: Section 8(o)(8)(A)(iii) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act (HOTMA) of 2016: Implementation of Various Section 8 Voucher Provisions, 82 Fed. Reg. 5458 (Jan. 18, 2017)

Description: Section 8(o)(8)(A)(iii) provides the PHA with the option to authorize occupancy of a unit prior to the initial inspection being completed if the unit had in the previous 24 months passed an alternative inspection. Under the statute the PHA may then make assistance payments retroactive to the beginning of the lease term once the unit had been determined to meet HQS pursuant to the PHA's inspection. The HOTMA HCV Federal Register Notice that implemented this statutory option further provided that the PHA must inspect the unit within 15 days of the RFTA.

HUD is waiving the requirement that the PHA must conduct its own inspection of the unit in order to commence making assistance payments under the Initial Inspection – Alternative Inspection option. Under this waiver and alternative requirement, the PHA may commence assistance payments at the beginning of the lease term based on the alternative inspection and the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question. At minimum, the PHA must require this owner certification. The PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so. The PHA must conduct the HQS inspection for the unit for which it has commenced assistance payments under this waiver authority as soon as reasonably possible but no later than October 31, 2020.

This initial inspection option is available to the PHA for both tenant-based units and project-based units.

This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability for the waiver to place a unit under HAP contract and commence payments ends on July 31, 2020. The period of availability for the PHA to inspect a unit placed under HAP contract under this waiver authority is October 31, 2020.

#### **HQS-5: HQS Inspection Requirement – Biennial Inspections**

Statutory Authority: Section 8(o)(D) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.405(a), 983.103(d)

Description: The statute and the regulations require the PHA to inspect the unit not less often than biennially during the term of the HAP contract. (Per the recent Federal Register Notice,

85 Fed. Reg. 11381 (Feb. 27, 2020), small rural PHAs may instead inspect the unit not less often than triennially, but since small rural PHAs do not have the authority to begin using a three-year inspection interval until after the next scheduled inspection after Feb. 27, 2020 is carried out, the majority of small rural PHAs have not yet moved from a biennial to a triennial requirement.) HUD is waiving this requirement and is allowing PHAs to delay biennial inspections for both tenant-based and PBV units. All delayed biennial inspections must be completed as soon as reasonably possible but no later than October 31, 2020.

This waiver and alternative requirement may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability ends on October 31, 2020.

#### **HQS-6: HQS Interim Inspections**

Statutory Authority: Section 8(o)(8)(F) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.405(g), 983.103(e)

Description: The statute requires that upon notification to the PHA by a family or government official that the assisted unit does not comply with the HQS, the PHA must inspect the unit within 24 hours of when the PHA received the notification if the condition is life-threatening. 24 CFR 982.405(g) provides that if the reported condition is not life-threatening, the PHA must inspect the unit within 15 days. The regulation further provides that in the event of extraordinary circumstances HUD may waive the 24-hour or the 15-day inspection requirement until such time as an inspection is feasible.

HUD is waiving these requirements and establishing an alternative requirement for both tenant-based and PBV units. If the reported deficiency is life-threatening, the PHA must notify the owner of the reported life-threatening deficiency and that the owner must either correct the life-threatening deficiency within 24 hours of the PHA notification or provide documentation (e.g., text or email a photo to the PHA) that the reported deficiency does not exist. In the case of a reported non-life-threatening deficiency, the PHA must notify the owner of the reported deficiency within 30 days and the owner must either make the repair or document that the deficiency does not exist within 30 days of the PHA notification or any approved PHA extension. The PHA may add other requirements or conditions in addition to the owner's documentation but is not required to do so.

As is the case under the current HCV program requirements, the PHA is not required to conduct an on-site inspection to verify the repairs have been made but may rely on alternative verification methods (e.g., photos submitted by the owner, tenant certification, etc.).

This waiver may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability ends on July 31, 2020. After July 31, 2020, the PHA must conduct the HQS inspection in accordance with the applicable time periods upon notification by a family or government official that the assisted unit does not comply with the HQS.

#### **HQS-7: PBV Turnover Unit Inspections**

Regulatory Authority: 24 CFR § 983.103(c)

Description: The regulation requires that before providing assistance to a new family in a PBV contract unit, the PHA must inspect the unit. HUD is waiving this regulatory requirement and providing as an alternative requirement the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question to allow a new family to occupy the vacated PBV unit. At minimum the PHA must require this owner certification. However, the PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so. The PHA is required to conduct the HQS inspection on the unit as soon as reasonably possible, but no later than October 31, 2020.

This waiver may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability to fill a turnover PBV unit without conducting an HQS inspection ends on July 31, 2020. The period of availability for completing inspections for turnover PBV units that were reoccupied without an HQS inspection under this waiver authority ends on October 31, 2020.

#### **HQS-8: PBV HAP Contract – HQS Inspections to Add or Substitute Units**

Statutory Authority: Section 8(o)(8)(A) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 983.207(a), 983.207(b)

Description: At the discretion of the PHA and subject to all PBV requirements (including the program cap and income-mixing requirements), the PHA may amend the HAP contract to add additional PBV contract units or to substitute a different unit for a previously covered contract unit. The PBV requirements include inspecting the proposed substitute or additional unit to determine that the unit meets HQS before it may be added to the HAP contract.

HUD is waiving the HQS inspection requirement. In order to substitute or add a new unit to the PBV HAP contract, the PHA may rely on the owner's certification that the owner has no reasonable basis to have knowledge that life threatening conditions exist in the unit or units in question instead of conducting an initial inspection. At minimum, the PHA must require the owner's certification. However, the PHA may add other requirements or conditions in addition to the owner's certification but is not required to do so.

This waiver may also be applied to PHA-owned units if the independent entity is unable to perform the inspection.

Period of Availability: The period of availability for PHAs to accept owner's self-certification for an initial inspection ends on July 31, 2020. The period of availability for the PHA to inspect a unit that was placed under HAP contract based on the owner's self-certification ends on October 31, 2020.

#### **HQS-9: HQS Quality Control Inspections**

Regulatory Authority: 24 CFR § 982.405(b)

Description: The regulations require PHAs to conduct supervisory quality control inspections of a sampling of units under contract. HUD is waiving this regulatory requirement.

Period of Availability: The period of applicability ends on October 31, 2020.

#### **HQS-10: Housing quality standards; Space and Security**

Regulatory Authority: § 982.401(d)

Description: The regulation establishes a minimum standard for adequate space for both an HCV and PBV -assisted family. Specifically, it requires that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons. HUD is waiving this requirement for PHAs where the PHA wishes to assist a current participant that needs to add a member or members to the assisted household as a result of the COVID-19 emergency, and the additional family members would result in the unit not meeting the space and security standards. This provision does not apply to an initial or new lease. A participant must not enter into a new lease for a unit that does not comply with the space and security standards.

Period of availability: For any family occupying a unit that does not meet the space and security requirements pursuant to this waiver, the waiver will be in effect for the duration of the current lease term or one year from the date of this notice, whichever period of time is longer.

#### **HQS-11: Homeownership Option – Initial HQS Inspection**

Statutory Authority: Section 8(o)(8)(A)(i), Section 8(y)(3)(B) of the USHA of 1937  
Regulatory Authority: 24 CFR § 982.631(a)

Description: The statute provides that HQS re-inspections are not required for

homeownership vouchers but does not exempt the unit from the initial HQS inspection. The regulation provides that the PHA may not commence monthly homeownership assistance payments until the PHA has inspected the unit and determined that the unit passes HQS. HUD is waiving this requirement. However, the family is still required to obtain an independent professional inspector in accordance with § 982.631(b)(1) and the PHA is still required to review the independent inspection and has discretion to disapprove the unit for assistance under the homeownership option because of information in the inspection report in accordance with § 982.631(b)(4).

Period of Availability: The period of availability ends on July 31, 2020.

## **9. HOUSING CHOICE VOUCHER PROGRAM WAIVERS – GENERAL**

### **HCV-1: Administrative plan**

Regulatory Authority: 24 CFR § 982.54 (a)

Description: The regulation requires that any revisions of the PHA's administrative plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. Recognizing the foreseeable difficulties in complying with this requirement in light of the COVID-19 emergency, HUD is waiving the requirement to allow the PHA administrative plan to be revised on a temporary basis without Board approval. As an alternative requirement any informally adopted revisions under this waiver authority must be formerly adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020.

Period of Availability: The period of availability ends on July 31, 2020.

### **HCV-2: Information When Family is Selected - PHA Oral Briefing**

Regulatory Authority: 24 CFR § 982.301(a)(3), § 983.252(a)

Description: The regulation requires when the PHA selects a family to participate in either the HCV or PBV program, the PHA must give the family an oral briefing. HUD is waiving this requirement and as an alternative requirement allowing the PHA to conduct the briefing by other means such as a webcast, video call, or expanded information packet. Section 504 and the ADA require PHAs to ensure effective communication with applicants, participants and members of the public in all communications and notices. The PHA must ensure that the method of communication for the briefing effectively communicates with, and allows for equal participation of, each family member, including those with vision, hearing, and other communication-related disabilities, and ensures meaningful access for persons with limited English proficiency.

Period of Availability: The period of availability ends on July 31, 2020.

### **HCV-3: Term of Voucher – Extensions of Term**

Regulatory Authority: 24 CFR § 982.303(b)(1)

Description: The regulation provides that at its discretion, the PHA may grant a family one or more extensions of the initial voucher term in accordance with the PHA policy as described in the PHA administrative plan. HUD is waiving the requirement that the extension(s) must be in accordance with the PHA's administrative plan in order to allow the PHA to provide extensions even though it has been unable to formally amend its policy in the administrative plan.

Period of Availability: The period of availability ends on July 31, 2020.

### **HCV-4: PHA Approval of Assisted Tenancy – When HAP Contract is Executed**

Regulatory Authority: 24 CFR § 982.305(c)

Description: The PHA may not make any housing assistance payments to the owner until the HAP contract is executed. The regulation provides that PHA must use best efforts to execute the HAP contract before the beginning of the lease term and that the HAP contract must be executed no later than 60 days from the beginning of the lease term. Any HAP contract executed after the 60-day period is void and the PHA may not pay any housing assistance payments to the owner. HUD is waiving the regulatory requirement to allow PHAs to execute the HAP contract after the 60-day deadline has passed and make housing assistance payments back to the beginning of the lease term. However, the PHA and owner must execute the HAP contract no later than 120 days from the beginning of the lease term.

Period of Availability: The period of availability to execute the HAP contract after the normally 60-day period from the beginning of the lease term ends on July 31, 2020.

### **HCV-5: Absence from Unit**

Regulatory Authority: 24 CFR § 982.312

Description: The regulation requires that a family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. HUD is waiving this regulatory requirement to allow the PHA at its discretion to continue housing assistance payments and not terminate the HAP contract due to extenuating circumstances (e.g., hospitalization, extended stays at nursing homes, caring for family members).

Period of Availability: The period of availability for the PHA to choose to continue making HAP payments despite the family's absence of more than 180 consecutive days ends on

December 31, 2020. The PHA may not make payments beyond December 31, 2020, and the HAP contract will terminate on that date if the family is still absent from the unit.

**HCV-6: Automatic Termination of HAP contract**

Regulatory Authority: 24 CFR § 982.455

Description: When an HCV family's income increases to the extent that the housing assistance payment is reduced to \$0, PHAs are required by this regulation to automatically terminate HAP contracts 180 days after the last housing assistance payment to the owner. In recognition that the COVID-19 emergency is creating economic and employment instability for many families, as well as situations where families may on a temporary basis be adding members whose additional income may result in a \$0 HAP subsidy calculation, HUD is waiving this requirement. As an alternative requirement, the PHA, upon written notice to the owner and family, may extend the period of time following the last payment to the owner that triggers the automatic termination of the HAP contract. The extension beyond the normally applicable 180 days is determined by the PHA but may not extend beyond December 31, 2020.

Period of Availability: The period of availability for the extension ends December 31, 2020. The PHA may not extend the HAP contract beyond December 31, 2020.

**HCV-7: Increase in payment standard under HAP contract term**

Regulatory Authority: 24 CFR § 982.505(c)(4)

Description: The regulation requires that if the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

HUD is waiving this requirement and as an alternative requirement allowing the PHAs to apply the increased payment standard at any time (e.g., interim reexamination, owner rent increase) after the effective date of the increase in the payment standard amount, provided the increased payment standard is used to calculate the HAP no later than the effective date of the family's first regular reexamination following the change.

Note that if the PHA has delayed the family's annual recertification under the waiver authority described earlier in this notice (see PH and HCV-2), the PHA must use the increased payment standard amount to calculate the family's HAP beginning the date that the family's first regular examination would have been effective in the absence of the waiver. Alternatively, the PHA may conduct an interim reexamination where the only change is the increased payment standard amount. Regardless of the method used, the participant must

receive the increased payment standard no later than the effective date of the family's first regular reexamination following the increased payment standard.

Period of Availability: The waiver period of availability ends on December 31, 2020.

**HCV-8: Utility allowance schedule – required review and revision**

Regulatory Authority: 24 CFR § 982.517

Description: The regulations require the PHA to review its schedule of utility allowances each year and revise its allowance for a utility category if there has been a change of 10 percent or more in the utility rate since the last time the utility allowance schedule was revised. HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances.

Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed no later than December 31, 2020.

**HCV-9: Homeownership Option – Homeownership counseling**

Statutory Authority: Section 8(y)(1)(D) of the USHA of 1937

Regulatory Authority: 24 CFR §§ 982.630, 982.636(d)

Description: The statute requires that to be eligible for voucher homeownership assistance the family must participate in a homeownership and housing counseling program provided by the agency. The regulations at § 982.630 provide that before commencement of homeownership assistance for a family, the family must attend and satisfactorily complete the pre-assistance homeownership and housing counseling program required by the PHA. The regulations at § 982.636(d) provide that a family determined eligible for homeownership is moving under portability may purchase a unit if the receiving PHA is administering a voucher homeownership program and is accepting new homeownership families. However, the family must attend the briefing and counseling sessions required by the receiving PHA.

While HUD encourages families to continue to complete briefing and counseling sessions that are operational and can be accomplished in accordance with social distancing directives, HUD is waiving these requirements to allow the PHA to permit the family to purchase the home without fulfilling the normally applicable pre-assistance homeownership counseling requirements.

Period of Availability: The period of availability ends on July 31, 2020.

**HCV-10: Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract**

Statutory Authority: Section 8(x)(2) of the USHA of 1937

Description: The statute provides that a FUP youth must be not more than 24 years of age (not yet reached their 25<sup>th</sup> birthday) to be eligible to be placed under HAP contract. A FUP youth issued a voucher at 24 years of age may not be able to lease the voucher before their 25<sup>th</sup> birthday where PHA operations may have been shut down or severely curtailed, unit searches are not possible due to shelter-in-place orders, or where the movement of people is significantly restricted.

HUD is waiving this requirement and providing as an alternative requirement that the PHA may execute a HAP contract on behalf of any otherwise eligible FUP youth not more than 25 years of age (not yet reached their 26<sup>th</sup> birthday).

Period of Availability: The period of availability ends on December 31, 2020.

**10. PUBLIC HOUSING PROGRAM WAIVERS**

**PH-1: Fiscal Closeout of Capital Grant Funds**

Regulatory Authority: 24 CFR § 905.322(b)

Description: Section 905.322(b) establishes deadlines for the submission of an Actual Development Cost Certificate (ADCC) and an Actual Modernization Cost Certificate (AMCC) (two financial reporting documents required to close out Capital Fund grants). Specifically, the ADCC must be submitted 12 months from the date of completion or HUD termination of a development activity, and the AMCC must be submitted not later than 12 months from the activity's expenditure deadline. HUD is waiving this requirement and extending the deadlines for an ADCC or AMCC that fell between March 1, 2020, and September 30, 2020, by 6 months.

Period of Availability: Applies to DDCC and AMCC forms due between March 1 and September 30, 2020.

**PH-2: Total Development Costs**

Regulatory Authority: 24 CFR § 905.314(c)

Description: The public housing regulations establish a Maximum Project Cost which represents the total amount of Public Housing Funds that may be used for development of a

public housing project. The Total Development Cost (TDC) and Housing Construction Cost (HCC) limits are published periodically by HUD. These limits may not be exceeded without a waiver approved by HUD or an exception approved by HUD pursuant to 24 CFR § 905.314(c).

HUD is waiving the TDC and HCC limits to allow the amount of Public Housing Funds committed to development of a project to exceed the applicable TDC and HCC limits by 25% without a waiver from HUD. Amounts in excess of 25% up to 50% may be approved by the HUD program office on a case-by-case basis, if sufficient justification is provided. This waiver applies to public housing development, Mixed-Finance development and Choice Neighborhoods development. However, all other requirements of development set forth in 24 CFR § 905.600 still apply. HUD recognizes that COVID-19 may seriously impact development costs. The lack of available labor; shortage of materials; extended development timeframes; and changes in financial markets, all have the potential to increase development costs above the established HUD TDC and HCC limits.

If a project still exceeds TDC and HCC limits after the increase approved by HUD is taken into consideration, then a PHA may submit a request for an exception pursuant to 24 CFR § 905.314(c) or request a waiver for other good cause for HUD's consideration.

Period of Availability: A complete Development Proposal must be submitted to HUD no later than December 31, 2021 for a project to be eligible for this waiver.

### **PH-3: Cost and Other Limitations; Types of Labor**

Regulatory Authority: 24 CFR § 905.314(j)

Description: This regulation establishes that non-high performer PHAs may use force account labor for modernization activities only when the use of force account labor for such activities has been included in a Capital Fund Program 5-Year Action Plan that is approved by the PHA Board of Commissioners and HUD. HUD will waive this requirement to allow for the use of force account labor for modernization activities even if this activity has not been included in the non-high performer PHA's 5-Year Action Plan.

Period of Availability: The period of availability ends on December 31, 2020.

### **PH-4: ACOP: Adoption of Tenant Selection Policies**

Regulatory Authority: 24 CFR § 960.202(c)(1)

Description: The regulation requires that the PHA policies in the ACOP must be duly adopted and implemented. HUD is waiving this requirement to permit PHAs to adopt and implement changes to the ACOP on an expedited basis, without formal board approval. As an alternative requirement, any informally adopted revisions under this waiver authority must

be formally adopted as soon as practicable following June 30, 2020, but no later than July 31, 2020. Please note that the requirement for tenant selection policies to be consistent with the fair housing and equal opportunity at § 5.105 remains in effect.

Period of Availability: The period of availability ends on July 31, 2020.

**PH-5: Community Service and Self-Sufficiency Requirement (CSSR)**

Statutory Authority: Section 12(c) of the USHA of 1937

Regulatory Authority: 24 CFR § 960.603(a) and 960.603(b)

Description: The statute and regulations require that each adult resident of public housing, except for any family member that is exempt, must contribute 8 hours per month of community service or participate in an economic self-sufficiency program or a combination of both. A family's noncompliance with the service requirement is grounds for non-renewal of the lease at the end of the lease term. HUD is waiving this requirement and is alternatively suspending the community service and self-sufficiency requirement. If a PHA adopts this waiver, tenants will not be subject to this requirement until the family's next annual reexamination. Upon the family's next annual reexamination, PHAs should report on Form HUD-50058 each individual's CSSR status as either exempt for those that are exempt, or pending for those that are otherwise eligible but for which the suspension prevents a housing authority from determining compliance. After a PHA completes an annual reexamination for any family, the CSSR becomes effective again for family members for the subsequent annual reexamination cycle.

Period of Availability: The period of availability ends on March 31, 2021.

**PH-6: Energy Audits**

Regulatory Authority: 24 CFR § 965.302

Description: PHAs are required by this regulation to complete an energy audit for each PHA-owned project not less than once every five years. Due to shelter-in-place orders, and closures of many non-essential businesses, access to qualified energy auditors is likely to be limited during the period of time that the coronavirus is impacting the program. Therefore, HUD is waiving this requirement and is alternatively suspending the performance of the audits for one year for those that were due before December 31, 2020.

Period of Availability: The period of availability is one year beyond the date of the energy audit deadline in 2020 for the impacted project.

#### **PH-7: Over-Income Families**

Statutory Authority: Section 16(a)(5) of the USHA of 1937

Regulatory Authority: Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit (83 FR 35490, July 26, 2018)

Sub-regulatory Guidance: Notice PIH 2019-11

Description: PHAs are required by statute and the Federal Register Notice to terminate or charge an alternative rent to families whose income exceeds the program maximum income level for two consecutive years. HUD defined the two-year time period as two consecutive reexamination cycles. In order to be consistent with the delay in annual reexaminations permitted under waiver PH and HCV-2, HUD is waiving this requirement and is permitting families to remain in their units and to continue to pay the same rental amount until such time that a PHA conducts the next annual income recertification that would impact the family. In order to adopt this waiver, PHAs must also adopt a waiver under PH and HCV-2.

Period of Availability: The period of availability ends on December 31, 2020.

#### **PH-8: Resident Council elections**

Regulatory Authority: 24 CFR § 964.130(a)(1)

Description: The regulations require that resident councils must adhere to certain minimum standards regarding election procedures, including that all procedures must assure fair and frequent elections of resident council members—at least once every three years for each member. HUD recognizes that conducting resident council elections may not be possible as a result of COVID-19 public health actions. HUD is waiving the regulation to allow PHAs to delay resident council elections beyond the three-year limit if necessary. However, the delayed resident council election must be rescheduled and held as soon as reasonably possible once circumstances permit, after July 31, 2020.

Period of Availability: The period of availability of this waiver ends on July 31, 2020.

#### **PH-9: Review and Revision of Utility Allowances**

Regulatory Authority: 24 CFR § 965.507

Description: The regulations require the PHA to review at least annually the basis on which utility allowances have been established and revise allowances if required on the basis of that review. Due to shelter-in-place orders, and closures of many non-essential businesses, PHAs are encouraged to focus administration on critical program functions. Further, access to information on changing utility rates may be limited in some jurisdictions. Therefore, HUD is waiving this requirement to allow PHAs to delay the review and update of utility allowances.

Period of Availability: Any review and update of utility allowances that were due at some point in time in CY 2020 must be completed by the end of 2020.

**PH-10: Tenant Notifications for Changes to Project Rules and Regulations**

Regulatory Authority: 24 CFR § 966.5

Description: PHAs are required by this regulation to provide 30-day notice to impacted families for changes to policies, rules and special charges to families. HUD is waiving the requirement to provide such advance notice, except advance notice must be provided for any changes related to tenant charges. Although HUD is waiving the advanced notice, PHAs must still provide adequate notification to impacted families within 30 days of making such changes.

Period of Availability: The period of availability ends on July 31, 2020.

**11. PHAS, SEMAP, and Uniform Financial Reporting Standards**

**a. PHAS**

Regulatory Authority: 24 CFR Part 902

Description: Part 902 sets out the indicators by which HUD measures the performance of a PHA. The indicators measure a PHA's physical condition, financial condition, management operations, and Capital Fund obligation and occupancy. HUD is waiving this inspection requirement and is alternatively postponing physical inspections for all PHAs until further notice, except where there is a threat to life or property. HUD will primarily rely on residents' complaints and potentially other sources such as news articles, Congressional inquiries and field office requests to identify threat to life or property.

Further, for PHA that had a PHAS score pending as of the date of this notice, and for any PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new PHAS score unless the PHA requests that a new PHAS score be issued. HUD will instead carry forward the most recent PHAS score on record.

Period of Availability: HUD will resume issuing new PHAS scores beginning with PHAs with fiscal year end dates of March 31, 2021.

**b. SEMAP**

Regulatory Authority: 24 CFR Part 985

Description: Part 985 sets out the requirements by which Section 8 tenant-based assistance programs are assessed. For PHAs that have a SEMAP score pending as of the date of this notice, and for any PHA with a fiscal year ending on or before December 31, 2020, HUD will not issue a new SEMAP score unless the PHA requests a that new SEMAP score be issued. HUD will instead carry forward the most recent SEMAP score on record.

Period of Availability: HUD will resume issuing new SEMAP scores beginning with PHAs with fiscal year end dates of March 31, 2021.

**c. Uniform financial reporting standards; Filing of financial reports; Reporting Compliance Dates**

Regulatory Authority: 24 CFR §§ 5.801(c), 5.801(d)(1)

Description: Section 5.801 establishes uniform financial reporting standards (UFRS) for PHAs (and other entities). Section 5.801(c) requires that PHAs submit financial information in accordance with 24 CFR § 5.801(b) annually, not later than 60 days after the end of the fiscal year of the reporting period. Section 5.801(d)(1) requires that PHAs submit their unaudited financial statements not later than 60 calendar days after the end of their fiscal year, and that PHAs submit their audited financial statements not later than 9 months after the end of their fiscal year.

HUD is waiving these requirements and is providing the alternative requirements for the following PHAs:

- (1) PHAs with a FYE of June 30, 2019; September 30, 2019; December 31, 2019; and March 31, 2020, and a deadline to submit audited financial information in accordance with 24 CFR § 5.801(b) and (d); and

FYE	Due Date	Extended Due Date
6/30/2019	3/31/2020	9/30/2020
9/30/2019	6/30/2020	12/31/2020
12/31/2019	9/30/2020	3/31/2021
3/31/2020	12/31/2020	6/30/2021

- (2) PHAs with a FYE of December 31, 2019 and March 31, 2020, and a deadline to submit unaudited financial information in accordance with 24 CFR § 5.801(b) and (d).

FYE	Due Date	Extended Due Date
12/31/2019	2/29/2020	8/31/2020
3/31/2020	5/31/2020	11/30/2020

Period of Availability: Varies by PHA by FYE, see description for details.

## 12. Other Waivers and Administrative Relief.

### a. PHA Reporting Requirements on HUD Form 50058.

Regulatory Authority: 24 CFR Part 908, § 982.158

Sub-regulatory Guidance: PIH Notice 2011-65

Description: PHAs must submit form HUD-50058 no later than 60 calendar days from the effective date of any action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW. The Notice states HUD will monitor timeliness of reporting and may sanction a PHA for late reporting.

HUD recognizes that PHAs that implement waivers and alternative requirements under this notice likely will submit form HUD-50058 later than 60 calendar days from the effective date of certain actions, particularly related to reexaminations and inspections. HUD is waiving the 60-day deadline and providing that PHAs must submit form HUD-50058 or HUD-50058 MTW for transactions impacted by implemented waivers and alternative requirements within 90 days of the effective date of action.

