

Attachment II: 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	<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.
		<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.
		<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.
		<i>Reprogramming of FY2020 IHBG Funding:</i> FY2020 IHBG funds may be reprogrammed to address COVID-19 through streamlined process.

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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	Original IHP Due Date	Extension
			1/17/2020	10/16/2020
			4/17/2020	10/16/2020
			7/18/2020	1/17/2021
13c. Annual Performance Report Submission Deadline	Statutory Authority: Sections 403 and 404 of NAHASDA, Regulatory Authority: 24 CFR § 1000.514	APR Submission Deadlines Extended	Original APR Due Date	Extension
			3/30/2020	9/27/2020
			6/29/2020	12/30/2020
			9/30/2020	12/30/2020
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.		

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<p>13f. COVID-19-Related Assistance to Non-Low Income and Non-Native Families</p>	<p>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</p>	<p>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.</p>
<p>13g. Useful Life</p>	<p>Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 CFR §§ 1000.141, 1000.142, 1000.143, 1000.144, 1000.146, 1000.147</p>	<p>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.</p>
<p>13h. Total Development Cost (TDC) Limits</p>	<p>Regulatory Authority: 24 CFR §§ 1000.156, 1000.158, 1000.160, 1000.162</p>	<p>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.</p>
<p>13i. Prohibition Against Investment of CARES Act Grant Funds</p>	<p>Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 CFR § 1000.58</p>	<p>Recipients are prohibited from investing any IHBG funding provided under the CARES Act.</p>

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<p>13j. IHBG-CARES Funds Not Counted in Undisbursed Funds Factor</p>	<p>Regulatory Authority: 24 CFR § 1000.342</p>	<p>IHBG-CARES funds will not count towards an IHBG recipient’s prior years’ undisbursed funds when applying the Undisbursed Funds Factor under the IHBG formula.</p>
<p>14a. Citizen Participation</p>	<p>Statutory Authority: Section 104 of the Housing and Community Development Act of 1974 (HCD Act) Regulatory Authority: 24 CFR § 1003.604</p>	<p>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 2019/2020 ICDBG grants to address COVID-19.</p>
<p>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 FY19/20 ICDBG Notice of Funding Availability (NOFA)</p>	<p>1) <i>Criteria for Funding:</i> With respect to applications for ICDBG-CARES grants and FY 2019/2020 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>	

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		<p><i>4) 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>
<p>14c. Removal of Public Services 15 Percent Cap under FY 2019 and FY 2020 ICDBG Grants</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.201(e); FY 19/20 ICDBG NOFA</p>	<p>HUD is eliminating the 15 percent cap on FY 2019/2020 ICDBG funding (both Single Purpose and Imminent Threat grants).</p>
<p>14d. Rental Assistance, Utility Assistance, Food, Clothing, and Other Emergency Assistance</p>	<p>Statutory Authority: Section 105 of the HCD Act; Regulatory Authority: 24 CFR § 1003.207(b)(4)</p>	<p>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.</p>
<p>14e. Purchase of Equipment</p>	<p>Regulatory Authority: 24 CFR §§ 1003.207(b)(1);</p>	<p>Grantees may use of ICDBG funds for the purchase of medical and personal protective equipment to prevent, prepare for, and respond to the</p>

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	1003.201(c)(1)(ii)	COVID-19.
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<p>14f. Operating Expenses for Public Facilities</p>	<p>Regulatory Authority: 24 CFR § 1003.207(b)(2)</p>	<p>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.</p>
<p>14g. New Housing Construction by Tribes</p>	<p>Statutory Authority: Section 105 of the HCD Act, Regulatory Authority: 24 CFR § 1003.207(b)(3)</p>	<p>ICDBG grantees may use ICDBG funds to carry out new housing construction under certain conditions without having to use a CBDO.</p>