



OFFICE OF PUBLIC AND INDIAN HOUSING

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

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Special Attention of:
Administrators, Offices of Native American
Programs; and Tribes, Tribally Designated
Housing Entities

Notice PIH-2021-11

Issued: April 13, 2021

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superseded, or rescinded.

Cross Reference(s):
American Rescue Plan Act of 2021
NAHASDA
24 C.F.R. Part 1000
2 C.F.R. Part 200

SUBJECT: IHBG-ARP Implementation Notice

1. Purpose: The American Rescue Plan Act of 2021 (ARP) (Public Law 117-2) appropriates \$450 million for the Indian Housing Block Grant (IHBG) Program and grants the U.S. Department of Housing and Urban Development (HUD) authority to waive or establish alternative requirements for any provision of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) or regulation applicable to the IHBG Program to expedite or facilitate the use of funds (other than requirements related to fair housing, nondiscrimination, labor standards, and the environment).

The purpose of this Notice is to provide Indian tribes and Tribally Designated Housing Entities (TDHEs) with instructions on how to apply for IHBG Program funding under ARP and other program requirements. This Notice also includes waivers and alternative requirements applicable to these funds.

The grants issued under the IHBG-ARP Program will be called “IHBG-ARP” grants. This Notice will be referred to as the “IHBG-ARP Implementation Notice.”

2. Background: An outbreak of a respiratory disease caused by a novel (new) coronavirus was detected 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, the Secretary of Health and Human Services 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, the COVID-19 pandemic was declared a national emergency.

The COVID-19 pandemic presents significant challenges for HUD, Tribes and TDHEs in carrying out HUD's fundamental mission to provide decent, safe, and sanitary affordable housing for low-income Native American families. Program operations have been severely impacted as 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. Vaccines effective against COVID-19 are now available. However, distributing and administering those vaccines will take time. Additionally, individuals and communities may be impacted long into the future by the pandemic.

On March 11, 2021, President Biden signed the ARP into law. It authorizes over \$1.9 trillion in assistance for individuals, families and communities affected by COVID-19. ARP includes \$450 million for the IHBG program to be distributed according to the same funding formula used in fiscal year (FY) 2021 to be used by eligible Tribes and TDHEs to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA, as amended, during the period that the program is impacted by coronavirus. ARP also permits the funding made available for the IHBG program to be used, as necessary, to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by a recipient, including for costs incurred after January 21, 2020.

ARP further provides HUD with authority to waive or specify alternative requirements of NAHASDA or regulations (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) applicable to the IHBG program upon a finding by HUD that such waivers or alternative requirements are necessary to expedite or facilitate the use of IHBG-ARP funds. Through issuance of this notice, HUD is exercising this authority to provide 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 Tribal and TDHE staff and the families and communities they serve.

Recipients are also encouraged to frequently visit the Centers for Disease Control and Prevention (CDC) website at www.cdc.gov/coronavirus/2019-ncov to ensure that they are relying upon the most up-to-date information.

3. Applying for IHBG-ARP Grant Funding: IHBG-ARP grants will be awarded as separate IHBG grants. On March 25, 2021, HUD published IHBG-ARP grant allocations for all Indian tribes that are eligible to receive funding. These allocations are available at: https://www.hud.gov/sites/dfiles/PIH/documents/IHBG-ARP_for_Codetalk3.24.21.pdf

HUD recognizes that the current COVID-19 National Emergency has caused substantial disruption to the program operations of IHBG recipients across Indian Country. To help minimize unnecessary administrative burden and to enable recipients to expend these funds as expeditiously as possible given the ongoing COVID-19 National Emergency, HUD has streamlined the application process while ensuring IHBG-ARP grant funds will be used only to prevent, prepare for, and respond to COVID-19, as required under ARP.

In order for an Indian tribe or TDHE to receive an IHBG-ARP grant, the Indian tribe or

TDHE must first submit an Abbreviated Indian Housing Plan/Annual Performance Report (IHP/APR) (Form: HUD-52737) to its Area Office of Native American Programs (AONAP). The Indian tribe or TDHE should only complete the Abbreviated IHP portion of this form to receive an IHBG-ARP grant, and will be required to complete the Abbreviated APR portion of the form at a later date.

The Abbreviated IHP/APR is a streamlined fillable PDF version of the regular IHP/APR. It is identical in format to the Abbreviated IHP/APR used by recipients of IHBG-CARES funding. Under the Abbreviated IHP, HUD is requesting less information than is normally included in a regular IHP/APR and including certain data fields to capture ARP requirements. The regular IHP/APR form contains a total of 15 sections that IHBG recipients are normally required to complete. Under the Abbreviated IHP, IHBG-ARP recipients are only required to complete 7 sections, as described in more detail below. Abbreviated IHPs must specify how the IHBG-ARP recipient will carry out activities or projects that meet the requirements of ARP.

Along with this IHBG-ARP Implementation Notice, HUD is making the Abbreviated IHP form available to all IHBG recipients. The Abbreviated IHP form must be completed and submitted to the AONAP electronically. The abbreviated form is created by selecting a checkbox on the first page of the form (in Section 1 – Cover Page) labeled “IHBG-CARES/IHBG-ARP”. By selecting this box, the form automatically removes sections that do not have to be submitted to receive an IHBG-ARP grant, and modifies the drop-down help files for the required fields to assist the IHBG-ARP recipient in completing the form. Specifically, the Abbreviated IHP requires the IHBG-ARP recipient to complete Sections 1 (Cover Page), 3 (Programs), 5 (Budget), 7 (IHP Certification of Compliance), 8 (IHP Tribal Certification), 9 (Tribal Wage Rate Certification), and 12 (Audits).