Although this waiver provides up to 90 days for PHAs to submit HUD-50058 forms into IMS-PIC, HUD encourages those PHAs that have operational capacity to do so to continue submitting HUD-50058 forms within the normal 60-day timeframe.

PIH recognizes this Notice and any subsequent Notices providing waiver authority to HUD-50058 submission requirements could impact the PHA's ability to submit HUD-50058 forms into the IMS-PIC system and potentially result in fatal errors. In order to minimize the occurrence of these errors resulting from implementing these waivers, PIH will be issuing guidance in the near future that will provide PHAs with workarounds to avoid any potential issues in the PIC system.

For PHAs that submit HUD-50058 forms and receive a fatal error, PIH will not require these HUD-50058 forms to be re-submitted consistent with the waiver of reporting provisions in the Notice. PIH encourages these PHAs to not re-submit these forms until

after PIH issues the revised guidance for HUD-50058 reporting. For PHAs that submit HUD-50058 forms successfully in the interim period before the new reporting guidance is issued, PIH may require corrections to these HUD-50058 forms and re-submission to IMS-PIC.

Period of Availability: The period of availability ends December 31, 2020.

**b. Designated Housing Plans – HUD 60 Day Notification**

Statutory Authority: Section 7(e)(1) of the USHA of 1937

Description: The statute requires HUD to notify PHAs that have submitted a Designated Housing Plan whether the plan complies with the requirements to establish the designation of a project for occupancy by elderly and/or disabled families no later than 60 days after receiving the plan. Under the statute, if HUD does not respond within 60 days the plan is considered accepted. HUD is temporarily waiving this deadline to ensure that it can review and adequately address any fair housing concerns while its operations are impacted by the COVID-19 emergency but will complete Designated Housing Plan reviews as expeditiously as possible. HUD is waiving the 60-day notification requirement for those plans submitted after March 1, 2020.

Period of Availability: This waiver ends on July 31, 2020, unless subsequently extended by HUD.

**c. Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds**

Statutory Authority: Section 9(j)

Regulatory Authority: 24 CFR § 905.306(d)(5) and 905.306(f)

Description: Section 9(j)(1) requires PHAs to obligate Capital Funds not later than 24 months after the date on which the funds became available, or the date on which the PHA accumulates adequate funds to undertake modernization, substantial rehabilitation, or new construction of units, plus the period of any extension approved under Section 9(j)(2). Section 9(j)(5)(A) requires a PHA to expend Capital Funds not later than four years after the date on which the funds become available for obligation, plus the period of any extension approved under section 9(j)(2). Section 9(j)(2) authorizes the Secretary to extend the time period for the obligation of Capital Funds for such period as the Secretary determines necessary if the Secretary determines that the failure of the PHA to obligate assistance in a timely manner is attributable to an event beyond the control of the PHA. The authority for extension of the section 9(j) obligation and extension deadlines for an event beyond the control of the PHA is also found in the implementing regulation at 24 CFR § 905.306 (d)(5). The regulations do not permit extensions of the expenditure dates other than for the period of time of a HUD-approved extension of the obligation deadline.

Period of Availability: HUD is extending both the obligation end date and the expenditure end date for all open Capital Fund grants by one year from the current obligation and expenditure end date; however, no programmatic expenditure end date shall be extended beyond one month prior to the closure of the relevant appropriation account, pursuant to 31 U.S.C. § 1552.

### **WAIVERS APPLICABLE TO NATIVE AMERICAN PROGRAMS**

#### **13. Waivers and Alternative Requirements Applicable to the IHBG Program Under the Native American Housing Assistance and Self-Determination Act of 1996, as amended, (NAHASDA).**

Introduction: The following waivers and alternative requirements apply only to new IHBG funding provided under the CARES Act (IHBG-CARES grants), and FY2020 IHBG formula funds under the Further Consolidated Appropriations Act, 2020. IHBG recipients are reminded that these waivers and alternative requirements do not apply to IHBG funds appropriated in any other prior year. In applying these waivers and alternative requirements, IHBG recipients must ensure that they are doing so only with respect to IHBG-CARES grants and their FY 2020 IHBG grant.

The CARES Act also provides that any waivers granted by HUD shall be deemed to be effective as of the date an Indian tribe or TDHE began preparing for COVID-19. Accordingly, the relief provided by the following waivers and alternative requirements will apply retroactively to the date that the respective IHBG recipient began preparing for COVID-19. Additionally, any related costs previously incurred by IHBG recipients that are also eligible and allowable IHBG-CARES costs may be covered or reimbursed with IHBG-CARES grant funding. Recipients should maintain documentation demonstrating when the recipient began preparing for COVID-19. Such documentation should be maintained to ensure that both HUD and the recipient can clearly identify the date when waivers and alternative requirements issued by HUD began to apply, and to support costs incurred by the recipient that it covers or reimburses with IHBG-CARES grant funding.

HUD has determined that the following waivers and alternative requirements are necessary to expedite or facilitate the use of IHBG funds to prevent, prepare for, and respond to COVID-19.

Period of Availability: The period of availability of each IHBG waiver and alternative requirement below ends when funds subject to the waiver and alternative requirement are expended, unless otherwise specified under each waiver and alternative requirement (e.g., IHP/APR deadline extensions).

##### **a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements**

Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA

Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218; 1000.220; 1000.224; 1000.226; 1000.228; 1000.230; and 1000.232

Description: Section 101(b), Section 102, and Section 103 of NAHASDA and the implementing regulations in Subpart C of 24 CFR Part 1000 require IHBG recipients to submit an IHP that must be found to be in compliance with NAHASDA as a condition of receiving an IHBG grant. HUD is required to act on IHP submissions within 60 days or it is deemed approved. These provisions also provide that IHBG recipients may amend their IHPs and outline the process of HUD review of such IHP amendments. Certain IHP amendments that add new activities or involve a decrease in the amount of funds provided to protect and maintain the viability of housing assisted under the 1937 Act known as Formula Current Assisted Stock (FCAS) units require HUD to review such modifications and determine that they comply with NAHASDA. HUD is required to act on such modifications within 30 days.

HUD recognizes the challenges that Indian tribes and TDHEs are facing at the present time. Many IHBG recipients are shut down for business. Many Indian tribes have declared a state of emergency, limited travel, and have imposed social distancing directives to minimize the risk of spreading COVID-19 in their communities. This has had a severe impact on Tribes' and TDHEs' abilities to conduct business.

To facilitate and expedite the use of IHBG-CARES grant funding and FY 2020 IHBG funding for COVID-19 related purposes, HUD is waiving the requirements in Section 101(b), Section 102, and Section 103 of NAHASDA, and regulations in Subpart C of 24 CFR Part 1000, including 24 CFR §§ 1000.214; 1000.218; 1000.220; 1000.224; 1000.226; 1000.228; 1000.230; and 1000.232, only to the extent necessary to establish the following alternative requirements:

In recognition of the limited ability of Indian tribes and TDHEs to conduct regular business at this time, HUD is minimizing application requirements while also ensuring that IHBG recipients will expend CARES Act funding in accordance with the Act and program requirements.

1) *Abbreviated IHP to Receive IHBG-CARES Grant Funding*

Given the current exigent situation, applicants for IHBG-CARES grants funding will only be required to submit an Abbreviated IHP, in accordance with guidance that will be published by HUD in the very near future, in order to receive an IHBG-CARES grant. An Abbreviated IHP is a more streamlined version of the regular IHP.

These Abbreviated IHPs must specify how the IHBG recipient will carry out activities or projects that meet the requirements of the CARES Act (to prevent, prepare for, and respond to COVID-19), will allow the IHBG recipient to rely on certain information included in its previously submitted FY 2020 IHP, and provide HUD with specific information that will be requested in further guidance. To the extent feasible, HUD will expedite its review and approve all Abbreviated IHPs

within 15 days to expedite awarding grant funding under the CARES Act. Abbreviated IHPs that HUD fails to act on in a timely manner will not be deemed to be approved by operation of law.

HUD will also accept any Abbreviated IHPs that cannot be formally adopted by an Indian tribe or TDHE in accordance with their normal policies and procedures for adopting IHPs, provided an official or principal of the Indian tribe or TDHE who is authorized to act on behalf of the Indian tribe or TDHE provides a statement to HUD indicating that it is not practical or safe for the Indian tribe or TDHE to assemble a board or other governing body to conduct business to secure required approvals, at the time, due to the impact of COVID-19 on operations of the Indian tribe or TDHE (or the beneficiary Indian tribe of the TDHE). The Indian tribe or TDHE should take the necessary action, at a later date, when it is feasible and safe to do so, to either ratify the Abbreviated IHP previously submitted by the official or principal, if required under its policies and procedures, or submit an amendment to the Abbreviated IHP.

2) *Recipients that did Not Submit an IHP in FY 2020*

Section 101(b)(1) of NAHASDA states that the Secretary may make a grant under the Act if an IHP is submitted and determined to comply with the requirements of section 102 of the Act.

Sections 101(b)(1) and (2) are waived for any Tribe or TDHE that did not submit an IHP, or whose IHP was not approved in FY 2020, and accordingly did not receive an IHBG grant in FY 2020. A Tribe or TDHE that did not receive IHBG funds in FY 2020 may still apply to receive an IHBG-CARES grant, provided it submits an Abbreviated IHP to HUD, in accordance with further guidance that will be published by HUD. HUD may require additional information from these recipients but will seek to streamline the application process to ensure that funding can be awarded as expeditiously as possible, while also ensuring compliance with the CARES Act and NAHASDA. This waiver is necessary to provide an opportunity to all potential IHBG applicants to access this new funding to help address the ongoing crisis, regardless of whether they failed to submit an IHP in FY 2020.

3) *IHP Certifications*

Some Indian tribes and TDHEs have expressed to HUD that under the current conditions, they likely will have difficulty securing required internal approvals to be able to provide HUD with information normally required under a regular IHP. This includes certifications submitted by an Indian tribe authorizing a TDHE to act as its IHBG recipient, and other certifications of compliance required under section 102(b) of NAHASDA.

Certification not req'd.

Accordingly, HUD is waiving the IHP certification requirements in Section 101-103 of NAHASDA and establishing the following alternative requirements as follows: IHBG recipients are required to provide HUD with all required IHP certifications in their Abbreviated IHPs. However, if an authorized official of an Indian tribe or TDHE provides a statement to HUD indicating that it is not practical or safe for the Indian tribe or TDHE to secure new certifications due to the impact of COVID-19 on its operations, or the operations of a beneficiary Indian tribe, HUD will, consistent with Section 103(d) of NAHASDA, accept all IHP certifications that were previously submitted and accepted by HUD for FY 2020 IHBG grants (or for FY 2019 IHBG grants for those IHBG recipients that have not yet submitted their FY 2020 IHP), in lieu of requiring new tribal certifications to be submitted. IHBG recipients that choose to use this alternative requirement will be deemed to have submitted such past certifications for the IHBG-CARES grant and will be bound by such certifications, accordingly.

Under this alternative requirement, TDHEs may submit Abbreviated IHPs on behalf of their beneficiary Indian tribes without having to provide any required new IHP Tribal certifications when applying for IHBG CARES Act funds or amending their FY 2020 IHBG IHPs for COVID-19 related purposes. However, these TDHEs are required to consult with their beneficiary Indian tribes that they serve, in a manner that is feasible and when it is safe and practical to do so, and submit any appropriate amendments or certifications to their Abbreviated IHPs if they are directed to do so by the beneficiary Indian tribe.

#### 4) Reprogramming of FY 2020 IHBG Funding

HUD strongly encourages IHBG recipients to consider reprogramming existing FY 2020 IHBG funding to help address COVID-19, because this funding likely is more immediately available. To expedite and facilitate the use of such funds for this purpose, HUD is waiving Section 103 of NAHASDA and 24 CFR § 1000.230 to the extent necessary to allow IHBG recipients to expend IHBG FY 2020 funds on IHBG activities that meet the eligible purposes of the CARES Act (to prevent, prepare for, and respond to COVID-19), (including activities made eligible under the waivers and alternative requirements provided in this Notice), without first having to amend their FY 2020 IHP. IHBG recipients that choose to do this must still amend their FY 2020 IHP, at a later date, but prior to submission of their APR, to reflect these new uses or activities, but may request an extension if doing so is not feasible and safe for Tribal or TDHE staff at that time.

Additionally, HUD is waiving the requirement in 24 CFR § 1000.232 that provides that certain IHP amendments that add new activities or involve a decrease in the amount of funds provided to protect and maintain the viability of FCAS units require HUD to review such modifications and determine that they comply with NAHASDA.

IHBG recipients may reprogram FY 2020 funding to add new activities and decrease funding for FCAS units without HUD prior review and approval, provided that the IHBG recipient is carrying out eligible COVID-19-related IHBG activities. Similarly, the FY 2020 IHP must be amended to reflect these changes prior to submission of their APR, to reflect these added activities or a decrease in the amount of FCAS funds, but may request an extension if doing so is not feasible and safe for Tribal or TDHE staff at that time.

**b. IHP Submission Deadline for Annual IHBG Formula Grants**

Statutory Authority: Section 101(b) and 102(a) of NAHASDA  
Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225

Description: Section 101(b) of NAHASDA permits the Secretary to make a grant on behalf of an Indian tribe for a fiscal year only if the Indian tribe has submitted an IHP for such fiscal year. Section 102(a) of NAHASDA requires the IHP be submitted no later than 75 days before the beginning of each tribal program year.

Due to the disruption in Tribal and TDHE operations caused by COVID-19, and to facilitate recipients' efforts to respond, HUD is waiving these requirements and modifying them to allow for a new IHP submission deadline for recipients with program years beginning April 1, 2020, and July 1, 2020. IHBG recipients with these program years beginning these dates may submit their IHP for their program year on or before October 16, 2020. HUD is also establishing alternative requirements for the content of IHPs.

**Original and Extended IHP Due Dates by Program Year Starts**

<b>Program Year Starts</b>	<b>Original IHP Due Date</b>	<b>Extended IHP Due Date</b>
4/1/2020	1/17/2020	10/16/2020
7/1/2020	4/17/2020	10/16/2020

As the ongoing COVID-19 pandemic progresses, HUD will assess whether additional extensions are needed and may grant further extensions, if appropriate.

**c. Annual Performance Report Submission Deadline**

Statutory Authority: Sections 403 and 404 of NAHASDA  
Regulatory Authority: 24 CFR § 1000.514

Description: NAHASDA requires that, not less frequently than annually, each recipient must review the activities conducted and housing assisted under the Act to assess compliance with the IHBG program requirements. The results of each review must be included in an Annual Performance Report (APR) submitted to the Secretary under section 404 and made available to the public. 24 CFR § 1000.514 of IHBG Regulations

requires the APR be submitted to HUD within 90 days of the end of a recipient's program year.

Due to the disruption in Tribal and TDHE operations caused by COVID-19, and to facilitate recipients' efforts to respond, HUD is establishing an alternative requirement under which IHBG recipients with Program Years ending December 31, 2019, submit their APRs for their program year on June 28, 2020, and IHBG recipients with program years ending March 31, 2020, submit their APR for their program year on September 27, 2020.

**Original and Extended APR Due Dates by Program Year Ends**

<b>Program Year Ends</b>	<b>Original APR Due Date</b>	<b>Extended APR Due Date</b>
12/31/2019	3/30/2020	6/28/2020
3/31/2020	6/29/2020	9/27/2020

As the ongoing COVID-19 pandemic progresses, HUD will assess whether additional extensions are needed and may grant further extensions, if appropriate.

**d. Income Verification**

Regulatory Authority: 24 CFR § 1000.128

Description: 24 CFR § 1000.128 requires IHBG recipients to verify that a family is income-eligible. Families are required to provide documentation to verify this determination, and a recipient is required to maintain that documentation. Families may be required by the IHBG recipient to periodically verify income after initial occupancy, and the recipient is required to maintain documentation.

Given the COVID-19 related challenges facing families seeking IHBG assistance, families currently receiving IHBG assistance that are due for income recertification, and Tribal and TDHE staff charged with verifying income and maintaining documentation, HUD is establishing the following alternative requirement under 24 CFR § 1000.128:

- 1) IHBG recipients may deviate from their current written admissions and occupancy policies, and may allow less frequent income recertifications; and
- 2) IHBG recipients may carry out intake and other tasks necessary to verify income remotely if the IHBG recipient or eligible families chooses to do so, including allowing income self-certification over the phone (with a written record by the IHBG recipient's staff), or through an email with a self-certification form signed by a family.

**e. Public Health Services**

Statutory Authority: Section 202(3) of NAHASDA

Description: Section 202(3) of NAHASDA authorizes the use of IHBG funds for the provision of housing-related services for affordable housing. Under this eligible activity, IHBG funds can be used to provide services such as housing counseling, activities related to the provision of self-sufficiency and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in the IHBG program.

HUD is waiving Section 202(3) and establishing an alternative requirement to the extent necessary to allow IHBG funds to be used to carry out a wide range of public health services under this category of eligible activities. Accordingly, in addition to the housing services normally eligible under Section 202(3), IHBG recipients may be used on a wide range of public health activities designed to allow IHBG-eligible residents and staff of the IHBG recipient prepare for, prevent, or respond to COVID-19.

Eligible uses of IHBG funds under this waiver and alternative requirement include, but are not limited to: providing testing, diagnosis or other related services to residents; establishing a fixed or mobile location to conduct testing and treatment; paying for necessary equipment, supplies, and materials, including personal protective equipment; carrying out public health services designed to help staff, eligible residents, and other third-party providers serving eligible residents, prepare for, prevent, or respond to COVID-19; delivering meals on wheels or other food delivery services to eligible residents that are sheltered-in-place and complying with a stay at home order, or otherwise maintaining recommended social distancing.

HUD strongly encourages IHBG grantees to coordinate with recipients of other Federal sources of funding for this purpose, including funding provided by the Indian Health Service, to ensure IHBG funds are used to supplement rather than supplant such funding.

**f. COVID-19-related Assistance to Non-Low Income and Non-Native Families**

Statutory Authority: Section 201(b) of NAHASDA

Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, 1000.318

Description: Section 201(b) of NAHASDA and its implementation regulations, except for specified exceptions, limit assistance under eligible housing activities to low-income Indian families.

The COVID-19 pandemic poses a unique threat to the health and safety of Tribal communities. Persons infected with the virus, regardless of income or tribal membership, pose a health risk to the entire community, and low-income families are especially vulnerable given the severe overcrowding in Indian Country, infrastructure challenges, and the lack of access to running water and readily available health care services in many

remote communities. To effectively prevent, prepare for, and respond to COVID-19, IHBG recipients may find the need to use IHBG resources or NAHASDA-assisted housing units to provide shelter-in-place housing and public health services to otherwise ineligible persons and families, with the goal of protecting the health and safety of the most vulnerable low-income Native American families who may be infected.

Given this, HUD is waiving Section 201(b) and its implementing regulations, and establishing alternative requirements to the extent necessary to allow IHBG funds to be used by recipients to prevent, prepare for, and respond to COVID-19 through the following limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status: temporary shelter-in-place, isolation centers, purchasing and making medical testing kits available, purchasing and distributing masks and other personal protection equipment, emergency food preparation and distribution, cleaning and decontamination, and other directly related activities. Permanent rental assistance, mortgage assistance, housing rehabilitation and new housing construction may not be provided for the benefit of such otherwise ineligible families under this waiver and alternative requirement.

This assistance may only be provided to such otherwise ineligible families if: it is provided during the COVID-19 emergency; if it is designed to protect the health and safety of low-income Native American families; if it is provided on an urgent basis (as documented by the IHBG recipient); and if it is temporary in nature. When providing this assistance, IHBG recipients must maintain records documenting that these criteria were met at the time that such assistance was provided.

Under this waiver and alternative requirement, IHBG recipients may house low-income non-Indian families or over-income Indian and non-Indian families in NAHASDA-assisted units, including FCAS units) to shelter-in-place those families per CDC guidelines to protect low-income Indian families and the Tribal community from the further spread of COVID-19, regardless of income or Indian status. IHBG funds may also be used to provide temporary rental assistance to otherwise ineligible persons or families in privately owned units, hotels/motels, and similar facilities designed to shelter-in-place or isolate infected persons from others, if the criteria under this waiver and alternative requirements are met. The use of NAHASDA-assisted units, including FCAS, or funds for the temporary shelter-in-place or isolation of any individuals shall be temporary.

24 CFR §§ 1000.312 and 1000.314 identify FCAS units as low rent, Mutual Help and Turnkey III housing units owned and operated by an IHBG recipient. 24 CFR § 1000.318 establishes when these units can be considered FCAS for purposes of the IHBG formula. These regulations are also waived and modified to the extent necessary to not impact the FCAS eligibility of FCAS units used for this purpose of addressing COVID-19 regardless of income or Indian status, provided such units are operated as low income housing dwelling units once no longer needed to shelter-in-place persons, and upon a determination that such units are safe to be occupied again by low income families not infected with COVID-19.

Assistance provided in accordance with this waiver shall not count towards the maximum amount of assistance that IHBG recipients may otherwise provide to non-low-income families specified in 24 CFR § 1000.110.

By providing temporary assistance to address the immediate health, safety and economic needs of all citizens in Indian Country, recipients can better insure the health and safety of low-income Indian families in their communities.

**g. Useful Life**

Statutory Authority: Section 205 of NAHASDA

Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147

Description: Section 205(a)(2) of NAHASDA requires each dwelling unit in a recipient's housing developed or assisted under the Act will remain affordable, according to binding commitments satisfactory to HUD, for the remaining useful life of the property. The IHBG regulations require each recipient to describe, in its IHP, its determination of the useful life of the assisted housing units in its developments in accordance with the local conditions of the Indian area of the recipient. By approving the IHP, HUD determines the useful life in accordance with section 205(a)(2).

HUD is waiving these requirements to determine and maintain affordability during the useful life of housing units assisted with IHBG-CARES grant funding and FY 2020 IHBG funding used to address COVID-19 if that assistance is related to cleanup of COVID-19 contamination and temporary use dwelling units for purposes of housing and quarantining families to inhibit the spread of COVID-19 to low-income Indian families and the Tribal community.

**h. Total Development Cost (TDC) Limits**

Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162

Description: The IHBG regulations require that affordable housing under NAHASDA be of moderate design with a size and with amenities consistent with unassisted housing offered for sale in the Indian tribe's general geographic area to buyers who are at or below the area median income. To achieve this requirement the recipient must either, adopt written standards for its affordable housing programs that reflect the requirement specified, or use TDC limits published periodically by HUD that establish the maximum amount of funds (from all sources) that the recipient may use to develop or acquire/rehabilitate affordable housing. The limits provided by the TDC may not, without prior HUD approval, exceed by more than 10 percent the TDC maximum cost for the project. Non-dwelling structures used to support an affordable housing activity must

be of a design, size and with features or amenities that are reasonable and necessary to accomplish the purpose intended by the structures.

HUD expects that COVID-19 will likely have both a short-term and the long-term impact of IHBG recipients' programs. Because of the long-term need to prevent, prepare for, and respond to COVID-19, IHBG recipients may find it appropriate to use IHBG-CARES grant funds to acquire or construct new housing units with the goal of reducing severe overcrowding in Indian Country that leave Native American populations, particularly the elders and disabled, especially vulnerable to COVID-19. Accordingly, HUD is establishing an alternative requirement relating to limitations on cost or design standards and TDC with respect to dwelling and non-dwelling units developed, acquired or assisted with funding provided to be used by recipients to prevent, prepare for, and respond to COVID-19. An IHBG recipient may exceed the current TDC maximum by 20 percent without HUD review or approval if the purpose of the development, acquisition or assistance is to prevent, prepare for, and respond to COVID-19. The recipient, however, must maintain documentation that indicates the dwelling and non-dwelling units developed, acquired or assisted with this funding will, after this crisis, be for IHBG eligible families and the design, size, and amenities are moderate and comparable to housing in the area. The TDC limits can be exceeded by more than 20 percent if the recipient receives written approval from HUD Headquarters. This waiver applies to both single-family and multi-family housing, as well as non-dwelling structures supporting an activity to prevent, prepare for, and respond to COVID-19.

Period of Availability: This waiver and alternative requirement is available only so long as the Total Development Costs specified in PIH Notice 2019-19 remain in effect.

**i. Prohibition Against Investment of CARES Act Grant Funds**

Statutory Authority: Section 204(b) of NAHASDA  
Regulatory Authority: 24 CFR § 1000.58

Description: Section 204(b) of NAHASDA permits IHBG recipients to invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations as approved by HUD. Under 24 CFR § 1000.58 of the IHBG regulations, HUD has approved certain IHBG recipients based, among other things, on a history of compliance and capacity, to invest IHBG funding certain securities and interest-bearing accounts for the purpose of carrying out affordable housing activities.

HUD is waiving section 204(b) of NAHASDA and 24 CFR § 1000.58 and prohibiting the investment of any IHBG funding provided under the CARES Act. Such funding is to be used by recipients to prevent, prepare for, and respond to COVID-19, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that each recipient's program is impacted by COVID-19. Given the limited scope of this funding to address the immediate health, safety and

economic needs of citizens in Indian Country, drawing down funds for investment in securities and long-term interest-bearing accounts is prohibited.

#### **14. Waivers and Alternative Requirements Applicable to the Indian Community Development Block Grant Program.**

**Introduction:** Pursuant to the CARES Act, HUD may waive, or specify alternative requirements for, any provision of any statute or regulation that HUD administers in connection with the use of amounts made available for the ICDBG program under the CARES Act (ICDBG-CARES grants), and FY 2020 ICDBG funds (both Single Purpose Grants and Imminent Threat Grants) appropriated under the Further Consolidated Appropriations Act of 2020 (Public Law 116–94) (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by HUD that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to COVID-19.

Accordingly, the following waivers and alternative requirements apply only to ICDBG-CARES grants (the new ICDBG funding provided under the CARES Act), and FY 2020 ICDBG funds. ICDBG grantees are reminded that these waivers and alternative requirements do not apply to ICDBG funds appropriated in any other prior year. In applying these waivers and alternative requirements, ICDBG grantees must ensure that they are doing so only with respect to ICDBG-CARES grant funding and their FY 2020 ICDBG grant(s).

The CARES Act also provides that any waivers granted by HUD shall be deemed to be effective as of the date an Indian tribe began preparing for COVID-19. Accordingly, the relief provided by following waivers and alternative requirements will apply retroactively to the date that the respective ICDBG grantee began preparing for coronavirus. Additionally, any related costs previously incurred by ICDBG grantees that are also eligible and allowable ICDBG-CARES costs may be covered or reimbursed with ICDBG funding provided under the CARES Act. ICDBG-CARES grantees should maintain documentation demonstrating when the grantee began preparing for COVID-19. Such documentation should be maintained to ensure that both HUD and the grantee can clearly identify the date when waivers and alternative requirements issued by HUD began to apply, and to support costs incurred by the recipient that it covers or reimburses with ICDBG-CARES grant funding.

HUD has determined that the following waivers and alternative requirements are necessary to expedite or facilitate the use of ICDBG funds to prevent, prepare for, and respond to COVID-19.

**Period of Availability:** The period of availability of each ICDBG waiver and alternative requirement below ends when funds subject to the waiver and alternative requirement are expended, unless otherwise specified under each waiver and alternative requirement.

**a. Citizen Participation**

Statutory Authority: Section 104 of the Housing and Community Development Act of 1974 (HCD Act)

Regulatory Authority: 24 CFR §§ 1003.604, 1003.305(b)(3)

Description: Section 104 of the HCD Act and 24 CFR § 1003.604 requires ICDBG applicants to consult with residents prior to submitting their funding applications. The regulation mandates minimum citizen participation requirements, including holding one or more meetings to obtain the views of residents. 24 CFR § 1003.305(b)(3) requires ICDBG recipients to meet the citizen participation requirements of 24 CFR § 1003.604 before amending previously awarded ICDBG grants.

Considering COVID-19-related social distancing directives, and other prohibitions against large in-person gatherings, in person citizen meetings are not advised. Accordingly, HUD is waiving 24 CFR § 1003.604(a)(2) and 24 CFR § 1003.305(b)(3), and will not require Indian tribes to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. Indian tribes will continue to be required, however, to meet the citizen participation requirements by publishing or posting information on their plans to use ICDBG grants, and accepting and considering comments, to the extent the Indian tribe determines that that can be done without subjecting residents to unnecessary risks to health and safety. Indian tribes may also choose to hold virtual meetings with the public to meet these streamlined citizen participation requirements, if feasible.

When holding a virtual meeting, a grantee should take appropriate steps to ensure effective communication with persons with disabilities consistent with the requirements of accessibility laws, such as Section 504 of the Rehabilitation Act.

For virtual meetings, such steps will include ensuring that information is provided on an accessible website, that e-mails and other digital notifications are accessible, and that the application or platform used to host the hearing is also be accessible. Additional services such as audio description or captioning may also be needed to provide effective communication in a digital context. Helpful guidelines for ensuring the accessibility of web-based and digital materials are available through the World Wide Web Consortium's Web Accessibility Initiative at <https://www.w3.org/WAI/>. Examples of auxiliary aids and services that may be necessary when conducting hearings online can be found at 28 C.F.R. § 35.104. If no method of conducting a virtual hearing is available that appropriately accommodates an individual's disability, the grantee may not hold against the individual his or her inability to participate in the hearing, and an in-person hearing may be scheduled for a later date when the unnecessary risks to the health and safety of participants have alleviated.

Additionally, grantees should be mindful that many low-income persons may not be able

to participate in a virtual meeting due to lack of Internet access. Grantees are encouraged to also make any virtual meetings available via telephone so that persons can participate even if they do not have access to the Internet.

**b. Application Process for ICDBG-CARES Grants and Funding Criteria**

Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of the combined FY 2019/2020 ICDBG Notice of Funding Availability (NOFA)

Description: The regulation at 24 CFR § 1003.400 specifies the funding criteria for ICDBG Imminent Threat (IT) grants. It provides that: 1) The urgency and immediacy of the threat must be independently verified before an ICDBG IT application can be approved by HUD; 2) Funds may only be used to deal with imminent threats that are not of a recurring nature and which represent a unique and unusual circumstance, and which impact on an entire service area; 3) HUD will establish grant ceilings. The regulation at 24 CFR § 1003.401 specifies the application process that applicants must follow. The regulation at 24 CFR § 1003.402 addresses the availability of funding and what happens to remaining unobligated ICDBG IT funds at the end of each fiscal year. It provides that if any reserved funds are not used to fund ICDBG IT grants during a fiscal year, they will be added to the allocation of ICDBG funds for the subsequent fiscal year and will be used as if they were a part of the new allocation.

The COVID-19 pandemic has resulted in a declared national emergency and is a domestic and international crisis. This is a unique well-documented emergency that is having an impact on all Tribal communities. Considering this, HUD is waiving and modifying 24 CFR § 1003.400, 24 CFR § 1003.401, 24 CFR § 1003.402, and Section I.A.1.b. of FY 2019/2020 ICDBG NOFA to the extent necessary to provide for the following alternative requirements:

1) Criteria for Funding

HUD will issue further guidance in the very near future on the application process and criteria for ICDBG applicants applying for ICDBG-CARES grants to address the COVID-19 emergency.

With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 emergency: The urgency and immediacy of the threat need not be independently verified before approval of an application. The urgency and immediacy of the threat will be presumed by HUD, unless HUD has evidence to the contrary. Similarly, these applications need not demonstrate that COVID-19 is a non-recurring imminent threat and that it has an impact on an entire service area. HUD will presume these criteria are met unless HUD has evidence to the contrary.

## 2) Grant Ceilings

For ICDBG-CARES grants, HUD is waiving the current ICDBG Imminent Threat grant ceilings (currently set at \$450,000 for projects in areas that have not received a Presidential Major Disaster Declaration, and \$900,000 for areas that have received a Presidential Major Disaster Declaration). HUD will publish an ICDBG-CARES Implementation Notice in the very near future and establish grant ceilings in that notice.

HUD may also further revise these grant ceilings in the future depending on how the pandemic evolves, program demand, the availability of additional appropriations, and related factors. HUD will notify Indian tribes in writing if these grant ceilings are revised in the future.

## 3) Reimbursement of Costs and Letter to Proceed

The CARES Act provides that ICDBG-CARES grant funds provided under the Act may be used to cover or reimburse allocable costs to prevent, prepare for, and respond to COVID-19 incurred by an ICDBG applicant, including costs incurred prior to the enactment of the Act. Accordingly, any previous costs incurred by an ICDBG applicant or grantee before the enactment of the Act may be reimbursed with ICDBG-CARES grant funding. Considering this, HUD is waiving 24 CFR § 1003.400(b) to the extent necessary to allow ICDBG applicants and grantees to receive ICDBG-CARES grants without having to demonstrate to the satisfaction of HUD that other Tribal funding sources cannot be made available to alleviate the threat. Additionally, HUD will not consider recently awarded IHBG funding provided under the CARES Act, and regular IHBG funding that has already been budgeted in the relevant IHP or contracted, when assessing available Federal resources. HUD is also waiving the letter to proceed provision in 24 CFR § 1003.401(a) so that ICDBG applicants and grantees do not need to have received a letter to proceed from the Area ONAP as a condition of reimbursing themselves for eligible costs already incurred that can be reimbursed pursuant to the CARES Act.

ICDBG-CARES grantees remain responsible for ensuring that they are coordinating locally, and with other Federal agencies, to ensure that funds are used appropriately to address gaps in funding, and to avoid any duplication of benefits.

## 4) Availability of Funds

HUD is waiving 24 CFR § 1003.402 which provides that if any reserved funds are not used to fund imminent threat grants during a fiscal year, they will be added to the allocation of ICDBG funds for the subsequent fiscal year and will be used as if they were a part of the new allocation. HUD is waiving this regulation to expedite and facilitate the use of ICDBG-CARES grant funds to address COVID-19. If ICDBG-

CARES grant funds are not awarded in a fiscal year, HUD will assess how the pandemic is progressing, program demand, available funding, and related factors, and reserves the right to adjust how funding is awarded to ensure needs of tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs. HUD may also award additional funding through the IHBG-CARES program if a sufficient amount of ICDBG-CARES funding remains unobligated after a period of time and projected program demand is low.

**c. Removal of Public Services 15 Percent Cap under FY 2020 ICDBG Grants**

Statutory Authority: Section 105 of HCD Act

Regulatory Authority: 24 CFR § 1003.201(e); FY 2019/2020 ICDBG NOFA

Description: Section 105 of the HCD Act and the ICDBG implementing regulation at 24 CFR § 1003.201(e) authorize the use of ICDBG funds to carry out public services activities, but provide that the amount of ICDBG funds used for public services shall not exceed 15 percent of the respective ICDBG grant. Congress lifted the 15 percent cap on public services funded under the ICDBG Imminent Threat funding appropriated under the CARES Act and for FY 2020 ICDBG funding in recognition of the great and immediate need for public services to help address and prepare for the impact of COVID-19 in Tribal communities.

Accordingly, HUD is waiving Section 105 of the HCD Act, 24 CFR § 1003.201(e), and language in the definition of the term “public services” in the FY 19/20 ICDBG NOFA to the extent necessary to remove the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act. ICDBG grantees that have been awarded FY 2020 ICDBG funds are reminded that they must still comply with the provisions of 24 CFR § 1003.305 if they are seeking to amend their grants to carry out additional public services or other activities to prevent, prepare for, or respond to COVID-19.

**d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance**

Statutory Authority: Section 105 of the HCD Act.

Regulatory Authority: 24 CFR § 1003.207(b)(4)

Description: Section 105(a)(8) authorizes the use of ICDBG funds for a variety of public services. Under the implementing regulation at 24 CFR § 1003.207(b)(4), the general rule is that ICDBG funds may not be used for income payments. For purposes of the ICDBG program, income payments mean a series of subsistence-type grant payments made to an individual or family for items such as food, clothing, housing (rent or mortgage) or utilities, but excludes emergency payments made over a period of up to

three months to the provider of such items or services on behalf of an individual or family.

COVID-19 is having a substantial negative impact on Native American families' ability to work, earn an income, pay their rent or mortgage, access or pay for food and clothing, and access many other essential services. Many tribes and TDHEs have reported to HUD that they shut down and community members are sheltering in place. Additionally, HUD expects that tribes will need to respond to long-term impacts of COVID-19. To help Tribal communities address these challenges, HUD is waiving Section 105(a)(8) and 24 CFR § 1003.207(b)(4) to the extent necessary to establish the following alternative requirement:

- 1) ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as rental assistance and utility payment assistance, without regard for the 3-month limitation in 24 CFR § 1003.207(b)(4), but for a period not to exceed six months unless further expanded by HUD at a later date. At this time, emergency mortgage assistance will remain limited to no more than 3 months under 24 CFR § 1003.207(b)(4). However, HUD may provide additional waiver relief for ICDBG-funded mortgage assistance at a later date as the pandemic progresses. Indian tribes are reminded that the CARES Act provided foreclosure and forbearance relief for borrowers under the Section 184 Indian Home Loan Guarantee program, as well as other borrowers.
- 2) These emergency payments must be used to either cover costs incurred directly by the ICDBG grantee in cases where the ICDBG grantee is providing this assistance, or made directly to a third party provider of such items or services on behalf of an individual or family, and may not be paid directly to an individual or family in the form of income payments, debit cards, or similar direct income payments. ICDBG grantees must ensure that proper documentation is maintained to ensure that all costs incurred are eligible.

ICDBG grantees using this alternative requirement must document, in its policies and procedures, how they will determine the amount of assistance to be provided is necessary and reasonable.

**e. Purchase of Equipment**

Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii)

Description: The purchase of equipment with ICDBG funds is generally ineligible under 24 CFR § 1003.207(b)(1), with some exceptions.

Given the immediate need for medical and personal protective equipment, and other

related equipment needed to help prevent, prepare for, and respond to the COVID-19 pandemic in Tribal communities, HUD is waiving 24 CFR § 1003.207(b)(1) and authorizing the use of ICDBG funds for the purchase of equipment necessary to prevent, prepare for, and respond to the COVID-19.

ICDBG grantees must ensure that ICDBG funds are used to supplement other Federal sources of funding for this purpose, including funding provided by the Indian Health Service, and should not be used to supplant such funding.

**f. Operating Expenses for Public Facilities**

Regulatory Authority: 24 CFR § 1003.207(b)(2)

Description: 24 CFR § 1003.207(b)(2) provides that expenses associated with repairing, operating or maintaining public facilities, improvements and services are generally ineligible, with some exceptions.

Indian tribes may find the need to use ICDBG funds to fund a variety of public facilities, including constructing facilities for testing, diagnosis, or treatment, rehabilitating existing facilities to establish infectious disease treatment clinics, acquiring and converting hotels, motels, or similar facilities to expand capacity of hospitals to accommodate isolation of patients during recovery, and more. These facilities will likely need to be operated and maintained for the duration of the COVID-19 pandemic. Accordingly, HUD is waiving 24 CFR § 1003.207(b)(2) to the extent necessary to allow the use of ICDBG funds to pay for such operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes. In incurring such costs, ICDBG grantees may not use this waiver to pay for associated staffing costs of such public facilities. ICDBG grantees must also ensure that ICDBG funds are used to supplement other Federal sources of funding for this purpose, including funding provided by the Indian Health Service, and should not be used to supplant such funding.

**g. New Housing Construction by Tribe**

Statutory Authority: Section 105 of the HCD Act

Regulatory Authority: 24 CFR § 1003.207(b)(3)

Description: 24 CFR 1003.207(b)(3) generally prohibits the use of ICDBG funds for new housing construction, with some exceptions. ICDBG may be used for new housing construction if provided as last resort housing under 24 CFR Part 42, or when carried out by a Community-Based Development Organization (CBDO).

As HUD found in its 2017 Native American Housing Needs Study, severe overcrowding and substandard housing is a major challenge in Indian Country. These conditions increase risks of infection amongst low- and moderate-income Native American families. Indian tribes may find the need to construct temporary or permanent new

housing to help prevent, prepare for, and respond to COVID-19, and may find it necessary to do so without having to carry out such activities through a CBDO. Accordingly, HUD is waiving and modifying Section 105 of the HCD Act and 24 CFR 1003.207(b)(3) to the extent necessary to provide for the following alternative requirement: Indian tribes and tribal organizations may use ICDBG funds to carry out new housing construction when such construction is carried out to reduce overcrowding, or to otherwise prevent, prepare for, or respond to COVID-19.

When assessing applications for ICDBG-CARES grants that propose to carry out new housing construction, HUD will only fund applications that propose to carry out new housing construction that is clearly designed to prevent, prepare for, and respond to COVID-19, and that the applicant plans to carry out expeditiously. HUD will issue additional ICDBG-CARES implementation guidance in the near future.

- 15. Further Information.** Question concerning this notice should be submitted by email to the following HUD mailbox: [PIH-covidwaivers@hud.gov](mailto:PIH-covidwaivers@hud.gov)

A handwritten signature in black ink, appearing to be 'R. Hunter Kurtz', written over a horizontal line.

R. Hunter Kurtz  
Assistant Secretary for Public and  
Indian Housing

**Attachment: Summary of Public Housing and HCV Waivers and Alternative Requirements**  
**(Refer back to the Notice using the item code for a full description and more detailed information.)**

**This chart summarizes the waivers authorized under this notice and the availability period for each. As stated in Section 5, PHAs must keep written documentation on the waivers applied by the PHA as well as the effective dates. To fulfill those requirements, PHAs may but are not required to utilize the last two columns to record this information.**

<b>Item</b>	<b>Statutory and regulatory waivers</b>	<b>Summary of alternative requirements</b>	<b>Availability Period Ends</b>	<b>Did PHA implement waiver and alternative requirement?</b>	<b>Date of PHA adoption</b>
PH and HCV-1 PHA 5-Year and Annual Plan	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)  <u>Regulatory Authority</u> § 903.5(a)(3), 903.5(b)(3), 903.21	<ul style="list-style-type: none"> <li>Alternative dates for submission</li> <li>Changes to significant amendment process</li> </ul>	<ul style="list-style-type: none"> <li>Varies based on FYE</li> <li>7/31/20</li> </ul>		
PH and HCV-2 Family income and composition – delayed annual reexaminations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> § 982.516(a)(1), § 960.257(a)	<ul style="list-style-type: none"> <li>Permits the PHA to delay the annual reexamination of income and family composition</li> <li>HCV PHAs must implement HCV-7 for impacted families if they implement this waiver</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
PH and HCV-3 Annual	<u>Regulatory Authority</u> § 5.233(a)(2)	<ul style="list-style-type: none"> <li>Waives the requirements to use the income</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
reexamination Income Verification	<u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<p>hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification</p> <ul style="list-style-type: none"> <li>• PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later</li> </ul>			
PH and HCV-4 Interim reexaminations	<u>Statutory Authority</u> Section 3(a)(1)  <u>Regulatory Authority</u> § 5.233(a)(2), 982.516(c)(2), 960.257(b) and (d)  <u>Sub-regulatory Guidance</u> PIH Notice 2018-18	<ul style="list-style-type: none"> <li>• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> </ul>		
PH and HCV-5 EIV System Monitoring	<u>Regulatory Authority</u> § 5.233  <u>Sub-regulatory Guidance</u>	<ul style="list-style-type: none"> <li>• Waives the mandatory EIV monitoring requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	PIH Notice 2018-18				
PH and HCV-6 FSS Contract of Participation	<u>Regulatory Authority</u> § 984.303(d)	<ul style="list-style-type: none"> <li>Provides for extensions to FSS contract of participation</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
PH and HCV-7 Waiting List	<u>Regulatory Authority</u> § 982.206(a)(2) PIH Notice 2012-34	<ul style="list-style-type: none"> <li>Waives public notice requirements for opening and closing waiting list</li> <li>Requires alternative process</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HQS-1 Initial inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C) <u>Regulatory Authority</u> § 982.305(a), 982.305(b), 982.405	<ul style="list-style-type: none"> <li>Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> <li>10/31/20</li> </ul>		
HQS-2: <u>PBV Pre-HAP Contract Inspections, PHA acceptance of completed units</u>	<u>Statutory Authority:</u> Section 8(o)(8)(A)  <u>Regulatory Authority:</u> §§ 983.301(b), 983.156(a)(1)	<ul style="list-style-type: none"> <li>Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> <li>10/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HQS-3 Non-Life Threatening HQS - Initial Unit Approval	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii)  <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Allows for extension of up to 30 days for owner repairs of non-life threatening conditions</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HQS-4 Initial HQS - Alternative Inspections	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii)  <u>Regulatory Authority</u> HOTMA HCV Federal Register Notice January 18, 2017	<ul style="list-style-type: none"> <li>Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies</li> <li>Where self-certification was used, PHA must inspect the unit no later than October 31, 2020.</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> <li>10/31/20</li> </ul>		
HQS-5 Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D)  <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	<ul style="list-style-type: none"> <li>Allows for delay in biennial inspections</li> <li>All delayed biennial inspections must be completed as soon as reasonably possible but</li> </ul>	<ul style="list-style-type: none"> <li>10/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
		by no later than October 31, 2020.			
HQS-6 Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F)  <u>Regulatory Authority</u> §§ 982.405(g), § 983.103(e)	<ul style="list-style-type: none"> <li>• Waives the requirement for the PHA to conduct interim inspection and requires alternative method</li> <li>• Allows for repairs to be verified by alternative methods</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> </ul>		
HQS-7 PBV Turnover Inspections	<u>Regulatory Authority</u> § 983.103(c)	<ul style="list-style-type: none"> <li>• Allows for PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies</li> <li>• Allows for delayed full HQS inspection</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> <li>• 10/31/20</li> </ul>		
HQS-8: <u>PBV HAP Contract – HQS Inspections to Add or Substitute Units</u>	<u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b)	<ul style="list-style-type: none"> <li>• Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies</li> <li>• Allows for delayed full HQS inspection</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> <li>• 10/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HQS-9 HQS QC Inspections	<u>Regulatory Authority</u> § 982.405(b)	<ul style="list-style-type: none"> <li>Provides for a suspension of the requirement for QC sampling inspections</li> </ul>	<ul style="list-style-type: none"> <li>10/31/20</li> </ul>		
HQS--10 HQS Space and Security	<u>Regulatory Authority</u> § 982.401(d)	<ul style="list-style-type: none"> <li>Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.</li> </ul>	Remains in effect one year from lease term or date of notice, whichever is longer		
HQS-11 Homeownership HQS	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B)  <u>Regulatory Authority</u> § 982.631(a)	<ul style="list-style-type: none"> <li>Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments</li> <li>Requires family to obtain independent professional inspection</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54 (a)	<ul style="list-style-type: none"> <li>Waives the requirement to adopt revisions to the admin plan</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HCV-2 PHA Oral Briefing	<u>Regulatory Authority</u> § 982.301(a)(3) § 983.252(a)	<ul style="list-style-type: none"> <li>Waives the requirement for an oral briefing</li> <li>Provides for alternative methods to conduct required voucher briefing</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HCV-3 Term of Voucher - Extensions of Term	<u>Regulatory Authority</u> § 982.303(b)(1)	<ul style="list-style-type: none"> <li>Allows PHAs to provide voucher extensions regardless of current PHA policy</li> <li></li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HCV-4 PHA Approval of Assisted Tenancy	<u>Regulatory Authority</u> § 982.305(c)	<ul style="list-style-type: none"> <li>Provides for HAP payments for contracts not executed within 60 days</li> <li>PHA must not pay HAP to owner until HAP contract is executed</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HCV-5 Absence from unit	<u>Regulatory Authority</u> § 982.312	<ul style="list-style-type: none"> <li>Allows for PHA discretion on absences from units longer than 180 days</li> <li>PHAs must not make HAP payments beyond 12/31/20 for units vacant more than 180 consecutive days</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
HCV-6 Automatic Termination of the HAP Contract	<u>Regulatory Authority</u> § 982.455	<ul style="list-style-type: none"> <li>Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
HCV-7 Increase in Payment Standard	<u>Regulatory Authority</u> § 982.505(c)(4)	<ul style="list-style-type: none"> <li>Provides PHAs with the option to increase the payment standard for the family at any time after the effective date of the increase, rather than waiting for the next regular reexamination to do so.</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
HCV-8 Utility Allowance Schedule	<u>Regulatory Authority</u> § 982.517	<ul style="list-style-type: none"> <li>Provides for delay in updating utility allowance schedule</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
HCV-9 Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D)  <u>Regulatory Authority</u> § 982.630, 982.636(d)	<ul style="list-style-type: none"> <li>Waives the requirement for the family to obtain pre-assistance counseling</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
HCV-10 FUP	<u>Statutory Authority</u> Section 8(x)(2)	<ul style="list-style-type: none"> <li>Allows PHAs to increase age to 26 for foster youth initial lease up</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
PH-1 Fiscal closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b)	<ul style="list-style-type: none"> <li>Extension of deadlines for ADCC and AMCC</li> </ul>	Varies by PHA		
PH-2 Total	<u>Regulatory Authority</u> § 905.314(c)	<ul style="list-style-type: none"> <li>Waives the TDC and HCC limits permitting</li> </ul>	Applies to development		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
Development Costs		approval of amounts in excess of published TDC by 25% to 50% on a case by case basis	proposals submitted to HUD no later than December 31, 2021		
PH-3 Cost limitations	<u>Regulatory Authority</u> § 905.314(j)	<ul style="list-style-type: none"> <li>Allows for the use of force account labor for modernization activities in certain circumstances</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
PH-4 ACOP	<u>Regulatory Authority</u> § 960.202(c)(1)	<ul style="list-style-type: none"> <li>Changes to approval process for ACOP</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
PH-5 CSSR	<u>Statutory Authority</u> Section 12(c)  <u>Regulatory Authority</u> § 960.603(a) and 960.603(b)	<ul style="list-style-type: none"> <li>Temporarily suspends CSSR</li> </ul>	<ul style="list-style-type: none"> <li>3/31/21</li> </ul>		
PH-6 Energy Audits	<u>Regulatory Authority</u> § 965.302	<ul style="list-style-type: none"> <li>Allows for delay in due dates of energy audits</li> </ul>	One year beyond 2020 audit deadline		
PH-7 Over-income families	Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490	<ul style="list-style-type: none"> <li>Changes to timeframes for determination of over-income</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
	Notice: Notice PIH 2019-11				
PH-8 Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	<ul style="list-style-type: none"> <li>Provides for delay in resident council elections</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
PH-9 Utility Allowance	<u>Regulatory Authority</u> § 965.507	<ul style="list-style-type: none"> <li>Provides for delay in updating utility allowance schedule</li> </ul>	<ul style="list-style-type: none"> <li>12/31/20</li> </ul>		
PH-10 Tenant notifications	<u>Regulatory Authority</u> § 966.5	<ul style="list-style-type: none"> <li>Advance notice not required except for policies related to tenant charges</li> </ul>	<ul style="list-style-type: none"> <li>7/31/20</li> </ul>		
11a PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	<ul style="list-style-type: none"> <li>Allows for alternatives related to inspections</li> <li>PHA to retain prior year PHAS score unless requests otherwise</li> </ul>	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	<ul style="list-style-type: none"> <li>PHA to retain prior year SEMAP score unless requests otherwise</li> </ul>	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 3/31/21	N/A	N/A
11c Financial reporting	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	<ul style="list-style-type: none"> <li>Allows for extensions of financial reporting deadlines</li> </ul>	Varies by PHA FYE		

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did PHA implement waiver and alternative requirement?	Date of PHA adoption
12a Form HUD 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158  <u>Sub-regulatory Guidance</u> PIH Notice 2011-65	<ul style="list-style-type: none"> <li>• Waives the requirement to submit 50058 within 60 days</li> <li>• Alternative requirement to submit within 90 days of the effective date of action</li> </ul>	<ul style="list-style-type: none"> <li>• 12/31/20</li> </ul>		
12b Designated housing plan	<u>Statutory Authority</u> Section 7(e)(1)	<ul style="list-style-type: none"> <li>• Allows for HUD to delay notification about designated housing plan</li> </ul>	<ul style="list-style-type: none"> <li>• 7/31/20</li> </ul>	N/A	N/A
12c Deadline for reporting Operating and Capital Fund expenditures	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	<ul style="list-style-type: none"> <li>• Provides a one-year extension</li> </ul>	One-year extension, however no programmatic expenditure end date shall be extended beyond one month prior to closure of relevant appropriations acc		

**Attachment: Summary of IHBG and ICDBG Statutory and Regulatory Waivers and Alternative Requirements**

COVID-19 Statutory and Regulatory Waivers for ONAP programs				
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary		
13a. Application Process for IHBG-CARES Grants and Indian Housing Plan (IHP) Requirements	Statutory Authority: Section 101(b), Section 102, and Section 103 of NAHASDA Regulatory Authority: 24 C.F.R. §§ 1000.214; 1000.218; 1000.220; 1000.224; 1000.226; 1000.228; 1000.230; and 1000.232	1) <i>Abbreviated IHP to Receive IHBG-CARES Grant Funding:</i> Applicants for IHBG-CARES funding must submit an abbreviated IHP specifying how the funds will be used.		
		2) <i>Recipients that did Not Submit an IHP in FY2020:</i> A Tribe or TDHE that did not submit a timely or compliant IHP in FY 2020 may still qualify for an IHBG-CARES grant.		
		3) <i>IHP Certifications:</i> IHBG recipients that cannot provide HUD with IHP certifications may still submit an Abbreviated IHP provided an authorized official of the IHBG recipient provides a statement on inability to secure certifications.		
		4) <i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.		
13b. IHP Submission Deadline for Annual IHBG Formula Grants	Statutory Authority: Section 101(b) and 102(a) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.214, 1000.216, 1000.225	IHP Submission Deadlines Extended	Org. IHP Due Date	Extension
			1/17/2020	10/16/2020
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	APR Submission Deadlines Extended	4/17/2020	10/16/2020
			Org. APR Due Date	Extension
			3/30/2020	6/28/2020
			6/29/2020	9/27/2020

13d. Income Verification	Regulatory Authority: 24 CFR § 1000.128	IHBG recipients may deviate from their current written admissions and occupancy policies, including allowing less frequent income recertifications, remote income verification, and self-certification over the phone or email.
13e. Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-CARES funding to carry out a wide range of public health services.
13f. COVID-19-related Assistance to Non-Low Income and Non-Native Families	Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.104, 1000.106, 1000.108, 1000.110; 1000.312, 1000.314, , 1000.318	Recipients may use IHBG-CARES funding to prevent, prepare for, and respond to COVID-19 through certain limited activities that provide assistance to all affected and threatened people without regard to income limits or Indian status.
13g. Useful Life	Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147	If the assistance is related to inhibiting the spread of COVID-19 to low-income Indian families and the Tribal community, Recipients may use IHBG-CARES funding to assist housing units without determining and maintaining affordability during their useful life.
13h. Total Development Cost (TDC) Limits	Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162	Recipients may exceed TDC by 20 percent without HUD approval for dwelling and non-dwelling units developed, acquired or assisted to prevent, prepare for, and respond to COVID-19.
13i. Prohibition Against Investment of CARES Act Grant Funds	Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58	Recipients are prohibited from investing any IHBG funding provided under the CARES Act.
14a. Citizen Participation	Statutory Authority: Section 104 of the Housing and	

	Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604	Indian tribes are not required to hold one or more meetings to obtain the views of residents before applying for ICDBG-CARES grant funding or amending their FY 2020 ICDBG grants to address COVID-19. .
14b. Application Process for ICDBG-CARES Grants and Funding Criteria Regulatory Authority: 24 CFR §§ 1003.400, 1003.401, 1003.402; Section I.A.1.b. of FY 19/20 ICDBG Notice of Funding Availability (NOFA)		<p>1) <i>Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2020 ICDBG Imminent Threat grants to address the COVID-19 crisis, the urgency and immediacy of the threat will be presumed.</p> <p>2) <i>Grant Ceilings:</i> Current grant ceilings are waived for ICDBG-CARES and will be set in an ICDBG-CARES Implementation Notice to be published in the very near future.</p> <p>3) <i>Reimbursement of Costs and Letter to Proceed:</i> ICDBG applicants and grantees to receive ICDBG-CARES grants do not have to demonstrate other Tribal funding sources cannot be made available to alleviate the threat and may use the funding to cover or reimburse costs to prevent, prepare for, and respond to COVID-19 without a Letter to Proceed from the area ONAP.</p> <p>4) <i>Availability of Funds:</i> If ICDBG-CARES grant funds are not awarded in a fiscal year, HUD reserves the right to adjust how funding is awarded to ensure needs of Tribes are met, including possibly setting aside a portion of funding to address the needs of Tribes with the greatest needs.</p>
14c. Removal of Public Services 15% Cap under FY 2020 ICDBG Grants	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA	HUD is eliminating the 15 percent cap on FY 2020 ICDBG funding (both Single Purpose and Imminent Threat grants), to align with ICDBG Imminent Threat funding provided under the CARES Act.
14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance	Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)	ICDBG grant funds may be used to provide emergency payments for low and moderate income individuals or families impacted by COVID-19 for items such as food, medicine, clothing, and other necessities, as well as utility payment assistance.

14e. Purchase of Equipment	Regulatory Authority: 24 CFR §§ 1003.207(b)(1); 1003.201(c)(1)(ii)	Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the COVID-19.
14f. Operating Expenses for Public Facilities	Regulatory Authority: 24 CFR § 1003.207(b)(2)	Grantees may use ICDBG funds to pay operating and maintenance expenses of any public facility, to the extent it is used for COVID-19-related purposes but not for staffing costs of public facilities.
14g. New Housing Construction by Tribes	Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)	ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.

RESOLUTION NHA-4963-2020

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF THE NAVAJO HOUSING AUTHORITY**

**Authorizing the Use of CARES Act IHBG funds and NAHASDA Annual IHBG funds  
for Navajo Nation's COVID-19 Response**

**WHEREAS:**

1. Pursuant to 6 N.N.C. §§ 604, 605, and 616(b)(9) & (b)(14), the NHA Board of Commissioners is empowered with authority to remedy unsafe and unsanitary housing conditions that are injurious to the public health, safety and morals; manage the affairs of the NHA and obligate funding reserves to enhance the living conditions of the Navajo People; take such further actions as are commonly engaged by corporate bodies of this character as the Board may deem necessary and desirable to effectuate NHA's purposes; and

2. On October 26, 1996, the U.S. Congress enacted the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), Public Law 104-330, 25 U.S.C. §§ 4101 *et seq.*, to reorganize the housing assistance provided to Native Americans formerly provided under the Housing Act of 1937 by the U.S. Department of Housing and Urban Development (HUD). NAHASDA provides housing assistance that recognizes the rights of Indian self-determination and self-government with a single block grant program that shifts responsibility for oversight and monitoring to the Tribally Designated Housing Entity (TDHE); and

3. Pursuant to 24 C.F.R. § 1000.202, NHA is an eligible recipient of NAHASDA Block Grants; and

4. The Navajo Nation has been in a Public Health State of Emergency since March 11, 2020 due to COVID-19. It assembled a COVID-19 Preparedness Team to monitor, plan, prepare and coordinate precautionary efforts to address the COVID-19. A Health Command Operations Center was also established within the Department of Health, which is made up of five function areas including Command, Operations, Planning, Logistics and Finance/Administration. Navajo Housing Authority has set up an Incident Command to ensure NHA can continue its critical mission and operations during this Public Health State of Emergency; and

5. The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was passed into law on March 27, 2020, to "cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred prior to the date of enactment of this Act." NHA will receive \$22,333,177.00 in CARES Act IHBG funding; and

6. NHA has \$30,000,000.00 in NAHASDA Annual IHBG funding. NAHASDA Annual IHBG grant funds may be used for eligible housing activities as defined in Section 202 of NAHASDA and subject to regulatory waivers approved by HUD including the waivers set forth

**RESOLUTION NHA-4963-2020**

**April 17, 2020**

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in PIH Notice 2020-05 issued on April 10, 2020. By and through PIH Notice 2020-05, HUD encouraged TDHEs to reprogram IHBG annual allocations to address COVID-19, and waived 24 C.F.R. § 1000.230 to:

allow IHBG recipients to expend IHBG FY 2020 funds on IHBG activities that meet the eligible purposes of the CARES Act (to prevent, prepare for, and respond to COVID-19), (including activities made eligible under the waivers and alternative requirements provided in this Notice), without first having to amend their FY 2020 IHP. IHBG recipients that choose to do this must still amend their FY 2020 IHP, at a later date, but prior to submission of their APR, to reflect these new uses or activities, but may request an extension if doing so is not feasible and safe for Tribal or TDHE staff at that time.

Based thereon, the Board of Commissioners has determined it has authority to pull \$22,333,177.00 from the NAHASDA IHBG grant funds for COVID-19 relief rather than await the CARES Act IHBG funding transfer. Additionally, it has determined it will empower and direct the Chief Executive Officer to authorize reprogramming of an additional \$30 million in FY 2020 IHBG funding for COVID-19 Response eligible activities from activities currently authorized in the FY 2020 IHP that the Chief Executive Officer determines will not be detrimental to NHA operations and will be delayed by problems associated with COVID-19; provided the Chief Executive Officer must submit an Amended 2020 IHP for Board approval on the \$30 million reprogramming to document what funds were reprogrammed for such activities.

7. The NHA Board of Commissioners desires to provide for the orderly and effective administration of the CARES Act IHBG funds, and for the proper accounting of such funds as required under applicable HUD NAHASDA regulations including 2 C.F.R. Part 200, and to aggressively prevent, prepare for, and respond to COVID-19. In furtherance thereof, it has determined it is in the best interest of the NHA, Navajo communities, and NHA program participants that a third-entity auditor be employed to ensure proper recordkeeping is being utilized; and

8. The NHA Board of Commissioners has determined it is in the best interest of the NHA, Navajo communities, and NHA program participants to make available the \$22,333,177.00 in CARES Act IHBG funding which shall be distributed via a mini-Indian Housing Plan the Navajo Housing Authority Executive Branch has presented. Due to the urgency of a pandemic response, such projects shall not be determined based on formal Notice of Funds Availability, but instead, shall be decided upon by the Chief Executive Officer who shall exercise discretion in deciding which projects shall be funded; and

9. The NHA Board of Commissioners believes it is in the best interests of the Navajo Nation and NHA to financially assist in COVID-19 Response by making such funds available promptly while providing for the orderly administration thereof.

**RESOLUTION NHA-4963-2020**

**April 17, 2020**

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**NOW, THEREFORE, BE IT RESOLVED:**

A. The Board of Commissioners hereby authorizes and directs the NHA Chief Executive Officer and NHA management to make available up to \$22,333,177.00 in CARES Act IHBG funding for eligible projects. The \$22,333,177.00 may be pulled from the NAHASDA IHBG accounts which shall be replenished once the \$22,333,177.00 is actually received.

B. The Board of Commissioners hereby authorizes and directs the NHA Chief Executive Officer and NHA management to reprogram and make available an additional \$30,000,000.00 in FY 2020 IHBG annual funding for COVID-19 Response eligible projects immediately. The NHA Chief Executive Officer is authorized and directed to submit an amended FY 2020 IHP to the Board of Commissioners for approval no later than June 30, 2020 documenting the reprogramming of these funds for COVID-19 Response. The NHA Chief Executive Officer will report to the Board of Commissioners between the date of this Resolution and June 30, 2020 on a weekly basis, by Friday of each week, what allocations of the FY 2020 IHBG \$30 million in funds are proposed for expenditure for Board approval.

C. The Board of Commissioners hereby authorizes and directs the NHA Chief Executive Officer to engage a third-party entity to ensure the orderly administration of the CARES Act IHBG funds. Once the NAHASDA IHBG funds are deployed, that entity can also be used to ensure the orderly administration of those funds.

D. The Chief Executive Officer shall utilize the template MOU prepared and attached hereto as **Attachment 1** so as to provide for the orderly administration of the CARES Act IHBG funding.

E. The Board of Commissioners hereby approves the CARES Act mini-Indian Housing Plan the Executive Branch attached hereto as **Attachment 2**, and authorizes and directs the CEO to utilize MOUs and direct NHA acquisitions and contracts to obligate funds and accomplish the IHP Objectives as expeditiously as possible.

F. The CEO shall provide a bi-weekly report to the Board of Commissioners listing the amount of funds obligated under the CARES Act IHP, and the amounts expended and obligated under each MOU entered into and each direct expenditure by the NHA.

G. The CEO is further authorized and directed to determine what NAHASDA IHBG funding he believes NHA will be able to spend down in 2020 in light of problems associated with COVID-19 and is directed to provide the Board of Commissioners with an amended IHP on or before June 30, 2020 for consideration and approval.

H. The CEO is directed and authorized to communicate with the Navajo Nation and its divisions to coordinate the obligation and expenditure of funds by the NHA including obligations and expenditures under MOUs with the Navajo Nation and other entities and to take all other actions necessary to ensure such funds are properly expended, and that activities undertaken are timely and properly completed.

I. The Board hereby waives the provisions of any NHA resolution, internal regulation, bylaw or policy that conflicts with this Resolution, other than the requirement that all expenditures

**RESOLUTION NNHA-4963-2020**

**April 17, 2020**

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over \$1 million come back to the Board for consideration and approval. All proposed expenditures of funds over \$1 million shall come back to the Board for consideration and approval.

**CERTIFICATION**

Commissioner Lee, moved that the foregoing Resolution NHA-4963-2020 be adopted and this was seconded by Commissioner Begaye.

Same was passed by the following vote:

AYES: 4      NAYS: 0      ABSTAINED: 0




The Secretary, thereupon, declared said motion carried and said Resolution NHA-4963-2020 was adopted this 17th day of April, 2020.



Kris Beecher, Chairperson  
NHA BOARD OF COMMISSIONERS

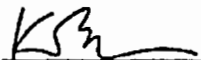
**ATTEST:**

  
Kerrie Begaye, Secretary  
NHA BOARD OF COMMISSIONERS

RESPECTIVE CHIEF:   
LEGAL REVIEW:   
CHIEF EXECUTIVE OFFICER: 

**NHA** Hooghan—Center of Family Growth, Strength and Beauty  
**NAVAJO HOUSING AUTHORITY**  
**MEMORANDUM**

TO: Jonathan Nez, President  
Myron Lizer, Vice President  
Navajo Nation

FROM:   
Kris Beecher, Chairman  
Board of Commissioners  
Navajo Housing Authority

RE: NHA COVID-19 funding

DATE: April 17, 2020

Yá'át'ééh. We are writing to convey our heartfelt gratitude for your hard work on behalf of the Navajo people, and to let you know we are praying for you and your self-quarantine. By this memorandum NHA intends to provide you information on the various sources of funds Navajo Housing Authority has available to address COVID-19. NHA can assist your efforts to yield additional results. In furtherance thereof, we prepared a fact sheet setting forth allowable uses of funds available to NHA, disallowed uses, and uses that will require HUD pre-approval.

**CARES ACT IHBG NAHASDA FUNDING LANGUAGE AS DISTINGUISHED FROM NAHASDA ANNUAL IHBG FUNDING REQUIREMENTS**

The CARES Act was signed in to law on March 27, 2020 and provides an additional allocation of funds to TDHEs through the IHBG formula allocation process. NHA will receive \$22,333,177.00 in CARES Act IHBG funding. The CARES Act provides:

(1) No less than \$200,000,000 shall be available for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: Provided, That amounts made available under this paragraph shall be distributed according to the same funding formula used in fiscal year 2020: Provided further, That such amounts shall be used by recipients to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus:

The CARES Act IHBG funding differs from NAHASDA annual IHBG funding in two very important ways. First, the funds allocated under the CARES Act are specifically intended for use "to prevent, prepare for, and respond to coronavirus, including to maintain normal

# **NHA** Hooghan—Center of Family Growth, Strength and Beauty **NAVAJO HOUSING AUTHORITY**

operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus.” This purpose is more limited than the purposes for which NAHASDA annual IHBG funds can be used under NAHASDA. Second, the CARES Act has a different timeframe for spending funds than NAHASDA annual IHBG funds. CARES Act funds are “to remain available until September 30, 2024.” NAHASDA annual IHBG allocations remain available until expended.

In addition, the CARES Act provides the Secretary of HUD the authority to:

waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the use of amounts made available under this paragraph or under the same paragraph in Public Law 116–94 (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary to expedite or facilitate the use of such amounts to prevent, prepare for, and respond to coronavirus.

## **ELIGIBLE USES OF CARES ACT IHBG FUNDS**

The following is a list of eligible activities for CARES Act IHBG funding, taken from HUD’s FAQs issued on March 30, 2020 and April 17, 2020 (HUD FAQs) (Att. A), HUD’s PIH Notice 2020-05 issued on April 10, 2020 regarding Waivers of HUD regulations, the language of the CARES Act itself, and the language in NAHASDA on eligible uses of NAHASDA IHBG Funds. These guidelines and associated eligible activities are not an exhaustive list and reflect the most recent HUD COVID-19 guidance relating to CARES Act IHBG funds that were released to Tribes and TDHEs. Additional HUD guidance is to be released in the coming weeks. The CARES Act specifies that the funds are to be used “to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus.” Eligible activities include:

- Purchase and use of cleaning supplies such as disinfectants, sanitizers, waste disposal supplies, and other supplies to disinfect homes of residents, common areas, and housing related public facilities and other public spaces like playgrounds.
- Purchase and use of supplies and materials to promote the safety of residents and housing staff including gloves, surgical masks, goggles, hand hygiene products, soap, paper towels, hand sanitizer, hand wipes, tissues, and thermometers.
- Temporary relocation assistance to families impacted by COVID-19, or to prevent the exposure or spread of the virus. This can include programs to pay rent, pay utilities, and to pay utility deposits of households, including households that are not low-income when necessary to protect low-income households.
- Housing services to educate residents on prevention and remediation associated with COVID-19.

# **NHA** Hooghan—Center of Family Growth, Strength and Beauty **NAVAJO HOUSING AUTHORITY**

- Temporary relocation assistance to families impacted by COVID-19, or to prevent the exposure or spread of the virus. This can include programs to pay rent, pay utilities, and
- pay utility deposits of low-income households.
- Housing services to educate residents on prevention and remediation associated with COVID-19.
- Communications and meetings with tenants to educate on COVID-19.
- Establishment and operation of facilities such as isolation centers to house persons with COVID-19. Such facilities may be provided to homeless persons or those that could possibly infect vulnerable populations, such as the elderly or those with existing medical conditions who are at high-risk.
- Sanitation services and food delivery services to tenants and low-income residents. It may also include communications technology and connectivity and anything necessary to maintain quarantine zones. HUD is considering whether the actual cost of food will be covered but has not yet decided.
- Internet connectivity in NHA homes and for NHA.
- Payment of rents.
- Emergency housing for families ordered to be quarantined. This could include rental assistance vouchers, utilities, utility deposits, direct leasing of units. NHA needs to have written policies on eligibility for this type of temporary assistance and application procedures and temporary lease agreements or use MOUs with other agencies to assign units or assistance to those agencies to manage using uniform eligibility requirements. This could include leasing privately available housing in the NHA Service Area, hotels or other available facilities.
- Lease of hotels or payment of hotel rooms for quarantine purposes.
- Renovation of vacant units to reduce overcrowding or for quarantine.
- Assignment of NHA housing units for quarantine use or for use by essential personnel such as health care personnel. This can be facilitated by a Memorandum of Understanding (MOU) with tribal agencies.
- Purchase or lease of temporary housing for use as command centers for NHA.

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- Hiring of temporary workers to respond to COVID-19 for NHA tenant or low-income residents of the Navajo Nation.
- Administrative costs to expend CARES Act funding including Board meeting costs, legal costs to amend policies, review policy compliance, or to assist in administering CARES Act specific programs.
- Costs for existing staff and additional staff hiring to coordinate with chapter officials, council delegates, president's office.
- NHA staff salaries and expenses for planning and response.
- Transportation of staff to perform IHBG program functions, including purchase or lease of additional vehicles and equipment.
- Upgrade of equipment and technology to facilitate electronic communication and reduce reliance on in-person meetings and transactions. These costs are Administrative expenses subject to the administrative cap in 24 C.F.R. § 1000.238.
- Personal protective equipment necessary for TDHE staff to administer its programs.
- Paid administrative leave for NHA staff. This is an administrative cost under NAHASDA according to HUD.

## **CARES ACT IHBG COSTS NOT ALLOWABLE**

- Reimbursement of NHA losses of non-program income resulting from rent collection decreases or suspension of rent payments. NHA can use CARES Act and IHBG funds to cover costs for unit operations, it just cannot convert these funds to non-Program income as a reimbursement.
- Acquisition of properties without complying with environmental requirements. NHA can request some waivers from HUD, or alternative notice requirements, but cannot skip these requirements.
- Renovation of properties without complying with environmental regulations. NHA can request some waivers from HUD, or alternative notice requirements, but cannot skip these requirements.
- Other uses not considered Eligible Housing Activities under 25 U.S.C. § 4132, and 24 C.F.R. § 1000.102.

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## **CARES ACT IHBG ITEMS THAT MAY NEED MODEL ACTIVITY APPROVAL**

HUD's March 30, 2020 FAQs OQ6 addresses model activities. Tribes and TDHEs that seek to carry out certain activities designed to help address the impact of COVID-19, and not otherwise expressly listed as eligible activities under Section 202 of Native American Housing Assistance and Self Determination Act (NAHASDA), may submit a model activities approval request to the Office of Native American Programs (ONAP). If ONAP determines such requests are designed to carry out the purposes of NAHASDA, ONAP will approve such requests. HUD encourages Tribes and TDHEs to develop creative ways to use their formula IHBG funds to help protect residents and communities from COVID-19.

The following activities would likely require model activity approval:

- Purchase of food for residents. While food delivery costs would be allowable as a supportive service for quarantined residents, residents at high risk, and quarantined families, it is not clear the cost of food is an eligible expense.
- Personal security to guard food.
- The construction of hospitals or lab testing facilities.
- Assistance to persons outside the Service Area. HUD has advised TDHE's that they may expand their Service Area following the NAHASDA regulations to serve those outside the Service Area. This could be submitted as a model activity to prevent spread of COVID-19 by assisting members to stay in place.
- Payments to Navajo Nation emergency personnel working in low-income housing areas including NHA housing areas.

## **ELIGIBLE HOUSING ACTIVITIES**

25 U.S.C. § 4132 defines Eligible Housing Activities that all IHBG funds can be spent on. NHA may expend its annual allocations and its CARES Act IHBG allocations on the following:

Affordable housing activities under this subchapter are activities, in accordance with the requirements of this subchapter, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

### **(1) Indian housing assistance**

The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

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## **(2) Development**

The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to achieve greater energy efficiency, mold remediation, and other related activities.

## **(3) Housing services**

The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

## **(4) Housing management services**

The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, the costs of operation and maintenance of units developed with funds provided under this chapter, and management of affordable housing projects.

## **(5) Crime prevention and safety activities**

The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

## **(6) Model activities**

Housing activities under model programs that are designed to carry out the purposes of this chapter and are specifically approved by the Secretary as appropriate for such purpose.

In HUD Guidance 2009-02 HUD provided additional Guidance on what is included within “eligible Housing Activities.” That Guidance is also attached to this Memorandum as **Att. B.**

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## **CARES ACT IHBG ISSUES TO PREPARE FOR**

### **1. Tracking CARES Act IHBG funds separately.**

NHA's accounting system needs to include separate codes for CARES Act activities. This can include Planning and Administration and normal operations during the COVID-19 pandemic. These funds will be audited, so tracking expenditure is essential to ensure NHA does not have to repay disallowed costs. For this reason, NHA will be tracking all its expenditures.

### **2. 20% Planning and Administration Expense.**

There is a 20% limit on Administration and Planning. HUD has indicated it considers paid administrative leave, IT and computers an Administration and Planning expense. While this is a restrictive view of what is an Administration and Planning expense, out of an abundance of caution, NHA will need to put together a budget for the CARES Act funds, and estimate its Planning and Administration Expense and apply for a waiver when it gets close to 20% of expenditure. In addition, legal expense, accounting additional expenses to account for funds, additional meetings specific to COVID-19 with Navajo Nation officials and staff are all billable to CARES Act and would be considered a Planning and Administration Expense. HUD was clear on the teleconference it will be granting waivers where supported.

### **3. Procurement Guidelines.**

**a. Sole Sourcing.** While procurement regulations at 2 C.F.R. Part 200 still apply, NHA can waive NHA Procurement policies and federal regulations where necessary to respond to the emergency. Purchases under \$250,000.00 when sole sourced only require NHA approval of a sole source in accordance with NHA Policies. NHA must certify the cost paid is reasonable, that there is inadequate time to permit competition because the items are needed to respond to the COVID-19 emergency, and that NHA has reviewed and approved the cost expenditure as reasonable. If the expenditure is more than \$250,000, NHA must obtain approval from HUD for the sole source. For HUD waivers, NHA will have to seek at least 3 price quotations for items over \$10,000.00. NHA will still need to comply with all other contract and procurement requirements when sole sourcing items. HUD's March 30, 2020 FAQs addresses this at RQ2 and cites to 2 C.F.R. § 200.320(f). "Tribes and TDHEs must maintain in their files, however, a rationale of the single source proposal and cost analysis (i.e., proposed cost data, cost projections, evaluation of specific elements of cost and profits). Labor costs are based on the going market."

**b. Environmental Requirements when procuring properties.** NHA will still need to comply with environmental requirements for acquiring existing properties or rehabilitating properties. NHA will need to ensure it is staffed to expedite environmental reviews on property acquisition and rehabilitation. HUD's March 30, 2020 FAQs addresses these requirements at RQ3, and cites to <https://www.hudexchange.info/programs/environmental-review/> for additional guidance on these regulations during COVID-19 response.

**c. Labor Requirements.** NHA still has to comply with TERO wage requirements. NHA can pay more than it typically does for contracts, if it has surveyed the market, obtained more

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than 1 quote, and determined that due to the COVID-19 outbreak, the labor or contract costs are in line with the current market rates for labor and items.

4. **Waiver Requests.** HUD will be issuing additional guidance on waivers and how to request them to waive regulations applicable to IHBG funds. In the HUD FAQs published March 30, 2020, FQ1, HUD has indicated it will process waivers of the deadline to submit an IHP for up to 90 days, and waivers of APR deadlines. Further, on a HUD April 3, 2020 teleconference, HUD indicated it will grant audit deadline extensions of up to 6 months.
5. **Model Activities.** HUD's March 30, 2020 FAQs OQ6 addresses model activities. NHA will have to submit Model Activity requests for activities that do not fall under IHBG Eligible Housing Activities and obtain HUD approval before expending funds for model activities. Allocations of funds made to the Navajo Nation for funding Navajo Nation community based programs such as PPE for their emergency workers working in NHA housing areas providing services to low-income families communities, command centers for communities, and anything addressed to the broader community, and not just NHA tenants and clients, will likely need Model Activity Approval in advance of funding these activities.

## **HUD \$100 MILLION CARES ACT INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) FUNDING**

The CARES ACT includes \$100 million for the ICDBG program to be used to prepare, prevent and respond to the COVID-19 virus. Allocations will not be awarded competitively – they will be awarded based on an application for funding under HUD's ICDBG Imminent Threat program. The funds are intended to address emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19. Final ONAP COVID-19 Second FAQ, 3.30.2020 2.

HUD intends to publish an Implementation Notice in the very near future that provides Tribes and TDHes guidance on how to apply for this funding. NHA is working with the Navajo Nation Division of Community Development to assist in providing information on COVID-19 response projects that would be most likely to receive CARES ACT ICDBG funding. NHA has recommended DCD start preparing its submittal now as HUD has discretion to award funds as applications are submitted and will not be requiring competition. As soon as HUD issues additional guidance on this fund, NHA will provide that to Navajo Nation Division of Community Development. HUD's Guidance on the normal ICDBG Imminent Threat process is also attached to provide background on this program. Att. C

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## **CONCLUSION**

NHA will continue to provide updates on its activities, new programs implemented in response to COVID-19, and planned uses of funds. NHA looks forward to coordinating programs and services with the Navajo Nation and working with the Nation to support the COVID-19 Incident Command Centers and community response.

Please let me know if you have any questions or want to discuss this or any other matter.

Ahéhee'

# HUD ONAP COVID-19 FAQs for Tribes and Tribally Designated Housing Entities (TDHEs)

Second FAQ, Submitted March 30, 2020

The following Frequently Asked Questions (FAQs) have been designed to assist Tribes and TDHEs while they navigate the impact of COVID-19 on their day-to-day functions. They are divided into the following subject sections.

1. **F-Emergency Funding**
2. **K- Key COVID-19 Information Resources**
3. **R- Reporting Extensions and Waivers**
4. **O- Emergency Operations and Tribal Policies – By Program**

These FAQs will be updated frequently and responses to questions may change based on waivers and alternative requirements that ONAP may issue. Please note that this publication supersedes any previous posted guidance.

Please note that all HUD staff are currently teleworking and can be reached via e-mail. Please visit [www.hud.gov/codetalk](http://www.hud.gov/codetalk) and then look for the area office link on the right side of the front page to access staff contact info by region. Questions can also be sent to: [codetalk@hud.gov](mailto:codetalk@hud.gov).

## **1.0 Emergency ONAP Funding (F)**

**FQ1. Is HUD going to make extra funding available to Tribes and TDHEs to cover the cost of extraordinary costs that may have to be incurred during this crisis?**

A. On March 27, 2020 the President signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which includes more than \$2 trillion to alleviate some of the worst effects of the coronavirus disease 2019 (COVID-19). Of this total, \$200 million is included for the Indian Housing Block Grant (IHBG) program and \$100 million is included for the Indian Community Development Block Grant program. In addition, the CARES Act grants the U.S. Department of Housing and Urban Development statutory and regulatory waiver authority to help facilitate the expedient use of funds.

The \$200 million included for the IHBG program will be distributed as quickly as possible to Tribes and Tribally Designated Housing Entities (TDHEs) according to the same funding formula used to award Fiscal Year 2020 funds. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19, and maintain operations impacted by COVID-19.

The \$100 million included for the ICDBG program can be used for emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19.

HUD intends to publish an Implementation Notice in the very near future that provides Tribes and TDHEs with guidance on how to apply for this funding, and will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

## **2.0 Key COVID-19 Information Resources on (K)**

### **Key Information Links:**

- [Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease \(COVID-19\) Outbreak](#)
- [HUD COVID-19 \("Coronavirus"\) Information and Resources](#)
- [CDC Coronavirus \(COVID-19\)](#)
- [Disaster Distress Helpline \(SAMHSA\)](#)

### **KQ1. Who can I contact with questions about emergency preparedness efforts for Tribes and TDHEs?**

A. Tribes and TDHEs should stay in touch with their area ONAP offices via [email](#). Questions can also be sent to [Codetalk@hud.gov](mailto:Codetalk@hud.gov) as this mailbox is monitored daily.

### **KQ2. How will my Tribe or TDHE learn about a positive COVID-19 case?**

A. Tribes or TDHEs will learn about COVID-19 cases and activities in the community from their local health departments. Tribes or TDHEs should communicate with their tribal or local health department if they are concerned that residents/workers in their facility might have COVID-19. Residents can be encouraged to self-report in a broader pandemic emergency policy.

### **KQ3. How does a Tribe or TDHE notify residents when there is a positive COVID-19 case in their building or property?**

A. CDC COVID-19 communication resources in both print and digital form are available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>

### **KQ4. How should a Tribe or TDHE inform residents/staff within a tribal housing unit that there is a positive COVID-19 case? How should a Tribe or TDHE share this information within their unit without breaking HIPAA/other privacy laws?**

A. Tribes or TDHEs should follow the recommendations of their local or tribal health clinic. Tribes or TDHEs can provide notification of positive COVID-19 cases without sharing the name/apartment number/other personally-identifiable information to their residents and staff.

### **KQ5. Is there a place I can refer residents that are experiencing distress?**

A. The [Disaster Distress Helpline](#), 1-800-985-5990, is a 24/7, 365-day-a-year, national hotline dedicated to providing immediate crisis counseling for people who are experiencing emotional distress related to any natural or human-caused disaster.

### **3.0 Reporting Extensions and Waivers- Federal and Program (R)**

**RQ1. Our Tribe or TDHE determined that given the extent of the outbreak in our area and the impact on our staff, we may have significant disruptions in regular services, including Indian Housing Plans/Annual Performance Reports, and other required documents. Can HUD grant any relief on these regulatory requirements?**

A. As part of planning efforts related to COVID-19, HUD encourages tribes and TDHEs to evaluate which functions can be done remotely if the office closes or staff are quarantined. However, HUD recognizes that local circumstances may impact a tribe or TDHEs' ability to comply with certain requirements, including deadlines. As such, and in an abundance of caution, HUD encourages Tribes and TDHEs to prioritize efforts to reduce or mitigate the risk of infection.

HUD may waive Indian Housing Plan (IHP) requirements for a period of up to 90 days beyond the IHP submission due date when an IHBG recipient cannot comply with IHP requirements due to exigent circumstances beyond the recipient's control. IHP waiver requests should be submitted to area ONAPs. HUD may also grant APR deadline extensions.

**RQ2. What are HUD's procurement policies to meet response needs during this time (e.g., specialized cleaning)?**

A. Federal regulations at 2 CFR § 200.320(f) permit a Tribe, or TDHE to procure from single source through noncompetitive proposals. A Tribe, or TDHE can solicit a proposal from one source only when one or more of the following circumstances apply: (1) An item is available only from a single source; (2) A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) HUD expressly authorizes noncompetitive proposals in response to a written request from a Tribe, or TDHE; or (4) Competition is determined inadequate after solicitation of a number of sources.

Tribes and TDHEs must maintain in their files, however, a rationale of the single source proposal and cost analysis (i.e., proposed cost data, cost projections, evaluation of specific elements of cost and profits). Labor costs are based on the going market rate at the time. Conflict of interest requirements continue to apply in this situation.

**RQ3. Will COVID-19 related work require environmental reviews?**

A. Yes, if HUD funding is being used for that work. The HUD Office of Environment has published Guidance on COVID and environmental reviews, and will continue to update it, available here: <https://www.hudexchange.info/programs/environmental-review/>. Guidance covers submitting Form 7015.15, posting reviews for public comment, accepting public comments, consultation under Section 106 of the National Historic Preservation Act, and more.

#### **4.0 Emergency Operations and Tribal Policies – By Program (O)**

##### **OQ1. How should my Tribe or TDHE prepare for COVID-19 virus infections among our assisted families?**

A. HUD recommends that Tribes or TDHEs that administer housing programs consider the potential impacts that may occur if a resident contracts COVID-19 virus or there is a state or local quarantine directive. These could be addressed in a pandemic emergency, or continuing operations plan.

Some topics to consider in your plan include:

- **Staff Management and Communication**
  - Reviewing personnel policies and labor agreements
  - Determining essential and non-essential positions, as well as remote work options
  - Providing access to health care providers and/or police
  - Guidance from CDC and Occupational Safety and Health Administration (OSHA) on worker protection and personal protective equipment (PPE)
- **Resident Communication**
  - Managing short-and long-term quarantines in a unit or a property
  - Working with resident groups
  - Providing access to health care providers and/or police if requested
  - Guidance from CDC and state, or tribal health departments
  - Residents with special needs, and any reasonable accommodations that may be requested
  - Encouraging residents to self-report illness or quarantines
  - Continued operations of supportive services programs while closed and/or teleworking
- **Resident Safety and Security**
  - Policies, procedures and other measures to protect vulnerable populations
  - Identifying local service providers (e.g. private grocery delivery)
  - Residents with special needs, and any reasonable accommodations
  - Internet connectivity
- **Modifying Regular Processes (if Advised)**
  - Unit inspections
  - Rent Collection
  - Recertifications
  - Unit maintenance (if not performed by the owner)
  - Hardship policies
  - Public meetings
- **Additional Considerations for Tribes/TDHE Boards of Commissioners**
  - State, local or tribal laws about public meetings
  - Changes to standard communication methods
  - Procurement policies and approvals
  - Other Tribal policies (e.g., Admissions and Occupancy Policy).

## Reporting Extensions and Waivers

### **14. Q: Should Tribes and TDHEs prepare for onsite monitoring visits or remote monitoring by Area ONAP staff?**

A: No. The CARES' Act allowed ONAP to postpone most on-site and remote monitoring reviews scheduled for FY 2020 until further notice. Once normal business operations have resumed at HUD and at the Tribe or TDHE offices, these reviews will be reevaluated and may, or may not, be rescheduled in FY 2021.

In the rare event of an exigent emergency or if there is reason to believe that there is fraud, abuse of Federal funding, or a threat to the health and safety of low-income Indian families, HUD may opt, once feasible, to conduct the monitoring review remotely or take other appropriate action in accordance with NAHASDA. Otherwise, all currently scheduled FY2020 onsite or remote monitoring reviews have been postponed.

Tribes and TDHEs that have already received a Notice of On-site or Remote Monitoring, will also receive a notification from its Area ONAPs that the FY2020 monitoring review has been postponed until further notice. If you have not received such notification, please contact your Area ONAP regarding the status of your scheduled monitoring. For reference, the pre-postponement FY 2020 Monitoring Schedule remains posted on Code Talk.

In addition, the comment period for responding to a Draft Monitoring Report (DMR) and the target dates for responding to open monitoring findings from a Final Monitoring Report (FMR) have also been postponed until further notice, with the exception of any open findings related to fraud, abuse of Federal funding, or the risk of the health and safety of low-income Indian families. The Area ONAPs will notify recipients with open monitoring findings of the extended target dates. Contact your Area ONAP with any questions regarding postponements.

### **15. Q: How will ONAP handle Training and Technical Assistance while many parts of the country are required to shelter in place?**

A: The majority of Training and Technical Assistance (TA) previously approved and planned for FY 2020 has been postponed due to pandemic health concerns and Tribal emergency directives. However, ONAP is working with TA Providers to identify topics and delivery methods that will be most effective in responding to requests for remote assistance. When possible, ONAP will convert the previously approved TA to remote sessions provided through teleconference calls and video conferencing. ONAP is also assessing new means of remote training to better accommodate remote requests.

Currently, ONAP continues to respond to TA requests and provide as much direct technical assistance as practical remotely. The TA Request Form can be found on ONAP's Training webpage at:

[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/training](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/training)

Your area ONAP continues to be available to answer general technical assistance questions.

**16. Q: Is ONAP extending reporting due dates during the Pandemic?**

A: Yes. The CARES Act has enabled ONAP to extend reporting deadlines from March 30, 2020 through June 30, 2020 by 90 calendar days from the original due date for the following reports:

- IHBG Annual Performance Reports
- Quarterly and Final Federal Financial Reports (SF-425) for all ONAP managed grants:
  - IHBG Formula and Competitive Reports
  - Indian Community Development Block Grant (ICDBG) and ICDBG-Imminent Threat (IT)
  - Resident Opportunities and Self-Sufficiency (ROSS)
  - Veterans Affairs Supportive Housing (VASH)
- Tribal HUD-VASH Reports (HUD-50058)
- ICDBG Closeouts and Final Status and Evaluation Reports
- Responses to open findings for Audits

The 90-day extension currently applies to original due dates from March 30, 2020 through June 30, 2020 as listed in the chart below.

**ONAP Program Reporting Deadlines– 90 Day Extensions by Fiscal Year End (FYE)**

FYER	Original Due Date	90 Days
12/31/2019	03/30/2020	06/28/2020
03/31/2020	06/29/2020	09/27/2020

**17. Q: Have the deadlines for submitting Audits to the Federal Audit Clearinghouse (FAC) been extended due to the pandemic?**

A: Yes. The Office of Management and Budget's memo M-20-17 allows for audits required by Single Audit Act (chapter 75 of title 31, United States Code), implemented by 2 C.F.R. part 200, subpart F, that are due on or before June 30, 2020 and those audits for grantees that have fiscal year-ends through June 30, 2020, have been granted a six (6) month or 180-day extension of the original due date. The deadlines to submit the annual audits to the FAC applies to the audits due per the chart below.

**Annual Audit Deadlines to Submit to FAC Six Month (180 Day) Extensions**

FYE	Original Date Audit Due to FAC	Extended Due Date per OMB-M-20-17
6/30/2019	03/31/2020	09/30/2020
9/30/2019	06/30/2020	12/31/2020
12/31/2019	09/30/2020	03/31/2021
3/20/2020	12/31/2020	06/30/2021
6/30/2020	03/31/2021	09/30/2021

Contact your Area ONAPs with questions. Additional guidance is forthcoming.

- 18. Q: Our Tribe or TDHE determined that, given the extent of the outbreak in our area and the impact on our staff, we may have significant disruptions in regular services, including Indian Housing Plans/Annual Performance Reports, and other required documents. Can HUD grant any relief on these regulatory requirements?**

**A:** As part of planning efforts related to COVID-19, HUD encourages tribes and TDHEs to evaluate which functions can be done remotely if the office closes or staff are quarantined. However, HUD recognizes that local circumstances may impact a tribe or TDHEs' ability to comply with certain requirements, including deadlines. As such, and in an abundance of caution, HUD encourages Tribes and TDHEs to prioritize efforts to reduce or mitigate the risk of infection.

HUD may waive Indian Housing Plan (IHP) requirements for a period of up to 90 days beyond the IHP submission due date when an IHBG recipient cannot comply with IHP requirements due to exigent circumstances beyond the recipient's control. IHP waiver requests should be submitted to area ONAPs. HUD may also grant APR deadline extensions.

- 19. Q: What are HUD's procurement policies to meet response needs during this time (e.g., specialized cleaning)?**

**A:** Federal regulations at 2 CFR § 200.320(f) permit a Tribe, or TDHE to procure from single source through noncompetitive proposals. A Tribe, or TDHE can solicit a proposal from one source only when one or more of the following circumstances apply: (1) An item is available only from a single source; (2) A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; (3) HUD expressly authorizes noncompetitive proposals in response to a written request from a Tribe, or TDHE; or (4) Competition is determined inadequate after solicitation of a number of sources.

Tribes and TDHEs must maintain in their files, however, a rationale of the single source proposal and cost analysis (i.e., proposed cost data, cost projections, evaluation of

specific elements of cost and profits). Labor costs are based on the going market rate at the time. Conflict of interest requirements continue to apply in this situation.

**20. Q: Will COVID-19 related work require environmental reviews?**

A: Yes, if HUD funding is being used for that work. The HUD Office of Environment has published Guidance on COVID and environmental reviews, and will continue to update it, available here: <https://www.hudexchange.info/programs/environmental-review/>. Guidance covers submitting Form 7015.15, posting reviews for public comment, accepting public comments, consultation under Section 106 of the National Historic Preservation Act, and more.

**Emergency Operations and Tribal Policies – General**

**21. Q. Can Tribes and TDHEs switch to using electronic signatures for leases, procurement documents, and forms?**

A: Yes. Utilizing electronic signatures is advisable, as permitted by Tribal policy. The purchase of equipment and software to enable remote processing is an allowable cost under the CARES Act as it prevents, prepares for and responds to the COVID-19 pandemic.

**22. Q: How should public meetings be conducted while the public is restricted from attending due to social distancing and quarantine directives?**

A: Tribes and TDHEs are encouraged to hold such meetings remotely or online. Tribes and TDHEs that continue with public meetings should follow the latest CDC, state, or local health department guidance.

**23. Q: How should my Tribe or TDHE prepare for COVID-19 virus infections among our assisted families?**

A: HUD recommends that Tribes or TDHEs that administer housing programs consider the potential impacts that may occur if a resident contracts COVID-19 virus or there is a state or local quarantine directive. These could be addressed in a pandemic emergency, or continuing operations plan.

Some topics to consider in your plan include:

- Staff Management and Communication
  - Reviewing personnel policies and labor agreements
  - Determining essential and non-essential positions, as well as remote work options
  - Providing access to health care providers and/or police

- Guidance from CDC and Occupational Safety and Health Administration (OSHA) on worker protection and personal protective equipment (PPE)
- Resident Communication
  - Managing short-and long-term quarantines in a unit or a property
  - Working with resident groups
  - Providing access to health care providers and/or police if requested
  - Guidance from CDC and state, or tribal health departments
  - Residents with special needs, and any reasonable accommodations that may be requested
  - Encouraging residents to self-report illness or quarantines
  - Continued operations of supportive services programs while closed and/or teleworking
- Resident Safety and Security
  - Policies, procedures and other measures to protect vulnerable populations
  - Identifying local service providers (e.g. private grocery delivery)
  - Residents with special needs, and any reasonable accommodations
  - Internet connectivity
- Modifying Regular Processes (if Advised)
  - Unit inspections
  - Rent Collection
  - Recertifications
  - Unit maintenance (if not performed by the owner)
  - Hardship policies
  - Public meetings
- Additional Considerations for Tribes/TDHE Boards of Commissioners
  - State, local or tribal laws about public meetings
  - Changes to standard communication methods
  - Procurement policies and approvals
  - Other Tribal policies (e.g., Admissions and Occupancy Policy).

**24. Q: If we must do specialized cleaning of a unit or building, what guidance should I follow?**

A: The following websites provide useful information for Tribes and TDHEs regarding specialized cleaning of units, but they should seek guidance from their tribal health department:

- CDC's main website: [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov);
- Cleaning for community areas: [Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#);
- Cleaning for a household: [Interim Recommendations for US Households with Suspected/Confirmed Coronavirus Disease 2019](#);
- CDC's guidance covers recommended disinfectants and PPE. Additional information on disinfectants is also available at [www.epa.gov/coronavirus](http://www.epa.gov/coronavirus); and
- Guidance for workers and PPE is also at [www.osha.gov/SLTC/covid-19/](http://www.osha.gov/SLTC/covid-19/).

**25. Q: How should staff that regularly interact with residents and their homes perform their regular duties if there is a quarantine? Activities may include in-person rent collection, and income certification?**

A: Tribes and TDHEs should plan now for alternative procedures for these processes, as they may become restricted during a quarantine. Options may include electronic transmission of funds, online teleconference calls, or secure collection boxes for payments. As part of planning, follow CDC guidance to avoid virus transmission and to provide personal protective equipment (PPE) sufficient for the service performed. For more information, see CDC's guidance on PPE and cleaning at [www.cdc.gov/coronavirus/2019-ncov](https://www.cdc.gov/coronavirus/2019-ncov). As a reminder, HUD does not mandate in-person meetings for income certification or recertifications.

**26. Q: If IHBG maintenance staff are working in units, can we provide them with masks, safety suits, and other protection equipment?**

A: IHBG funds may be used to purchase personal protection equipment to allow Tribal and TDHE staff to carry out their necessary duties under the program. During this emergency, the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

#### **Indian Housing Block Grant- Emergency Operations and Tribal Policies**

**27. Q: What activities can be supported with Indian Housing Block Grant (IHBG) funds?**

A. IHBG formula funds can be used to pay for the cost of a wide range of eligible activities and administrative and planning costs to protect the health and safety of families assisted under the program, Tribal or TDHE housing staff. This includes, but is not limited to, using IHBG funds to pay for:

- Staff salaries and expenses for planning and response
- Purchasing personal protective equipment necessary for TDHE staff to administer the IHBG program
- Purchase and use of cleaning supplies such as disinfectants, sanitizers, waste disposal supplies, and other supplies to disinfect homes of residents, common areas, and housing related public facilities and other public spaces like playgrounds

Subsequently, Congress provided similar statutory relief to Section 184 and Section 184A borrowers in the CARES Act. Section 4022 of the CARES Act provides that, except with respect to a vacant or abandoned property, a servicer of a Section 184 or Section 184A loan may not initiate foreclosure proceedings, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020.

In addition to the foreclosure moratorium, the CARES Act allows borrowers experiencing financial hardship due, directly or indirectly, to the COVID-19 emergency to request forbearance on a Section 184 or Section 184A loan, regardless of delinquency status, by submitting a request to the borrower's servicer and affirming that the borrower is experiencing a financial hardship due to the COVID-19 emergency. Servicers are required to grant such forbearance for up to 180 days, and this period may be extended for up to another 180 days at the request of the borrower. Borrowers may also request a shortened forbearance period.

Servicers are required to approve forbearance requests with no additional documentation required other than the borrower's attestation to a financial hardship caused by the COVID-19 emergency, and may not charge fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract). During a period of forbearance, no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract, may accrue on the borrower's account.

**Third HUD Office of Native American Programs (ONAP)  
COVID-19 FAQs for Tribes and Tribally Designated Housing Entities (TDHEs)**

*Updated: 4.17.2020*

The following Frequently Asked Questions (FAQs) have been designed to assist Tribes and TDHEs while they navigate the impact of COVID-19 on their day-to-day functions. They are divided into the following subject sections.

**Emergency Funding  
Key COVID-19 Information Resources  
Reporting Extensions and Waivers  
Emergency Operations and Tribal Policies**

These FAQs will be updated as needed and responses to questions may change based on waivers and alternative requirements issued by ONAP. The most recent FAQ are in blue. Please note that subsequently issued PIH Notices will supersede this posted guidance.

Please note that all HUD staff are currently teleworking and can be reached via e-mail. Please visit [www.hud.gov/codetalk](http://www.hud.gov/codetalk) and then look for the area office link on the right side of the front page to access staff contact info by region. Questions can also be sent to: [codetalk@hud.gov](mailto:codetalk@hud.gov).

**Emergency Funding**

**1. Q: Will a summary of ONAP calls with Tribes and TDHEs be provided?**

A: Yes. The recordings and summaries of the calls will be posted to [Codetalk](http://www.hud.gov/codetalk). Many of the questions raised on the call are featured in this FAQ. Additional information will be issued on supplemental funding, reporting extensions, and adjustments to operations due to the pandemic.

**2. Q: Tribes and TDHEs administering an Indian Housing Block Grant (IHBG) program are concerned that they are going to lose a substantial amount of program income because many assisted families are not able to go to work and earn an income to pay rent due to the impact by COVID-19. What can Tribes and TDHEs do?**

A: HUD understands that the current crisis is having a severe impact on all IHBG recipients' ability to conduct and fund operations. The Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") (Pub. L. 116-136, enacted March 27, 2020) does provide additional IHBG funding that HUD will make available as soon as possible. This funding must be used by IHBG recipients to prevent, prepare for, and respond to COVID-19, including to maintain normal operations and fund eligible affordable housing activities under Native American Housing and Self-Determination Act (NAHASDA) during the period that the program is impacted by COVID-19. Further guidance regarding eligible uses of IHBG funding will be included in the forthcoming

Implementation Notices. HUD will soon issue guidance clarifying the eligible uses and implementation considerations of the IHBG funding provided under the CARES Act and expects that this additional funding will help IHBG recipients as they work to maintain sound operations during these challenging times.

**3. Q: Can Tribes and TDHEs use NAHASDA-assisted units, including Formula Current Assisted Stock (FCAS) units, to quarantine individuals diagnosed with COVID-19?**

A: Yes. The CARES Act allows for NAHASDA-assisted units, including FCAS units, to be utilized in the emergency response to the pandemic, to quarantine individuals in order to safeguard the health of the local community members.

**4. Q: Can Tribes and TDHEs use IHBG funds to deliver food, goods, and services to families as part of the emergency response?**

A: Yes. To safeguard the health of the local community members, the CARES Act allows IHBG funding to be used in response to the pandemic to deliver subsistence services such as food, goods, and other assistance to eligible families.

**5. Q: Can Tribes and TDHEs pay hazard pay to those staff required to work during the pandemic?**

A: Yes, The CARES Act allows for Tribes and TDHEs to pay hazard pay to employees working during the pandemic, provided such pay is reasonable for the services rendered, and conforms with the established written policies of the Tribe or TDHE, and is consistently applied against the IHBG grant. Tribes and TDHEs should adhere to the recommendations of the Centers for Disease Control (CDC) to limit exposure to COVID-19 and eliminate the spread of the virus. If Tribes or TDHEs do not have written policies governing hazard pay, they may adopt such policies, and are advised to do so in a manner that is safe and feasible under the current circumstances.

**6. Q: Is HUD going to make extra funding available to Tribes and TDHEs to cover the cost of extraordinary costs that may have to be incurred during this crisis?**

A: On March 27, 2020 the President signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which includes more than \$2 trillion to alleviate some of the worst effects of the coronavirus disease (COVID-19). Of this total, \$200 million is included for the Indian Housing Block Grant (IHBG) program and \$100 million is included for the Indian Community Development Block Grant program. In addition, the CARES Act grants the U.S. Department of Housing and Urban Development statutory and regulatory waiver authority to help facilitate the expedient use of funds.

The \$200 million included for the IHBG program will be distributed as quickly as possible to Tribes and Tribally Designated Housing Entities (TDHEs) according to the same funding formula used to award Fiscal Year 2020 funds. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19, and maintain operations impacted by COVID-19.

The \$100 million included for the ICDBG program can be used for emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19.

HUD intends to publish an Implementation Notice in the very near future that provides Tribes and TDHEs with guidance on how to apply for this funding, and will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

### Key COVID-19 Information Resources

#### 7. Q: Where can the guidelines from the CDC be found?

A: Updated CDC Guidance:

- Use of Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>
- Fact Sheet on Cloth Face Coverings: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>
- Guidance on Cleaning and Disinfection for Community Facilities: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Fact Sheet on Facilities: Everyday Steps, Steps When Someone is Sick, and Considerations for Employers: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility-H.pdf>
- Resources for Stress and Coping: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/managing-stress-anxiety.html>
- COVID-19-Related Phone Scams and Phishing Attacks: <https://www.cdc.gov/media/phishing.html>

#### 8. Q: How should Tribes and TDHEs handle the quarantine of infected tenants in managed units?

A: Tribes and TDHEs should coordinate with their Tribal Health Departments to consistently communicate with their Tribal members and help adhere to the

recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus. A link to the CDC recommendations is provided here:  
<https://www.coronavirus.gov/>.

**9. Q: Who can I contact with questions about emergency preparedness efforts for Tribes and TDHEs?**

A: Tribes and TDHEs should stay in touch with their area ONAP offices via email. Questions can also be sent to [Codetalk@hud.gov](mailto:Codetalk@hud.gov) as this mailbox is monitored daily.

**10. Q: How will my Tribe or TDHE learn about a positive COVID-19 case?**

A. Tribes or TDHEs will learn about COVID-19 cases and activities in the community from their local health departments. Tribes or TDHEs should communicate with their tribal or local health department if they are concerned that residents/workers in their facility might have COVID-19. Residents can be encouraged to self-report in a broader pandemic emergency policy.

**11. Q: How does a Tribe or TDHE notify residents when there is a positive COVID-19 case in their building or property?**

A. CDC COVID-19 communication resources in both print and digital form are available at: <https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>

**12. Q: How should a Tribe or TDHE inform residents/staff within a tribal housing unit that there is a positive COVID-19 case? How should a Tribe or TDHE share this information within their unit without breaking HIPAA/other privacy laws?**

A: Tribes or TDHEs should follow the recommendations of their local or tribal health clinic. Tribes or TDHEs can provide notification of positive COVID-19 cases without sharing the name/apartment number/other personally-identifiable information to their residents and staff.

**13. Q: Is there a place I can refer residents that are experiencing distress?**

A: The Disaster Distress Helpline, 1-800-985-5990, is a 24/7, 365-day-a-year, national hotline dedicated to providing immediate crisis counseling for people who are experiencing emotional distress related to any natural or human-caused disaster.

**OQ2. If we must do specialized cleaning of a unit or building, what guidance should I follow?**

A. The following websites provide useful information for Tribes and TDHEs regarding specialized cleaning of units, but they should seek guidance from their tribal health department:

- CDC's main website: [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov);
- Cleaning for community areas: [Interim Recommendations for US Community Facilities with Suspected/Confirmed Coronavirus Disease 2019](#);
- Cleaning for a household: [Interim Recommendations for US Households with Suspected/Confirmed Coronavirus Disease 2019](#);
- CDC's guidance covers recommended disinfectants and PPE. Additional information on disinfectants is also available at [www.epa.gov/coronavirus](http://www.epa.gov/coronavirus); and
- Guidance for workers and PPE is also at [www.osha.gov/SLTC/covid-19/](http://www.osha.gov/SLTC/covid-19/).

**OQ3. How should staff that regularly interact with residents and their homes perform their regular duties if there is a quarantine? Activities may include in-person rent collection, and income certification?**

A. Tribes and TDHEs should plan now for alternative procedures for these processes, as they may become restricted during a quarantine. Options may include electronic transmission of funds, online teleconference calls, or secure collection boxes for payments. As part of planning, follow CDC guidance to avoid virus transmission and to provide personal protective equipment (PPE) sufficient for the service performed. For more information, see CDC's guidance on PPE and cleaning at [www.cdc.gov/coronavirus/2019-ncov](http://www.cdc.gov/coronavirus/2019-ncov). As a reminder, HUD does not mandate in-person meetings for income certification or recertifications.

**OQ4. If IHBG maintenance staff are working in units, can we provide them with masks, safety suits, and other protection equipment?**

A. IHBG funds may be used to purchase personal protection equipment to allow Tribal and TDHE staff to carry out their necessary duties under the program. During this emergency, the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**4.1 Emergency Operations and Tribal Policies - Indian Housing Block Grant**

**OQ5. What activities can be supported with Indian Housing Block Grant (IHBG) funds?**

A. IHBG formula funds can be used to pay for the cost of a wide range of eligible activities and administrative and planning costs to protect the health and safety of families assisted under the

program, Tribal or TDHE housing staff. This includes, but is not limited to, using IHBG funds to pay for:

- Staff salaries and expenses for planning and response
- Purchasing personal protective equipment necessary for TDHE staff to administer the IHBG program
- Purchase and use of cleaning supplies such as disinfectants, sanitizers, waste disposal supplies, and other supplies to disinfect homes of residents, common areas, and housing related public facilities and other public spaces like playgrounds
- Purchase and use of supplies and materials to promote the safety of residents and Tribal housing staff including gloves, surgical masks and goggles, hand hygiene products, soap, paper towels, hand sanitizer, hand wipes, and tissues, thermometers, and more
- Transportation costs of staff to perform IHBG program functions
- Costs to upgrade equipment or technology to facilitate electronic communication and reduce reliance on in-person meetings and transactions. These costs are administrative expenses subject to the administrative cap in 24 CFR 1000.238
- Temporary relocation assistance to families impacted by COVID-19, or to prevent exposure or spread of the virus
- Rehabilitation of housing to improve ventilation
- Housing services to educate residents on prevention and remediation measures to limit risks associated with COVID-19, and other related public health education initiatives
- Costs of establishing and operating facilities, such as isolation centers, to house persons with COVID-19 if they are unable to isolate on their own. Such facilities may include homeless persons or those that could possibly infect vulnerable populations, such as the elderly or those with existing medical conditions who are at high-risk.

**OQ6. Can a Tribe or TDHE submit a Model Activity approval request to HUD to help address COVID-19?**

A. Yes. Tribes and TDHEs that seek to carry out certain activities that are designed to help address the impact of COVID-19 in Tribal communities, and not otherwise expressly listed as eligible activities under Section 202 of Native American Housing Assistance and Self Determination Act (NAHASDA), may submit a model activities approval request to the Office of Native American Programs (ONAP). If ONAP determines that such requests are designed to carry out the purposes of NAHASDA, ONAP will approve such requests. HUD encourages Tribes and TDHEs to develop creative ways to use their formula IHBG funds to help protect residents and Tribal communities from COVID-19.

**OQ7. With the new guidelines from the President, Tribes and TDHEs are taking a stand to protect their residents and staff. However, with many people being asymptomatic to the COVID-19, Housing Inspectors are at risk. Tribes and TDHEs have annual and follow-up inspections and wonder whether HUD will have a waiver for the Annual Performance Report (APR) for the annual inspections and need advice on how to handle this. They do not want to put staff at risk.**

A. Under normal circumstances, IHBG recipients are required to conduct onsite housing inspections to assess compliance with NAHASDA requirements as a part of their Annual Performance Report (APR). The Tribe or TDHE's internal policies dictate inspection frequency and standards for completing maintenance concerns identified during inspections. Given the current national emergency, ONAP is strongly recommending that Tribes and TDHEs avoid contact with tenants and homebuyers for anything other than essential purposes. Until further notice, ONAP will not issue findings against Tribes and TDHEs for failing to follow their existing policies regarding inspections and maintenance.

However, we strongly encourage Tribes and TDHEs to be responsive to requests to inspect and correct defects that affect the health and safety of the dwelling occupants. In doing so, Tribal and TDHE staff should take extreme care to prevent the spread of the virus. Please note that personal protective equipment necessary for Tribes and TDHEs to carry out eligible activities is an eligible expense.

**OQ8. Is a Tribe or TDHE required to evict families that cannot pay their rent due to the current crisis? Are there any plans for a possible rent reprieve?**

A. Tribes and TDHEs are encouraged to use their discretion and best judgment under ONAP programs to provide relief to any residents who cannot meet their rent obligations under these circumstances. ONAP is strongly recommending that Tribes and TDHEs administering ONAP programs place a temporary moratorium on all evictions, foreclosures, and any actions that would result in residents becoming homeless or otherwise unstable. Tribes and TDHEs are encouraged to provide any rent relief and loss mitigation to any eligible families that cannot make rent or homebuyer payments at this time. Additionally, until further notice, ONAP will not issue findings against Tribes and TDHEs if the rent relief and loss mitigation being provided to any eligible families in response to COVID-19 are not in compliance with existing policies of the respective Tribe or TDHE.

This does not preclude Tribes and TDHEs from carrying out necessary evictions to otherwise protect the health and safety of residents, such as evictions for serious criminal activity. However, Tribes and TDHEs should consider whether such actions can be delayed given the current emergency.

**OQ9. Under the IHBG program, if we provide rent relief to tenants who cannot pay rent right now, is the tenant required to pay this rent back at a later date?**

A. This is up to the Tribe's/TDHE's discretion. Tribes and TDHEs have the ability to forgive rent payments in accordance with their adopted policies and should consider this option at this

time. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30% rent rule in Section 203(a)(2). HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

**OQ10. We have decided to waive all rent payments for our tenants next month. Can we apply this same rent relief to tenants who are IHBG-eligible but whose incomes are between 80%-100% of area median income?**

A. If the tenants were low-income when they initially entered the program, a Tribe or TDHE can provide the same amount level of rent relief to these now non low-income families, provided the Tribe's or TDHE's admissions and occupancy policies allow for this level of assistance to such families. If the recipient's policies do not allow for this option, the Tribe or TDHE could implement a temporary policy to address this particular circumstance and provide the same level of rent relief to such families.

**OQ11. Can a Tribe or TDHE waive or delay monthly rent charges to tenants impacted by COVID-19? Can we pay the tenants portion of their rent if we are providing a rental subsidy? For instance, the 30% that the tenant would normally pay.**

A. Yes. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30 % rent rule in Section 203(a)(2) of NAHASDA. Tribes and TDHEs can choose to not charge rents. A Tribe or TDHE has discretion to provide rent relief to tenants that cannot make timely rent payments. HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

**OQ12. We have to reduce to essential personnel. Many of our staff are currently on administrative or emergency leave. Can we use IHBG funds to continue to pay their salaries and expenses while they are forced to stay home? If so, under what expense category or activity do we charge our IHBG grant? If these costs are considered administrative costs, we may exceed our 20% administrative expenses cap.**

A. Tribes and TDHEs can continue to pay the salaries and expenses of their staff that have to stay at home during this crisis if the respective Tribe's or TDHE's policies provide for paid leave under unexpected, extraordinary, or emergency circumstances. Tribes and TDHEs must document such costs in their records. Tribes and TDHEs that do not have policies can update their policies to allow for this type of leave. In doing so, ONAP suggests using the safest method of updating policies available to avoid unnecessary contact and further spreading of COVID-19. Generally, these amounts should be charged to administrative expenses under the IHBG program.

HUD recognizes that some Tribes and TDHEs may risk exceeding their maximum administrative and planning costs caps under the program. In accordance with 24 CFR 1000.238, Tribes and TDHEs may request HUD approval for a higher maximum percentage cap for administrative and planning expenses. Requests should be sent by email only to Area ONAPs since Area ONAP staff are also working from home.

**OQ13. Can I use IHBG funds to hire temporary workers to help us clean areas of our reservation to ensure the safety and security of our IHBG-assisted residents?**

A. Yes, though Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**OQ14. Can our Tribal or TDHE maintenance staff refuse to enter a unit and perform repairs if they are concerned for their health and safety?**

A. During this emergency the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**OQ15. Can Tribes/TDHEs use NAHASDA-assisted units for quarantining families or individuals diagnosed with COVID-19?**

A. Yes. Tribes/TDHEs can use NAHASDA assisted units for quarantining families or individuals testing positive for COVID-19 when those individuals/families must be quarantined in order to safeguard the health of local community members. Housing eligible families in such emergency housing is an eligible affordable housing activity. When feasible, given the current emergency, the Tribe or TDHE should adopt written policies governing their emergency housing program to ensure that families are treated consistently and that the policies ensure the safety and security of all assisted families.

**OQ16. Will units currently eligible as Formula Current Assisted Stock (FCAS) continue to be eligible for IHBG funding if used to quarantine families or individuals?**

A. Yes. Units currently eligible as FCAS will continue to be eligible for IHBG funding during the ongoing emergency if those units are used as temporary housing to quarantine NAHASDA-eligible individuals or families testing positive for COVID-19 in situations when those individuals/families must be quarantined in order to safeguard the health of local community members.

**OQ17. If someone needs to be quarantined away from the community, can IHBG funds be used for short term leasing at a motel/hotel?**

A. Yes. Short term emergency housing is an eligible activity under the IHBG program and funds can be used to provide this type of assistance.

#### **4.2 Emergency Operations and Tribal Policies - Indian Community Development Block Grant**

**OQ18. What activities can be supported with Indian Community Development Block Grant (ICDBG) funds?**

A. Like the IHBG program, a wide range of eligible activities may be carried out under the ICDBG program including health-related public facilities and public services. Generally, Single Purpose ICDBG grants that were previously awarded were awarded for specific projects. However, HUD will consider any program amendments submitted by Tribes in accordance with 24 CFR 1003.305 to help address the impact of COVID-19. All program amendment requests must meet the criteria in 24 CFR 1003.305 to be approved by HUD. Additionally, ICDBG Imminent Threat grants may be available to Tribes depending on the urgency and immediacy of the threat posed to the public health or safety of tribal residents. Both program amendments and Imminent Threat grants must be ICDBG eligible activities.

The \$100 million included for the ICDBG program in the CARES Act can be used for emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19. The Department is also drafting an Implementation Notice that will outline the steps and processes for accessing both the IHBG and ICDBG funding and we will issue this as soon as possible. In addition, HUD will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

#### **4.3 Emergency Operations and Tribal Policies – Section 184 and Section 184A**

**OQ19. What options are available to Indian Home Loan Guarantee Program (Section 184) borrowers negatively impacted by COVID-19?**

A. Borrowers are reminded to connect with their Section 184 lenders and servicers to explore loss mitigation options to help prevent them from going into foreclosure.

**OQ20. What kind of relief is available to Section 184 and Section 184A borrowers during this national emergency?**

A. On March 20, 2020, HUD published a Dear Lender Letter to inform approved Section 184 and Section 184A lenders and servicers of a foreclosure and eviction moratorium for all loans guaranteed under the Section 184 Indian Home Loan Guarantee Program and the Section 184A Native Hawaiian Housing Loan Guarantee program for a period of 60 days.

- Purchase and use of supplies and materials to promote the safety of residents and Tribal housing staff including gloves, surgical masks and goggles, hand hygiene products, soap, paper towels, hand sanitizer, hand wipes, and tissues, thermometers, and more
- Transportation costs of staff to perform IHBG program functions
- Costs to upgrade equipment or technology to facilitate electronic communication and reduce reliance on in-person meetings and transactions. These costs are administrative expenses subject to the administrative cap in 24 CFR 1000.238
- Temporary relocation assistance to families impacted by COVID-19, or to prevent exposure or spread of the virus
- Rehabilitation of housing to improve ventilation
- Housing services to educate residents on prevention and remediation measures to limit risks associated with COVID-19, and other related public health education initiatives
- Costs of establishing and operating facilities, such as isolation centers, to house persons with COVID-19 if they are unable to isolate on their own. Such facilities may include homeless persons or those that could possibly infect vulnerable populations, such as the elderly or those with existing medical conditions who are at high-risk.

**28. Q: Can a Tribe or TDHE submit a Model Activity approval request to HUD to help address COVID-19?**

A: Yes. Tribes and TDHEs that seek to carry out certain activities that are designed to help address the impact of COVID-19 in Tribal communities, and not otherwise expressly listed as eligible activities under Section 202 of Native American Housing Assistance and Self Determination Act (NAHASDA), may submit a model activities approval request to the Office of Native American Programs (ONAP). If ONAP determines that such requests are designed to carry out the purposes of NAHASDA, ONAP will approve such requests. HUD encourages Tribes and TDHEs to develop creative ways to use their formula IHBG funds to help protect residents and Tribal communities from COVID-19.

**29. Q: With the new guidelines from the President, Tribes and TDHEs are taking a stand to protect their residents and staff. However, with many people being asymptomatic to the COVID-19, Housing Inspectors are at risk. Tribes and TDHEs have annual and follow-up inspections and wonder whether HUD will have a waiver for the Annual Performance Report (APR) for the annual inspections and need advice on how to handle this. They do not want to put staff at risk.**

A: Under normal circumstances, IHBG recipients are required to conduct onsite housing inspections to assess compliance with NAHASDA requirements as a part of their Annual Performance Report (APR). The Tribe or TDHE's internal policies dictate inspection

frequency and standards for completing maintenance concerns identified during inspections. Given the current national emergency, ONAP is strongly recommending that Tribes and TDHEs avoid contact with tenants and homebuyers for anything other than essential purposes. Until further notice, ONAP will not issue findings against Tribes and TDHEs for failing to follow their existing policies regarding inspections and maintenance.

However, we strongly encourage Tribes and TDHEs to be responsive to requests to inspect and correct defects that affect the health and safety of the dwelling occupants. In doing so, Tribal and TDHE staff should take extreme care to prevent the spread of the virus. Please note that personal protective equipment necessary for Tribes and TDHEs to carry out eligible activities is an eligible expense.

**30. Q: Is a Tribe or TDHE required to evict families that cannot pay their rent due to the current crisis? Are there any plans for a possible rent reprieve?**

A: Tribes and TDHEs are encouraged to use their discretion and best judgment under ONAP programs to provide relief to any residents who cannot meet their rent obligations under these circumstances. ONAP is strongly recommending that Tribes and TDHEs administering ONAP programs place a temporary moratorium on all evictions, foreclosures, and any actions that would result in residents becoming homeless or otherwise unstable. Tribes and TDHEs are encouraged to provide any rent relief and loss mitigation to any eligible families that cannot make rent or homebuyer payments at this time. Additionally, until further notice, ONAP will not issue findings against Tribes and TDHEs if the rent relief and loss mitigation being provided to any eligible families in response to COVID-19 are not in compliance with existing policies of the respective Tribe or TDHE.

This does not preclude Tribes and TDHEs from carrying out necessary evictions to otherwise protect the health and safety of residents, such as evictions for serious criminal activity. However, Tribes and TDHEs should consider whether such actions can be delayed given the current emergency.

**31. Q: Under the IHBG program, if we provide rent relief to tenants who cannot pay rent right now, is the tenant required to pay this rent back at a later date?**

A: This is up to the Tribe and TDHEs discretion. Tribes and TDHEs have the ability to forgive rent payments in accordance with their adopted policies and should consider this option at this time. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30% rent rule in Section 203(a)(2). HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this

pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

- 32. Q: We have decided to waive all rent payments for our tenants next month. Can we apply this same rent relief to tenants who are IHBG-eligible but whose incomes are between 80%-100% of area median income?**

A: If the tenants were low-income when they initially entered the program, a Tribe or TDHE can provide the same amount level of rent relief to these now non low-income families, provided the Tribe or TDHEs admissions and occupancy policies allow for this level of assistance to such families. If the recipient's policies do not allow for this option, the Tribe or TDHE could implement a temporary policy to address this particular circumstance and provide the same level of rent relief to such families.

- 33. Q: Can a Tribe or TDHE waive or delay monthly rent charges to tenants impacted by COVID-19? Can we pay the tenants portion of their rent if we are providing a rental subsidy? For instance, the 30% that the tenant would normally pay.**

A: Yes. Under the IHBG program, Tribes and TDHEs have discretion to establish their own policies governing rents charged, provided they comply with the 30 % rent rule in Section 203(a)(2) of NAHASDA. Tribes and TDHEs can choose to not charge rents. A Tribe or TDHE has discretion to provide rent relief to tenants that cannot make timely rent payments. HUD strongly recommends that Tribes and TDHEs provide rent relief during this crisis to avoid any family becoming homeless during this pandemic. The Tribe or TDHE should amend their current Indian Housing Plan to add any new activities before the end of the Tribal program year.

- 34. Q: We have to reduce to essential personnel. Many of our staff are currently on administrative or emergency leave. Can we use IHBG funds to continue to pay their salaries and expenses while they are forced to stay home? If so, under what expense category or activity do we charge our IHBG grant? If these costs are considered administrative costs, we may exceed our 20% administrative expenses cap.**

A: Tribes and TDHEs can continue to pay the salaries and expenses of their staff that have to stay at home during this crisis if the respective Tribe's or TDHE's policies provide for paid leave under unexpected, extraordinary, or emergency circumstances. Tribes and TDHEs must document such costs in their records. Tribes and TDHEs that do not have policies can update their policies to allow for this type of leave. In doing so, ONAP suggests using the safest method of updating policies available to avoid unnecessary contact and further spreading of COVID-19. Generally, these amounts should be charged to administrative expenses under the IHBG program.

HUD recognizes that some Tribes and TDHEs may risk exceeding their maximum administrative and planning costs caps under the program. In accordance with 24 CFR 1000.238, Tribes and TDHEs may request HUD approval for a higher maximum percentage cap for administrative and planning expenses. Requests should be sent by email only to Area ONAPs since Area ONAP staff are also working from home.

**35. Q: Can I use IHBG funds to hire temporary workers to help us clean areas of our reservation to ensure the safety and security of our IHBG-assisted residents?**

A: Yes, though Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**36. Q: Can our Tribe or TDHE maintenance staff refuse to enter a unit and perform repairs if they are concerned for their health and safety?**

A: During this emergency the safety and security of staff and tenants is of utmost importance. Tribes and TDHEs are advised to delay all routine repairs that can be delayed during this time, and to only carry out repairs necessary to protect the health and safety of residents. Tribes and TDHEs should adhere to the recommendations of the CDC to limit exposure to COVID-19 and eliminate the spread of the virus.

**37. Q: Will units currently eligible as Formula Current Assisted Stock (FCAS) continue to be eligible for IHBG funding if used to quarantine families or individuals?**

A: Yes. Units currently eligible as FCAS will continue to be eligible for IHBG funding during the ongoing emergency if those units are used as temporary housing to quarantine NAHASDA-eligible individuals or families testing positive for COVID-19 in situations when those individuals/families must be quarantined in order to safeguard the health of local community members.

**38. Q: If someone needs to be quarantined away from the community, can IHBG funds be used for short term leasing at a motel/hotel?**

A: Yes. Short term emergency housing is an eligible activity under the IHBG program and funds can be used to provide this type of assistance.

**Indian Community Development Block Grant- Emergency Operations and Tribal Policies**

**39. Q: What activities can be supported with Indian Community Development Block Grant (ICDBG) funds?**

A: Like the IHBG program, a wide range of eligible activities may be carried out under the ICDBG program including health-related public facilities and public services. Generally, Single Purpose ICDBG grants that were previously awarded were awarded

for specific projects. However, HUD will consider any program amendments submitted by Tribes in accordance with 24 CFR 1003.305 to help address the impact of COVID-19. All program amendment requests must meet the criteria in 24 CFR 1003.305 to be approved by HUD. Additionally, ICDBG Imminent Threat grants may be available to Tribes depending on the urgency and immediacy of the threat posed to the public health or safety of tribal residents. Both program amendments and Imminent Threat grants must be ICDBG eligible activities.

The \$100 million included for the ICDBG program in the CARES Act can be used for emergencies that constitute imminent threat to health and safety. Funding is intended for activities and projects designed to prevent, prepare for, and respond to COVID-19. The Department is also drafting an Implementation Notice that will outline the steps and processes for accessing both the IHBG and ICDBG funding and we will issue this as soon as possible. In addition, HUD will issue waivers and alternative requirements of statutory and regulatory provisions to facilitate the use of these funds to help address COVID-19.

#### **Section 184 and Section 184A- Emergency Operations and Tribal Policies**

**40. Q: What options are available to Indian Home Loan Guarantee Program (Section 184) borrowers negatively impacted by COVID-19?**

**A:** Borrowers are reminded to connect with their Section 184 lenders and servicers to explore loss mitigation options to help prevent them from going into foreclosure.

**41. Q: What kind of relief is available to Section 184 and Section 184A borrowers during this national emergency?**

**A:** On March 20, 2020, HUD published a Dear Lender Letter to inform approved Section 184 and Section 184A lenders and servicers of a foreclosure and eviction moratorium for all loans guaranteed under the Section 184 Indian Home Loan Guarantee Program and the Section 184A Native Hawaiian Housing Loan Guarantee program for a period of 60 days.

Subsequently, Congress provided similar statutory relief to Section 184 and Section 184A borrowers in the CARES Act. Section 4022 of the CARES Act provides that, except with respect to a vacant or abandoned property, a servicer of a Section 184 or Section 184A loan may not initiate foreclosure proceedings, move for a foreclosure judgment or order of sale, or execute a foreclosure-related eviction or foreclosure sale for not less than the 60-day period beginning on March 18, 2020.

In addition to the foreclosure moratorium, the CARES Act allows borrowers experiencing financial hardship due, directly or indirectly, to the COVID-19 emergency to request forbearance on a Section 184 or Section 184A loan, regardless of delinquency status, by submitting a request to the borrower's servicer and affirming that the

borrower is experiencing a financial hardship due to the COVID-19 emergency. Servicers are required to grant such forbearance for up to 180 days, and this period may be extended for up to another 180 days at the request of the borrower. Borrowers may also request a shortened forbearance period.

Servicers are required to approve forbearance requests with no additional documentation required other than the borrower's attestation to a financial hardship caused by the COVID-19 emergency, and may not charge fees, penalties, or interest (beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract). During a period of forbearance, no fees, penalties, or interest beyond the amounts scheduled or calculated as if the borrower made all contractual payments on time and in full under the terms of the mortgage contract, may accrue on the borrower's account.



No. 2009-02  
March 04, 2009

# PROGRAM GUIDANCE

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**PROGRAM:** Indian Housing Block Grant

**FOR:** All Tribal Government Leaders and Tribally Designated Housing Entities

**FROM:** Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, PN

**TOPIC:** Affordable Housing Activities and Administrative Expenses

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**Purpose:** This guidance updates Native American Housing Assistance and Self-Determination Act (NAHASDA) Guidance 2001-02, NAHASDA Affordable Housing.

**Guidance:** The document is intended to provide assistance to tribes and tribally designated housing entities (TDHE) when determining eligible affordable housing activities and eligible administrative expenses using Indian Housing Block Grant (IHBG) funds. Please note that this is not a complete list of eligible activities under NAHASDA.

**Inquires:** Should you have any questions regarding this guidance, please contact your Area Office of Native American Programs.

**NAHASDA AFFORDABLE HOUSING**

**Section 202. Eligible Affordable Housing Activities**

Affordable housing activities under this title [title II of NAHASDA] are activities, in accordance with the requirements of this title, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

- Affordable housing is housing that meets the requirements of title II of NAHASDA:
  - Housing units developed under the United States Housing Act of 1937 (low rent, Mutual Help and Turnkey housing units) are considered to be and must be maintained as affordable housing for purposes of NAHASDA
  - Housing units developed under NAHASDA are required to meet NAHASDA requirements
  - Other housing units that are not assisted under NAHASDA, but which meet the requirements of title II of NAHASDA, qualify as affordable housing
- "Housing" includes
  - Rental housing that may be single-family units, multifamily units, Single Room Occupancy units, attached units such as duplex, triplex
  - Homeownership housing
  - Group homes for persons with special needs such as the elderly/disabled
  - Congregate housing
  - Transitional housing
  - Halfway housing
  - Domestic violence shelters
  - Homeless emergency shelters

**(1) Indian Housing Assistance** -- The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

Eligible activities include, but are not limited to:

- Modernization of 1937 Act Housing
- Operating assistance for 1937 Act Housing
  - Maintenance
  - Rent and participants' utility subsidies

**(2) Development** -- The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to achieve greater energy efficiency, mold remediation, and other related activities.

Eligible activities include, but are not limited to:

- Acquisition of affordable housing

- financing acquisition of affordable housing by homebuyers
  - down payment assistance
  - closing costs assistance
  - direct lending
  - interest subsidies or other financial assistance
- New construction of affordable housing
- Reconstruction of affordable housing
- Moderate rehabilitation of affordable housing, including but not limited to:
  - lead-based paint hazards elimination or reduction
  - improvements to provide physical accessibility for disabled persons
  - energy-related improvements
- Substantial rehabilitation of affordable housing, including but not limited to:
  - lead-based paint hazards elimination or reduction
  - improvements to provide physical accessibility for disabled persons
  - energy-related improvements
- Conversion of non-residential building into affordable housing
- Improvement to achieve greater energy efficiency
- Activities related to the affordable housing, including but not limited to:
  - site improvements
    - recreational area and playgrounds for use by residents of affordable housing
    - on-site streets and sidewalks
  - development and rehabilitation of utilities and utility services for affordable housing units
  - acquisition of real property
  - demolition
  - relocation
  - environmental review of the affordable housing project
  - administration and planning of the affordable housing project
  - architectural and engineering plans

**(3) Housing Services -- The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.**

Eligible activities include, but are not limited to:

- Housing counseling in connection with affordable rental or homeownership housing
- Establishment and support of resident organizations in affordable housing
- Establishment of resident management corporations in affordable housing
- Energy auditing of affordable housing
- Activities related to the provision of self-sufficiency

## PROGRAM GUIDANCE 2009- (ONAP)

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- child care costs – subsidies to residents of affordable housing or operating costs of a facility [but not construction or rehabilitation of a facility] for residents of affordable housing
- transportation costs – subsidies to residents of affordable housing or rental of car, van, or bus for residents of affordable housing to attend training
- job placement and job training for residents of affordable housing
- assistance to residents of affordable housing in obtaining other federal, state and local assistance
- Homeless prevention activities, which are short-term subsidies to defray rent and utility bills that families have received
- Security deposits and/or first month's rent to permit family to move into an apartment
- Payments to prevent foreclosure on a home
- Tenant-based rental assistance payments, including
  - college housing vouchers
- Project-based rental assistance payments
- The development and delivery of training courses related to the administration of affordable housing activities and programs in compliance with NAHASDA and its associated regulations
- Youth activities for residents of affordable housing that reduce or eliminate the use of drugs
  - salaries and expenses for staff of youth sports program
  - educational programs relating to drug abuse
  - Boys and Girls Clubs
  - sports and recreation equipment
  - does not include individual or limited participants sports
  - does not include any travel expenses for youth sports

**(4) Housing Management Services -- The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, the costs of operation and maintenance of units developed with funds provided under this Act, and management of affordable housing projects.**

Eligible activities include, but are not limited to:

- Preparation of work specifications for affordable housing
  - loan processing for affordable housing
  - inspections for affordable housing
  - tenant selection for affordable housing
  - management of tenant-based and project-based rental assistance
  - mediation programs for landlord-tenant disputes for affordable housing
  - hiring of grants writers for affordable housing applications

**(5) Crime Prevention and Safety Activities -- The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.**

Eligible activities include, but are not limited to:

## PROGRAM GUIDANCE 2009- (ONAP)

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- Physical improvements for affordable housing to enhance security such as fences, speed bumps, monitors, locks, additional lighting
- Employment of security personnel for affordable housing
  - does not include base line services such as fire and police protection
  - police services are eligible costs if they are services that are in addition to baseline
  - equipment for patrols

**(6) Model Activities – Housing activities under model programs that are designed to carry out the purposes of this Act and are specifically approved by the Secretary as appropriate for such purpose.**

Eligible activities include, but are not limited to:

- Construction of an office building for the recipient's administration of NAHASDA activities, including the rehabilitation of or additions to existing office spaces
- Construction of warehouse, maintenance and storage space for housing materials for housing assisted under NAHASDA, including the rehabilitation of or additions to existing structure
- Construction of day care center, including the rehabilitation of existing facility to be used for day care, to the extent that the facility will be used by residents of affordable housing
- Construction of a community building or center, including the rehabilitation of an existing facility, to the extent it will be used for affordable housing activities and by residents of affordable housing
- Construction of college housing to the extent the facility will be used by eligible families
- Operating assistance for NAHASDA-assisted rental units that may include maintenance and utilities
- Construction of an administrative facility and training center

Each model housing activity must be approved in accordance with the procedures in 24 CFR Part 1000, Subpart B.

**Section 101(h). Administrative and Planning Expenses -- The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this Act for comprehensive housing and community development planning activities and for any reasonable administrative and planning expenses of the recipient relating to carrying out this Act and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this Act and expenses of preparing an Indian housing plan under section 102.**

Eligible administrative and planning expenses of the IHBG program include:

- Costs of overall program and/or administrative management, including
- Salaries and benefits of staff administering IHBG program
- Costs of coordination, monitoring, and evaluation
- Costs of preparing the Indian Housing Plan, including data collection
- Costs of preparing the Annual Performance Report
- Challenge to and collection of data for purposes of challenging the formula
- Costs of comprehensive housing and community development planning activities

- Staff and overhead costs directly related to carrying out affordable housing activities can be costs of the affordable housing activity or administration or planning at the discretion of the recipient
- The recipient can use up to 20 percent of its annual grant for administration and planning, and must identify the percentage of grant funds which will be used in the Indian Housing Plan
- The recipient may request HUD's approval to use more than 20 percent of its grant for administration and planning. HUD must consider any cost of preparing the Indian Housing Plan, challenges to and collection of data, the recipient's grant amount, approved cost allocation plans, and any other relevant information with special consideration given to the circumstances of recipients receiving minimal funding.



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

OFFICE OF PUBLIC AND INDIAN HOUSING

April 15, 2020

**SUBJECT: Input Requested on ICDBG-CARES Act Grant Ceilings**

Dear Tribal Leader:

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136), which provides additional funding to prevent, prepare for, and respond to the COVID-19 pandemic. The CARES Act included up to \$100 million for the Indian Community Development Block Grant (ICDBG) program.

The \$100 million is specifically for ICDBG Imminent Threat (ICDBG-CARES) grants, which will be awarded on a non-competitive basis to eliminate or lessen problems that pose an imminent threat to public health or safety of tribal residents. The Office of Native American Programs (ONAP) is working on awarding this funding as quickly as possible and intends to publish an ICDBG-CARES Implementation Notice outlining how Indian tribes can apply for this funding.

ONAP is seeking your feedback on how ICDBG-CARE funds should be awarded. Specifically, ONAP is interested in Tribal feedback to the following questions:

- What should the award ceilings be for ICDBG-CARES grants? HUD has waived the regular maximum grant ceiling, which is set at \$900,000 for areas under a Presidential disaster declaration.
- Should there be more than one tier for the maximum grant ceiling? If so, what data should HUD use to set those tiers? For example, should HUD set lower maximum grant ceilings for small, medium, and large Indian tribes by using population, the Indian Housing Block Grant CARES formula allocations, or some other data?
- Are there any other considerations that ONAP should take into account as it develops the ICDBG-CARES Implementation Notice and establishes funding criteria and other program requirements?

Please submit your feedback electronically to [Codetalk@hud.gov](mailto:Codetalk@hud.gov) by Wednesday, April 22, 2020. ONAP is providing a shorter comment period than usual due to the current exigent circumstances and the need to award this new funding as quickly as possible to Tribal communities that need this assistance.

Thank you for your attention to this important matter, and for your continued partnership and collaboration in the effective delivery of HUD's programs.

Sincerely,

A handwritten signature in black ink, reading "Heidi J. Frechette". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Heidi J. Frechette  
Deputy Assistant Secretary  
for Native American Programs



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

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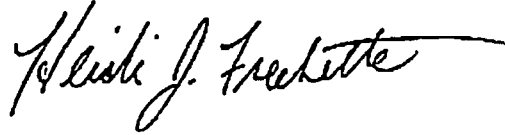
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Heidi J. Frechette  
Deputy Assistant Secretary  
for Native American Programs



No. 2018-04

# PROGRAM GUIDANCE

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**PROGRAM:** Indian Community Development Block Grant (ICDBG)

**FOR:** Tribal Government Leaders and Tribally Designated Housing Entities (TDHEs)

**FROM:** Heidi J. Frechette, Deputy Assistant Secretary for Native American Programs, PN *Heidi J. Frechette*

**TOPIC:** Imminent Threat Grants

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**PURPOSE:** This Guidance summarizes the Indian Community Development Block Grant (ICDBG) Imminent Threat (IT) program including the funding criteria for application procedures and examples of applications that could be funded. This guidance supersedes Guidance 2017-01(R), Imminent Threat Grants.

**BACKGROUND:** The Department of Housing and Urban Development (HUD) is authorized to reserve a portion of ICDBG funds for IT grants. IT grants are intended to alleviate or remove imminent threats towards health or safety. The threat to be addressed must be such that an emergency exists or would exist if the threat was not addressed. The grants must address threats of an urgent nature that were not evident at the time of the ICDBG single-purpose funding cycle, or that require immediate action. The amount of funds reserved for IT each year is included in the ICDBG Notice of Funding Availability (NOFA).

The grant ceiling for IT grants are: \$450,000 for disasters that are not Presidentially-declared and \$900,000 for Presidentially declared disasters, also referred to as Major Disaster Declarations by the Federal Emergency Management Agency (FEMA). The regulations for the program can be found at 24 CFR Part 1003, Subpart E.

IT grants are provided on an as-needed basis until all funds have been awarded. The applicant does not need to wait for the annual ICDBG NOFA to be published before requesting IT funds. If an urgent situation arises in your tribal area, IT funds might be able to address it. However, the request must be made within a reasonable amount of time after the event or discovery of the threat.

**CRITERIA FOR AWARDS:** IT grant funds can only be used to address threats that require an immediate action or solution. The threat must be unique, unusual and at a minimum, affect the entire community.

**APPLICANT ELIGIBILITY:** Tribes and tribal organizations may apply for IT grants if they meet the definition of such entities in the ICDBG regulations at 24 CFR §1003.5. Eligible applicants are any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible tribal organizations under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of Treasury, Office of Revenue Sharing. Tribal organizations must submit a copy of their eligibility determination with the application unless they have already submitted such to HUD. Eligible recipients must be identified on the most current Federal Register listing of "Indian Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs."

**PROJECT/ACTIVITY ELIGIBILITY:** IT grants are subject to the same ICDBG eligibility requirements that are found at 24 CFR Part 1003, Subpart C. Activities that cannot be funded with a competitive ICDBG cannot be funded with IT funds. However, in accordance with 24 CFR §1003.200, IT grants are not subject to the primary program objectives found at 24 CFR §1003.208.

**APPLICATION PROCEDURES:** Prior to submitting an application for IT funds, the applicant should contact their Area Office of Native American Programs (ONAP) to determine if IT funds are available and verify that the situation or event constitutes as a threat towards health and safety as defined in the ICDBG regulation. A contact list can be found on the ONAP website:  
[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih](https://www.hud.gov/program_offices/public_indian_housing/ih)

**LETTER TO PROCEED:** Pursuant to 24 CFR §1003.401(a) allows the Area ONAP through ONAP Headquarters at its discretion to issue a "Letter to Proceed," which would enable applicants to incur costs to alleviate the threat quickly, prior to the approval of an IT application. Such costs are eligible only if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements that are limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. The applicant may only be reimbursed for such costs if ONAP Headquarters approves the formal application. To be reimbursed, the costs must meet the IT program criteria and be within the cost principles of 2 CFR 200 Subpart E. The letter will also explain what expedited procurement procedures might apply to your activity and explain the environmental review requirements for these expenditures.

**CONTENT OF APPLICATION:** Once the applicant has received confirmation from their Area Office of available IT funds and the IT project eligibility, you may electronically submit an application to the Area ONAP Administrator for your region. The application package can be found on Codetalk under "Imminent Threat Grant Forms" at:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/ih/grants/icdbg](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/icdbg).

**Do not submit IT applications through [www.grants.gov](http://www.grants.gov).**

Your application must include the following:

1. Standard Form-424 (Application for Federal Assistance).
2. HUD-2880 (Application/Disclosure/Update Report).
3. Detailed budget information.
4. HUD-4123 (Cost Summary).
5. HUD-4125 (Implementation Schedule).
6. Project Description Summary. Information submitted includes:
  - a. A written description of the project the applicant wants to undertake.
  - b. A written statement describing the roles/responsibilities (including partnerships) and the knowledge/experience of all individuals and organizations involved in the implementation of the project.
7. Evidence that the applicant can implement and complete the funded project within 12 months of the grant award unless there is good cause, determined by ONAP, for not being able to do so.
8. Information showing that the threat is not of a reoccurring nature. Note that conditions caused by a lack of maintenance are reoccurring and will not be considered for IT funding.
9. Proof showing that the imminent threat has an impact on an entire service area as defined at 24 CFR §1003.400(a). Specify the number of homes/families affected and/or impacted.
10. Information showing that the proposed project outcomes will help alleviate the imminent threat conditions.
11. Form 7015.16, Authority to Use Grant Funds, or a letter with the Responsible Entities' (RE) finding of exempt activity.
  - a. The RE should use HUD recommended formats<sup>1</sup> to document their environmental review determinations, and HUD recommended worksheets<sup>2</sup> to document compliance with environmental review requirements. Once the review is completed, the applicant must send Form HUD-7015.15<sup>3</sup>, Request for Release of

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<sup>1</sup> See the [HUD format for Environmental Assessments](#); [HUD format for Categorical Exclusions Subject To Related Laws and Authorities in 24 CFR 58.5](#); and [HUD format for Exempt or Categorical Exclusions Not Subject To Related Laws and Authorities in 24 CFR 58.5](#).

<sup>2</sup> HUD has recommended [HUD Related Laws and Authorities Worksheets](#).

<sup>3</sup> Form [HUD 7015.15](#) is available on the HUD website.

Funds (RROF) and Environmental Certification, completed by the RE to their Area ONAP. After the Area ONAP approves the RROF, the office will then send a completed Form HUD-7015.16<sup>4</sup> to the applicant approving the release of funds. The applicant must then submit the completed Form 7015.16 with their application; or

- b. If Form HUD-7015.15 is not required because the project is exempt under 58.34(a) or it is categorically excluded and not subject to 58.5 under 58.35(b), then the applicant must submit the RE's finding of exempt activity with their application. A finding of exempt activity is a statement of the result of the RE's environmental review and is required even when Form HUD-7015.15 is not required. However, a letter from the RE will suffice.
12. Independent verification from a qualified third party not affiliated with the applicants' organization that the threat is urgent, exists at present, or will exist very soon and must be addressed immediately to save lives and reduce threats towards health and safety. Such third parties could be representatives of the IHS, BIA, FEMA, state, county, local officials, or privately employed engineers.
13. Applicants must demonstrate to HUD's satisfaction that funds cannot be made available from other tribal or federal sources to alleviate the threat including IHBG and program income. Propose IT projects and activities that are not eligible uses of IHBG or program income funds may be considered for an IT grant even if IHBG or program income are available. Please note, IT funds may not be used to reimburse the use of other funds that were made available to alleviate a threat unless a Notice to Proceed was issued. The application must include:
  - a. A written statement that federal or tribal agencies, that would normally provide assistance for such improvements, have no funds available.
  - b. Verification that the applicants have no available funds, including unobligated IHBG funds. To determine IHBG obligation, HUD will follow PIH Notice 2000-26, *Performance Measures for the Obligation of Funds Native American Housing Assistance Self Determining Act of 1996 (NAHASDA)* (extended indefinitely by Notice PIH 2002-24). According to that Notice, a point of obligation is the time when a commitment is made to pay a specific sum of money for contract labor, supplies, materials, or services.

**FINAL REVIEW AND APPROVAL:** Your Area ONAP will review your application and will forward them with a recommendation to ONAP Headquarters for a final decision. ONAP Headquarters will review the Area ONAP recommendation and your complete application to verify that it meets the IT criteria. If ONAP Headquarters approves the IT grant, the Area ONAP will be notified and send a Grant Approval Letter and form HUD-52734, (Funding Approval/Agreement) to the person designated in item 8F of form SF-424 with a copy to the person listed as the authorized representative in item 21 of form SF-424 to be signed and will disburse funds through the HUD

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<sup>4</sup> Form HUD 7015.16 is available on the HUD website.

LOCCS system.

**REGULATORY REQUIREMENTS:** If the applicant receives an IT grant they will be required to comply with the applicable regulatory requirements of the competitive ICDBG program. Specifically, grantees will be required to report progress on an Annual Status and Evaluation Report (ASER) and spending on an SF-425; the Federal Financial Report. ONAP will also consider the grantee's progress on completion of IT project(s) when rating future competitive proposals (e.g. ICDBG Single Purpose Grants).

**AMENDMENT REQUESTS:** The ICDBG regulation at 24 CFR §1003.305(d) allows Tribes/Tribal organizations to amend an existing Single Purpose ICDBG award to fund imminent threats towards health and safety. Grantees interested in amending their current Single Purpose ICDBG awards to include IT funding must request prior approval from ONAP Headquarters when contacting the Area ONAP of its imminent threat situation. The process for submitting an amendment to a current ICDBG is explained in 24 CFR §1003.305. If approved, ONAP will follow the same imminent threat criteria of 24 CFR Part 1003 and this program guidance for reviewing the amendment request. Upon HUD's approval of the amendment package, ONAP Headquarters will issue a grant amendment to be signed by the person designated in item 8F of form SF-424 with a copy to the person listed as the authorized representative in item 21 of form SF-424 and will disburse funds through the HUD LOCCS system.

**EXAMPLES OF IMMINENT THREAT GRANTS:** Three IT grants are summarized below:

- A grant for \$432,950 was awarded in Fiscal Year (FY) 2017 to permanently reconstruct the only access roadway in and out of the reservation due to a severe storm that washed out and undermined the roadway.
- A grant was awarded in FY 2016 for \$450,000 to repair and replace the multi-purpose facility due to extensive fire damage in April 2015 and subsequent winter weather which caused additional damage.
- A grant of \$410,710 was awarded in FY 2015 for waste water treatment plant repairs. The Tribe was facing a sanitation deficiency from the erosion of the sea shore near the plant. Funds were used to strengthen eroded sections.

**ADDITIONAL CONTACT INFORMATION:** Applicants are to contact their Area ONAP if they have any questions about the IT grant application process.



NAVAJO HOUSING AUTHORITY

## Navajo Housing Authority

CONTACT: Christian Bigwater, Interim Director  
Government and Public Relations Department  
Office – (928) 871-2614  
Cell – (928) 309-0036

**FOR IMMEDIATE RELEASE**

**April 17, 2020**

### **Navajo Housing Authority authorizes use of \$52.3 million dollars in CARES Act IHBG funds and NAHASDA annual IHBG funds for Navajo Nation's COVID-19 response**

**WINDOW ROCK, Ariz.** - The Navajo Housing Authority ("NHA") will receive \$22,333,177.00 in Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") IHBG funding, and has authorized reprogramming of and additional \$30,000,000.00 in Fiscal Year 2020 NAHASDA Annual IHBG funding, for a total of \$52,333,177.00 it is making available to fund eligible COVID-19 projects within the Navajo Nation.

Speaking to the Board's decision, Chairman Kris Beecher indicated "We need to get money flowing now to assist with pandemic response. Our task is so urgent we directed our team to come up with a methodology to provide for the orderly administration of the CARES Act IHBG funding, and the NAHASDA Annual IHBG funding, while minimizing red tape." Vice-Chairperson Derrith Watchman-Moore said, "Our staff worked tirelessly and came up with a mini-Indian Housing Plan that fits within HUD's guidelines," and thanked them for that. Commissioners Frankie Lee and Kerrie Begaye echoed the needs, "we need testing programs, portable labs, PPE, cleaning products, trash pickup, rental relief, utility payment relief, relocation assistance, quarters for first responders, infrastructure, and site development."

Chief Executive Officer Frank Dayish, Jr. thanked the Board for providing him flexibility to move quickly. He was authorized and directed to make available up to \$22,333,177.00 in CARES Act IHBG funding and to reprogram an additional \$30,000,000.00 dollars in Fiscal Year 2020 Annual IHBG funds for eligible COVID-19 response projects within the Navajo Nation. The CARES Act IHBG funding will be expended pursuant to a mini Indian Housing Plan ("IHP") approved by the Board. The \$30 million in Fiscal year 2020 IHBG Annual funds will be expended under an amended IHP. Some of the expenditures will be by direct NHA acquisitions and contracts to obligate funds and accomplish IHP objectives, while the remainder shall be expended and obligated through MOUs with eligible entities ready to deploy immediately. All expenditures shall be monitored for compliance with federal laws and regulations, including procurement compliance. Entities and agencies that receives funds under MOUs will be required to submit documentation to ensure funds are spent properly, and that NHA audits will not have any findings. Additionally, recipients of funds under MOUs are required to provide reports including the number of residents and families served, and the communities served. The goal of NHA is to support the efforts of all Navajo Nation, address the urgent needs of residents and families, and support NHA's ongoing direct relief programs implemented under the NHA Way Initiative.

The Chief Executive Officer was also authorized and directed to determine what of the \$30,000,000.00 NAHASDA IHBG funding he believes NHA will be able to spend down in 2020 in

light of problems associated with COVID-19, and was directed to provide the Board of Commissioners with an amended IHP on or before June 30, 2020 for its consideration and approval. The 2020 IHBG Annual funds are immediately available, and will be expended with Board approval starting right away. In this way, funds that are available can also be used to for COVID-19 relief.

The NHA Board Chairperson, Vice-Chairperson, Commissioners, and CEO have all made themselves fully available to communicate with the Navajo Nation President, the Incident Commander of the Health Command Operations Center, Dr. Jill Jim, Dr. Pearl Yellowman, Division of Community Development, Navajo Department of Health, Navajo Area IHS, the Resources and Community Development Committee, and the Speaker's Office, to ensure both CARES Act IHBG funding and NAHASDA Annual IHBG funding can be deployed quickly.

###

# **NHA** Hooghan—Center of Family Growth, Strength and Beauty **NAVAJO HOUSING AUTHORITY**

April 29, 2020

Cheryl Dixon-Zuni, Deputy Administrator  
HUD - Southwest Office of Native American Programs  
500 Gold Avenue SW, Ste. #7301  
P.O. Box 906  
Albuquerque, NM 87103-0906

**SUBJECT: Transmittal of Fiscal Year 2020 COVID-19 Indian Housing Plan (IHP)**

Dear Ms. Zuni,

The Navajo Housing Authority (NHA) hereby submits the Fiscal Year 2020 COVID-19 Indian Housing Plan for total amount of \$22,333,117 authorized through the CARES Act to address new activities to prevent, prepare for and respond to COVID-19.

Pursuant to the Statutory and Regulatory Waivers addressed in Notice PIH 2020-05, NHA will not obtain a new Certification from Navajo Nation President Johnathan Nez because it is impractical and unsafe to gather Navajo Nation leadership to conduct business to secure approval of the IHP at this time due to the impact of COVID-19 on the operation of the Navajo Nation as the TDHE. Thank you in advance for accepting the FY 2020 COVID-19 IHP utilizing the previously submitted Certification which was accepted by HUD for FY 2020 IHBG grant.

We look forward in working with SWONAP to expeditiously implement all eligible activities to help Navajo Nation to prevent, prepare for and respond to COVID-19.

If you have any questions, please contact Ms. Nellie Gilmore, Grants Manager, at (928) 871-2639 or (928) 309-0102.

Sincerely,

**NAVAJO HOUSING AUTHORITY**

  
Frank Dayish, Chief Executive Officer

cc: Honorable Jonathan Nez, President of the Navajo Nation  
Kris O. Beecher, Chairman, NHA Board of Commissioners

## SECTION 1: COVER PAGE

(1) Grant Number:

20BV0402810

(2) Recipient Program Year:

10/1 - 9/30

(3) Federal Fiscal Year:

2020

☒ IHBG-CARES☐ (4) Initial Plan (Complete this Section then proceed to Section 2) or an Amended IHP☐ (6) Annual Performance Report (Complete items 27-30 and proceed to Section 3)☐ (7) Tribe☒ (8) TDHE

(9) Name of Recipient:

Navajo Housing Authority

(10) Contact Person:

Frank Dayish, Chief Executive Officer

(11) Telephone Number with Area Code (999) 999-9999 :

(928) 871-2602

(12) Mailing Address:

P. O. Box 4980

(13) City:

Window Rock

(14) State:

Arizona

(15) Zip Code (99999 or 99999-9999):

86515

(16) Fax Number with Area Code (if available) (999) 999-9999 :

(928) 871-2604

(17) Email Address (if available):

fdayish@hopghn.org

(18) If TDHE, List Tribes Below:

Navajo Tribe

(19) Tax Identification Number:

86-0185412

(20) DUNS Number:

068421718

(21) CCR/SAM Expiration Date (MM/DD/YYYY):

04/21/2021

(22) IHBG-CARES Amount:

\$22,333,177

Date Started Preparing for COVID-19

03/06/2020

(23) Name of Authorized IHP Submitter:

Frank Dayish

(24) Title of Authorized IHP Submitter:

Chief Executive Officer

(25) Signature of Authorized IHP Submitter:

(26) IHP Submission Date(MM/DD/YYYY) :

4/21/2020

(27) Name of Authorized APR Submitter:

(28) Title of Authorized APR Submitter:

(29) Signature of Authorized APR Submitter:

(30) APR Submission Date (MM/DD/YYYY):

**Certification:** The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

#### APR: REPORTING ON PROGRAM YEAR PROGRESS

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month program year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month program year. (NAHASDA § 404(b))

#### Program Descriptions

1.1. Program Name and Unique Identifier:

Unique Identifier COVID-19 Respond

COVID-19 Respond - 1 - Housing Services 2020-03

1.2. Program Description (This should be the description of the planned program.):

This activity is to provide housing services activities to prepare for, prevent and respond to COVID-19. NHA will provide assistance to all NHA residents, health communities on the Navajo Nation in partnership with local communities, resident organization and Navajo Nation government to provide the following:

1. Rental relief for all eligible housing clients impacted by employment layoffs;
2. Assist eligible, elderly and tribal members or community members requiring access to temporary housing, and providing short term housing in motels/hotels to prevent spread of COVID-19;
3. Provide relocation assistance to families impacted by COVID-19 quarantine including meals, food delivery, housekeeping, water, waste disposal, medical prescription for shelter in-place families;

sanitizers, goggles and respirators if necessary.

3. Acquire On-Call Bio Cleaning service and supplies for NHA facilities and public rental/homeownership housing.

**1.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**1.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**1.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**1.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

All low-income families residing in NHA owned and operated units and all other low-income families in the community including elderly, veterans, homelessness.

**1.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The NHA has approximately 4244 public units at 181 development site with a household members of 25,485 living in 1937 Housing Act and NAHASDA units. Furthermore, NHA has approximately 3478 homeownership units across Navajo Nation which house over 24,406 family members. Overall, under the Housing Service program NHA will provide service to approximately 49,889 individuals at 7,722 Individual NHA housing locations.

**1.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**1.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be Completed in Year Under this Program

Planned Number of Households To Be Served in Year Under this Program

Planned Number of Acres To Be Purchased in Year Under this Program

5000

APR: Actual Number of Units Completed In Program Year

APR: Actual Number of Households Served in Program Year

APR: Actual Number of Acres Purchased In Program Year

**1.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

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**Program Descriptions**

**2.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 2 - Emergency Temporary Rental Assistance for Low-Income Indian Households

**2.2. Program Description** (This should be the description of the planned program.):

The NHA will provide temporary rental to verified COVID-19 impacted families living on or off the Navajo Indian Reservation in private rental market units. NHA will make payments to third party rental properties.

**2.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**2.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**2.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**2.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low Income Indian Households ☐ Non-Indian Households

Low-income Indian Households.

**2.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

NHA will pay directly to property owners (third party) on behalf of the families under this program and payment will be at 100% for two months.

**2.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**2.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be Completed in Year Under this Program

Planned Number of Households To Be Served in Year Under this Program

Planned Number of Acres To Be Purchased in Year Under this Program

50

APR: Actual Number of Units Completed in Program Year

APR: Actual Number of Households Served in Program Year

APR: Actual Number of Acres Purchased in Program Year

**2.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

Program Descriptions

3.1. Program Name and Unique Identifier:

Unique Identifier COVID-19 Respond

COVID-19 Respond - 3 - Emergency Support to Nursing/Group Homes

3.2. Program Description (This should be the description of the planned program.):

The NHA will provide financial support for continued operation of eligible transitional and group homes for the on-going health and safety of our Elderly Navajo tribal members in an effort to prepare, prevent and respond to COVID-19.

1. The elderly facilities are experiencing an increase in operations cost due to quarantine of clients who have left the facility and taken to their routine dialysis treatment and/or medical appointments off-site, which will require the individual to isolate in a different facilities and/or in a different part of facility for 14 days during their evaluation. The continued operations support will cover staffing, daily meals, and facilities operations for a. Ganado Elderly Group Home, b. Chinle Assisted Living and Nursing Home and c. Kaibeto Creek Assisted Living

3.3. Eligible Activity Number (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

3.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

Describe Other Intended Outcome (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

3.5 Actual Outcome Number: (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

3.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low income Indian Households.

3.7. Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

Assistance to low income elderly individuals at no costs or charge.

3.8. APR: Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**3.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be  
Completed in Year Under this Program

Planned Number  
of Households  
To Be Served in  
Year Under this  
Program

Planned Number of Acres To Be  
Purchased in Year Under this Program

250

APR: Actual Number of Units Completed  
in Program Year

APR: Actual  
Number of  
Households  
Served in  
Program Year

APR: Actual Number of Acres  
Purchased in Program Year

**3.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**4.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 4 - Emergency Health Assistance of Low-Income Indian Households

**4.2. Program Description** (This should be the description of the planned program.):

To respond and assist with temporary health facilities and make-shift emergency shelters to provide medical care by Doctors, nurses, first-responders, Public Safety, Emergency personnel.

1. NHA will procure Low Acuity step units to assist the local tribal P. L. 93- 638 field hospitals/clinics.

The proposed program plans to assist with Temporary (15-bed) Modular Residential unit, Medical Shelter Tents and/or mobile homes. The final determination of temporary shelter will be provided by the tribal 638 medical office. The goal of the health facility support is to assist displaced individuals that require medical care beyond what can be accommodated in a general population shelter, but not complex or severe enough to necessitate hospitalization.

2. Renovation / Rehabilitation and/or conversion of existing medical facilities to support COVID-19 emergency shelters within five (5) areas of Tribal P.L. 638 hospital/clinics located on the Navajo Nation. The program will support the Navajo Nation with alternative care facilities with 25% cost share for renovation / rehabilitation.

**4.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**4.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**4.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**4.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

All low income families, employees and other community residents.

**4.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

Type and level of assistance will be provided to all low income NHA residents and other low income tribal members

**4.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**4.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be  
Completed in Year Under this Program

Planned Number  
of Households  
To Be Served in  
Year Under this  
Program

Planned Number of Acres To Be  
Purchased in Year Under this Program

550

APR: Actual Number of Units Completed  
In Program Year

APR: Actual  
Number of  
Households  
Served in  
Program Year

APR: Actual Number of Acres  
Purchased in Program Year

**4.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**5.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 5 - Emergency Health Assistance for Non-Low Income Indian Households

**5.2. Program Description** (This should be the description of the planned program.):

To respond and assist with temporary health facilities and make-shift emergency shelters to provide medical care by Doctors, nurses, first-responders, Public Safety, Emergency personnel.

1. NHA will procure Low Acuity step units to assist the local tribal P. L. 93- 638 field hospitals/clinics. The proposed program plans to assist with Temporary (15-bed) Modular Residential units, Medical Shelter Tents and/or mobile homes. The final determination of temporary shelters will be provided by the tribal 638 medical office. The goal of the health facility support is to assist displaced individuals that require medical care beyond what can be accommodated in a general population shelter, but not complex or severe enough to necessitate hospitalization.

2. Renovation / Rehabilitation and/or conversion of existing facilities to support COVID-19 emergency shelters within five (5) areas of Tribal P.L. 638 hospital/clinics located on the Navajo Nation. The program will support the Navajo Nation will alternative care facilities with 25% cost share for renovation / rehabilitation

**5.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**5.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respnd to COVID-19 with health facilities and testing locations.

**5.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**5.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian families.

**5.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The types and level of assistance will be to non-low income residents of NHA and other non-low-income tribal families.

**5.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**5.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

550

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**5.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

Program Descriptions

**6.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 6 - Emergency Operation and Maintenance of NAHASDA-Assisted Housing Units

**6.2. Program Description** (This should be the description of the planned program.):

Provide Operations & Maintenance Relief for eligible housing sub-recipient tenants, who have been impacted by employment layoff or loss of employment which effect providing service to housing organization. NHA will assist sub-recipient with 50% of their monthly O & M cost for a period of seven (7) Months (June 01, 2020 to December 31, 2020)

**6.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**6.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19, and to avoid spread of the virus.

**6.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**6.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low Income Indian Households ☐ Non-Indian Households

Low-income eligible families.

**6.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

NHA will assist sub-recipient with 50% of their monthly O & M cost for a period of seven (7) Months (June 01, 2020 to December 31, 2020)

**6.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**6.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

35

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**6.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**Program Descriptions**

**7.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 7 - Emergency Temporary Housing for Low-Income Indian Households

**7.2. Program Description** (This should be the description of the planned program.):

NHA will provide with rental of hotel rooms and purchase and delivery of meals to temporarily house at-risk, low-income elderly and Tribal members to prevent spread of COVID-19. NHA will pay directly to third party for the rental of the rooms.

**7.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Walvers or Alternate Requirements

**7.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**7.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above):

**7.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-income Indian families.

**7.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level and type of assistance will to serve all low-income elderly, Veterans and Tribal members at 100% of the cost of the hotels for five months.

**7.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**7.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be Completed in Year Under this Program

Planned Number of Households To Be Served in Year Under this Program

Planned Number of Acres To Be Purchased in Year Under this Program

50

APR: Actual Number of Units Completed in Program Year

APR: Actual Number of Households Served in Program Year

APR: Actual Number of Acres Purchased in Program Year

**7.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

Program Descriptions

8.1. Program Name and Unique Identifier:

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 8 - Emergency Temporary Housing for Non-Low Income Indian Households

8.2. Program Description (This should be the description of the planned program.):

The NHA Temporary Housing assistance will provide short term temporary housing assistance payment for individuals housed in hotels or motel which require them to be quarantine during the 14 day monitoring period. Furthermore, additional days for quarantine may be require if individual test positive after the (14) day monitoring period. The temporary quarantine for individuals to hinder the spread of virus within Navajo tribal communities. The NHA will pay directly to third party operator/owner for rental of rooms.

8.3. Eligible Activity Number (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

8.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

Describe Other Intended Outcome (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

8.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

8.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian households

8.7. Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The NHA will assist the following individuals: non-low-income, for minimum of 14 days to 30 days for treatment and monitoring of virus. All rental cost will be paid at 100% for duration of treatment and monitoring.

8.8. APR: Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**8.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

450

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**8.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**9.1. Program Name and Unique Identifier:**

Unique Identifier

COVID-19 Prevention

COVID-19 Prevention - 9 - Housing Services for Shelter-In-Place for Low-Income Indian Households

**9.2. Program Description** (This should be the description of the planned program.):

The NHA will provide a variety of COVID-19 related housing services to all low -income NHA residents and sub-recipients, and other tribal members and families within Navajo Nation community to prevent the spread of the COVID-19.

Activities will include purchase and delivery of meals/food, water, medical prescriptions to shelter in-place families.

**9.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Walvers or Alternate Requirements

**9.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

**9.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**9.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☒ Low-income Indian Households ☐ Non-low Income Indian Households ☐ Non-Indian Households

Low-Income Indian Households.

**9.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level of assistance will include all low-income NHA residents and sub-recipients, and other tribal members and families within Navajo Nation communities.

**9.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**9.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

3000

APR: Actual Number of **Units** Completed  
In Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**9.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**10.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 10 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Non-Low Income Indian Households

**10.2. Program Description** (This should be the description of the planned program.):

The NHA Emergency Health Service will target activities to prevent, and respond to the COVID-19 on the Navajo Nation. NHA goal and objective is assist NHA 1937 Housing Act and NAHASDA residents on the Navajo Nation, in partnership with local communities, resident organization, and Navajo Nation government.

1. Acquire a Firm to provide testing kits and testing service for NHA employees, sub-recipients, and residents to prevent the spread of COVID-19
2. Acquire and provide Personal Protection Equipment for housing providers, housing residents, and employee. The types of PPEs will include facial masks, gloves, testing gear for protective gowns/suits, foot booties, goggles and respirators if necessary.
3. Acquire On-Call Bio Cleaning service and supplies for NHA facilities and public rental/homeownership housing.

**10.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**10.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19 and to promote the safety of residents, communities and housing staff.

**10.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list):

**Describe Other Actual Outcome** (Only if you selected "Other" above):

**10.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

- ☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income Indian Households

**10.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The type and level of assistance will be extension to non-low income households residing in NHA housing and on and off Navajo reservation.

**10.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**10.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

250

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**10.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

Program Descriptions

11.1. Program Name and Unique Identifier:

Unique Identifier COVID-19 Respond

COVID-19 Respond - 11 - Emergency Temporary Housing for Non-Indian Households

11.2. Program Description (This should be the description of the planned program.):

NHA will provide with rental of hotel rooms to temporarily house at-risk non-Indian household members to prevent spread of COVID-19. NHA will pay directly to third party for the rental of the rooms.

11.3. Eligible Activity Number (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

11.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

Describe Other Intended Outcome (Only if you selected "Other" above):

To prevent, prepare and respond to COVID-19.

11.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

11.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☐ Non-low income Indian Households ☒ Non-Indian Households

Non-Indian Households

11.7. Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level and type of assistance will be to serve non-Indian Households at 100% of the cost of the hotels for two months.

11.8. APR: Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**11.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be  
Completed in Year Under this Program

Planned Number  
of Households  
To Be Served in  
Year Under this  
Program

Planned Number of Acres To Be  
Purchased in Year Under this Program

10

APR: Actual Number of Units Completed  
in Program Year

APR: Actual  
Number of  
Households  
Served in  
Program Year

APR: Actual Number of Acres  
Purchased in Program Year

**11.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

**Program Descriptions**

**12.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Respond

COVID-19 Respond - 12 - Emergency Temporary Rental Assistance for Non-Low Income Indian Households

**12.2. Program Description** (This should be the description of the planned program.):

NHA will provide temporary rental to COVID-19 impacted families living on or off the Navajo Reservation in private rental market units.

**12.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**12.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**12.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**12.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low Income Indian Households

**12.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

NHA will pay directly to property owners on behalf on non-low income families at 100% of cost of all income levels for two months.

**12.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**12.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of **Units** to be  
Completed in Year Under this Program

Planned Number  
of **Households**  
To Be Served in  
Year Under this  
Program

Planned Number of **Acres** To Be  
Purchased in Year Under this Program

10

APR: Actual Number of **Units** Completed  
in Program Year

APR: Actual  
Number of  
**Households**  
Served in  
Program Year

APR: Actual Number of **Acres**  
Purchased in Program Year

**12.10: APR:** *If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))*

Program Descriptions

**13.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 13 - Housing Services for Shelter-In-Place for Low -Income Indian Households

**13.2. Program Description** *(This should be the description of the planned program.):*

The NHA will provide a variety of COVID-19 related housing services to NHA residents and sub-recipients, and other tribal members and families within Navajo Nation community to prevent the spread of the COVID-19. Activities will include delivery of meals, food, water, medical prescriptions to shelter in-place families.

**13.3. Eligible Activity Number** *(Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

**13.4. Intended Outcome Number** *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** *(Only if you selected "Other" above):*

To prepare, prevent and respond to COVID-19.

**13.5 Actual Outcome Number** *(In the APR identify the actual outcome from the Outcome list):*

**Describe Other Actual Outcome** *(Only if you selected "Other" above.):*

**13.6 Who Will Be Assisted** *(Describe the types of households that will be assisted under the program.):*

☒ Low-income Indian Households ☐ Non-low income Indian Households ☐ Non-Indian Households

Low-Income Indian Households.

**13.7. Types and Level of Assistance** *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

The level of assistance will include NHA residents and sub-recipients, and other tribal members and families within Navajo Nation communities.

**13.8. APR:** *Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.*

**13.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be Completed in Year Under this Program

Planned Number of Households To Be Served in Year Under this Program

Planned Number of Acres To Be Purchased in Year Under this Program

20

APR: Actual Number of Units Completed In Program Year

APR: Actual Number of Households Served in Program Year

APR: Actual Number of Acres Purchased In Program Year

**13.10: APR: If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))**

Program Descriptions

14.1. Program Name and Unique Identifier:

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 14 - Housing Services for Shelter-In-Place for Non-Indian Households

14.2. Program Description (This should be the description of the planned program.):

The NHA will provide a variety of COVID-19 related housing services to NHA residents, sub-recipients, and other families within the Navajo Nation community to prevent the spread of the COVID-19. Activities will include purchase and delivery of meals, food, water, medical prescriptions to shelter in-place families.

14.3. Eligible Activity Number (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements

14.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other - must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

Describe Other Intended Outcome (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

14.5 Actual Outcome Number (In the APR identify the actual outcome from the Outcome list.):

Describe Other Actual Outcome: (Only if you selected "Other" above.):

14.6 Who Will Be Assisted (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☐ Non-low Income Indian Households ☒ Non-Indian Households

Non-Indian Households.

14.7. Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The level of assistance will include other non-Indian families within Navajo Nation communities.

14.8. APR: Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**14.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be  
Completed in Year Under this Program

Planned Number  
of Households  
To Be Served in  
Year Under this  
Program

Planned Number of Acres To Be  
Purchased in Year Under this Program

10

APR: Actual Number of Units Completed  
in Program Year

APR: Actual  
Number of  
Households  
Served in  
Program Year

APR: Actual Number of Acres  
Purchased in Program Year

**14.10: APR: If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))**

**Program Descriptions**

**15.1. Program Name and Unique Identifier:**

Unique Identifier COVID-19 Prevention

COVID-19 Prevention - 15 - Housing Services for Shelter-In-Place for Non-Low-Income Indian Households

**15.2. Program Description** (This should be the description of the planned program.):

The NHA Emergency Health Service –Shelter In Place assistance will provide short term Housing Service assistance to individuals housed in hotels, isolation centers and/or emergency aculty centers that are being treated for COVID-19. Services to be provide will include but not limited to the following; purchase and delivery of meals, groceries, water, medical prescriptions and other items needed for quarantined individuals.

**15.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):

(26) Other COVID-19 Activities Authorized by Waivers or Alternate Reqlurements

**15.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):

(12) Other – must provide description in boxes 1.4 (IHP) and 1.5 (APR) below

**Describe Other Intended Outcome** (Only if you selected "Other" above):

To prepare, prevent and respond to COVID-19.

**15.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**15.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program.):

☐ Low-income Indian Households ☒ Non-low income Indian Households ☐ Non-Indian Households

Non-low income households.

**15.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

The NHA will assist all non-low income Indian families for shelter in place individuals with daily health service while they quarantined to be treated for COVID-19.

**15.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs.

**15.9: Planned and Actual Outputs for 12-Month Program Year**

Planned Number of Units to be  
Completed in Year Under this Program

Planned Number  
of Households  
To Be Served in  
Year Under this  
Program

Planned Number of Acres To Be  
Purchased in Year Under this Program

100

APR: Actual Number of Units Completed  
In Program Year

APR: Actual  
Number of  
Households  
Served in  
Program Year

APR: Actual Number of Acres  
Purchased In Program Year

**15.10: APR: If the program is behind schedule, explain why. (24 CFR § 1000.512(b)(2))**

# SECTION 5: BUDGETS

NAHASDA §§ 102(b)(2)(C), 404(b)

(1) Sources of Funding (NAHASDA § 102(b)(2)(C)(i), (404(b))) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month program year. APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month program year.)

SOURCE	IHP					APR					
	(A) Estimated amount on hand at beginning of program year	(B) Estimated amount to be received during 12-month program year	(C) Estimated total sources of funds (A+B)	(D) Estimated funds to be expended during 12-month program year	(E) Estimated unexpended funds remaining at end of program year (C-D)	(F) Actual amount on hand at beginning of program year	(G) Actual amount received during 12-month program year	(H) Actual total sources of funding (F+G)	(I) Actual funds expended during 12-month program year	(J) Actual unexpended funds remaining at end of 12-month program year (H - I)	(K) Actual unexpended funds obligated but not expended at end of 12-month program year
IHBG-CARES Funds		\$22,333,177	\$22,333,177	\$22,333,177	\$0			\$0		\$0	

TOTAL	\$0	\$22,333,177	\$22,333,177	\$22,333,177	\$22,333,177	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL Columns C & H, 2 through 10						\$0								

**Notes:**

- For the IHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- Total of Column D should match the total of Column N from the Uses of Funding table below.
- Total of Column I should match the Total of Column Q from the Uses of Funding table below.
- For the IHP, describe any estimated leverage in Line 3 below (Estimated Sources or Uses of Funding). For the APR, describe actual leverage in Line 4 below.

**(2) Uses of Funding (NAHASDA § 102(b)(2)(C)(iii))** (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. Actual expenditures in the APR section are for the 12-month program year)

PROGRAM NAME	IHP			APR		
	(L)	(M)	(N)	(O)	(P)	(Q)
	Prior and current year IHBG (only) funds to be expended in 12-month program year	Total all other funds to be expended in 12-month program year	Total funds to be expended in 12-month program year (L+M)	Total IHBG (only) funds expended in 12-month program year	Total all other funds expended in 12-month program year	Total funds expended in 12-month program year (O+P)

COVID-19 Respond - 1 - Emergency Health Services: Testing, Cleaning Supplies and PPE's for Low-Income	\$10,000,000		\$10,000,000			\$0
COVID-19 Respond - 2 - Emergency Temporary Rental Assistance for Low-Income Indian Households	\$220,000		\$220,000			\$0
COVID-19 Respond - 3 - Emergency Support to Nursing/Group Homes	\$3,500,000		\$3,500,000			\$0

\$10,000,000		
\$220,000		
\$3,500,000		

\$0	\$0	\$0
\$0	\$0	\$0
\$0	\$0	\$0



COVID-19 Prevention - 13 - Housing Services for Shelter-In-Place for Low - Income Indian Households	\$45,000
COVID-19 Prevention - 14 - Housing Services for Shelter-In-Place for Non- Indian Households	\$45,000
COVID-19 Prevention - 15 - Housing Services for Shelter-In-Place for Non-Low-Income Indian Households	\$3,014,177
Planning and Administration	\$3,700,000

\$45,000			\$0
\$45,000			\$0
\$3,014,177			\$0
\$3,700,000			\$0
\$22,333,177	\$0	\$0	\$0

#### TOTAL

#### Notes:

- Total of Column L cannot exceed the IHBG funds from Column C, Row 1 from the Sources of Funding table in Line 1 above.
- Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources of Funding table in Line 1 above.
- Total of Column O cannot exceed total IHBG funds received in Column H, Row 1 from the Sources of Funding table in Line 1 above.
- Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources of Funding table in Line 1 above.
- Total of Column Q should equal total of Column I of the Sources of Funding table in Line 1 above.

(3) Estimated Sources or Uses of Funding (NAHASDA § 102(b)(2)(C)). (Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses of Funding table on the previous page. This planned loan repayment can be associated with Title VI or with private or tribal funding that is used for an eligible activity described in an IHP that has been determined to be in compliance by HUD. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

(4) APR (NAHASDA § 404(b)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses of Funding table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

## SECTION 7: INDIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE

NAHASDA § 102(b)(2)(D)

By signing the IHP, the recipient certifies its compliance with Title II of the Civil Rights Act of 1968 (25 USC Part 1301 et seq.), and ensures that the recipient has all appropriate policies and procedures in place to operate its planned programs. The recipient should not assert that it has the appropriate policies and procedures in place if these documents do not exist in its files, as this will be one of the items verified during any HUD monitoring review.

**(1) In accordance with applicable statutes, the recipient certifies that:**

It will comply with Title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes.

Yes ☒ No ☐

**(2) In accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that:**

There are households within its jurisdiction at or below 80 percent of median income.

Yes ☐ No ☐ Not Applicable ☒

**(3) The following certifications will only apply where applicable based on program activities.**

a. It will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD;

Yes ☒ No ☐ Not Applicable ☐

b. Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA;

Yes ☒ No ☐ Not Applicable ☐

c. Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA; and

Yes ☒ No ☐ Not Applicable ☐

d. Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes ☒ No ☐ Not Applicable ☐

 **SECTION 8: IHP TRIBAL CERTIFICATION**  
NAHASDA § 102(c)

This certification is used when a Tribally Designated Housing Entity (TDHE) prepares the IHP or IHP amendment on behalf of a tribe.

This certification must be executed by the recognized tribal government covered under the IHP.

- (1) The recognized tribal government of the grant beneficiary certifies that:
- (2) ☐ It had an opportunity to review the IHP or IHP amendment and has authorized the submission of the IHP by the TDHE; or
- (3) ☒ It has delegated to such TDHE the authority to submit an IHP or IHP amendment on behalf of the Tribe without prior review by the Tribe.

(4) Tribe:	Navajo Nation
(5) Authorized Official's Name and Title:	Jonathan Nez, President
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	06/03/2020

## SECTION 9: TRIBAL WAGE RATE CERTIFICATION

NAHASDA §§ 102(b)(2)(D)(vi), 104(b)

By signing the IHP, you certify whether you will use tribally determined wages, Davis-Bacon wages, or HUD determined wages. Check only the applicable box below.

- (1) ☐ You will use tribally determined wage rates when required for IHBG-assisted construction or maintenance activities. The Tribe has appropriate laws and regulations in place in order for it to determine and distribute prevailing wages.
- (2) ☒ You will use Davis-Bacon or HUD determined wage rates when required for IHBG-assisted construction or maintenance activities.
- (3) ☐ You will use Davis-Bacon and/or HUD determined wage rates when required for IHBG-assisted construction except for the activities described below.

(4) If you checked the box in Line 3, list the other activities that will be using tribally determined wage rates:

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## SECTION 12: AUDITS

24 CFR § 1000.544

This section is used to indicate whether a financial audit based on the Single Audit Act and 2 CFR Part 200 Subpart F is required, based on a review of your financial records.

Did you expend \$750,000 or more in total Federal awards during the APR reporting period?

Yes ☐ No ☐

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse and your Area Office of Native American Programs.

If No, an audit is not required.

**RESOURCES AND DEVELOPMENT COMMITTEE  
24th NAVAJO NATION COUNCIL**

**FOURTH YEAR 2022**

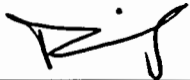
**ROLL CALL  
VOTE TALLY SHEET**

**LEGISLATION #0155-22: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT; APPROVING THE CARES ACT INDIAN HOUSING BLOCK GRANT NUMBER 20BV0402810 AMENDMENT NO. ONE FOR FISCAL YEAR 2020. Sponsor: Honorable Mark A. Freeland**

Date: September 21, 2022 – Regular Meeting (Teleconference)  
Location: Resources and Development Committee also called in via teleconference from their location within the boundary of the Navajo Nation.

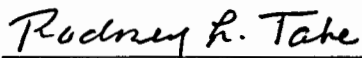
**Main Motion:**

**M:** Kee Allen Begay, Jr.                      **S:** Wilson C. Stewart, Jr.                      **V:** 4-0-1 (CNV)  
**In Favor:** Thomas Walker, Jr.; Kee Allen Begay, Jr.; Mark A. Freeland; Wilson C. Stewart, Jr.  
**Opposition:** None  
**Excuse:** None  
**Not Voting:** Rickie Nez, *Chairperson*



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Honorable Rickie Nez, *Chairperson*  
Resources and Development Committee



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Rodney L. Tahe, *Legislative Advisor*  
Office of Legislative Services