IHBG-ARP recipients will not be required to use the Energy and Performance Information Center (EPIC) to submit the Abbreviated IHP. The Abbreviated IHP must be submitted electronically via email to the AONAP.

Specific instructions on how to use and complete the form are included in the form. AONAP staff are also available to provide technical assistance to all IHBG recipients.

Indian tribes or TDHEs that did not submit a FY 2021 IHP (or whose IHP was not approved) may still take advantage of this funding opportunity by preparing and submitting an Abbreviated IHP/APR but may be required to submit additional information to HUD, depending on how much information the Indian tribe or TDHE has submitted to HUD in the past that HUD determines it can reasonably rely on for purposes of these grants. These Indian tribes or TDHEs should consult with their AONAP for more guidance.

To help minimize unnecessary administrative burden, HUD is providing regulatory waiver relief pertaining to the Abbreviated IHP. The following is a summary of that regulatory waiver relief. IHBG-ARP recipients are advised to review the details of these waivers below in Section 8(b)(i):

- IHPs that Cannot be Formally Adopted at this Time: HUD will accept any Abbreviated IHP 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.

- **IHP Certifications:** 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 accept all IHP certifications that were previously submitted and accepted by HUD for FY 2021 IHBG grants (or for FY 2020 IHBG grants for those IHBG recipients that have not yet submitted their FY 2021 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-ARP grant and will be bound by such certifications, accordingly.

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 an IHBG-ARP grant. 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. IHP Submission and Review: HUD will review all Abbreviated IHPs and will make a determination as to whether an Abbreviated IHP is in compliance with ARP and NAHASDA as quickly as possible. HUD will make an initial determination of compliance following receipt of a complete Abbreviated IHP to expedite awarding of IHBG-ARP grants. HUD will make every effort to expedite its initial determination of compliance, when feasible. If an IHBG-ARP recipient fails to adequately describe how the proposed activities are tied to preventing, preparing for, or responding to COVID-19, or meet other Abbreviated IHP requirements, HUD will reject the Abbreviated IHP and notify the IHBG-ARP recipient of any deficiencies in the Abbreviated IHP. If the IHP is rejected, IHBG-ARP recipients should amend and resubmit the Abbreviated IHP for further consideration. The AONAP will provide any necessary technical assistance to help the IHBG-ARP recipient modify its Abbreviated IHP, as appropriate, to ensure that it can be found in compliance with the ARP, NAHASDA, and any requirements specified by HUD in waivers and alternative requirements, and guidance.

IHBG-ARP recipients are reminded that, after an Abbreviated IHP is found in compliance, they may choose to amend their Abbreviated IHP to adjust any planned eligible activities or programs, provided such activities or programs are eligible during the COVID-19 pandemic. HUD expects this to be necessary for some IHBG-ARP recipients as COVID-19 progresses over time, and different Tribal communities are impacted in various ways.

5. Follow-up Actions: Once the Abbreviated IHP is found in compliance, ONAP will

email the IHBG-ARP grantee an award letter and a grant agreement package to sign and return via email. Funds will be available to draw down from the Line of Credit Control System (LOCCS) when the fully executed grant agreements are returned by the recipient and processed by HUD. All documents will be provided in electronic file format and must be returned in electronic file format. Documents such as the grant agreement can be signed, scanned, and sent back to ONAP electronically. The IHBG-ARP recipient should maintain all documents with wet signatures in their records.

6. Eligible Purposes: ARP requires that recipients' use of IHBG-ARP grants be tied to preventing, preparing for, and responding to COVID-19, including maintaining normal operations and funding eligible affordable housing activities under NAHASDA during the period the program is impacted by COVID-19.

To comply with this requirement, IHBG-ARP recipients must ensure that all activities being proposed can be tied to at least one of the following three eligible purposes:

- 1. Activities, Projects, or Programs to Prevent COVID-19**
- 2. Activities, Projects, or Programs to Prepare for COVID-19**
- 3. Activities, Projects, or Programs to Respond to COVID-19**

Pursuant to ARP, these funds may also be used to maintain normal operations and fund eligible IHBG activities during the period that a recipient's IHBG program is impacted by COVID-19. HUD expects and encourages recipients to expend funds expeditiously given the ongoing COVID-19 National Emergency. However, COVID-19 may have impacts on a recipient's IHBG program that range from immediate or short-term, to medium-and longterm in nature. Accordingly, for purposes of this requirement, HUD will allow recipients to use IHBG-ARP grant funds to maintain normal operations both now and after the COVID-19 National Emergency, provided that the IHBG-ARP recipient can demonstrate that COVID-19 continues to impact its program.

HUD will also consider activities, projects, or programs that are designed to prevent, prepare for, and respond to COVID-19 in the short-term to long-term as activities that meet the purposes of ARP. This includes activities, projects, or programs that will reduce or mitigate the short-term, medium-term, and also longer-term risks and vulnerabilities of Tribal communities to COVID-19 (e.g., activities that reduce overcrowding).

While not required, IHBG-ARP recipients are encouraged to consider the short-term and medium-term needs of their communities first before undertaking more long-term activities and projects designed to prevent, prepare for, or respond to COVID-19. HUD also encourages IHBG-ARP grantees to prioritize expending these funds as expeditiously as possible, given the ongoing COVID 19 National Emergency.

IHBG-ARP grant funds may also be used to cover or reimburse allowable costs incurred by the IHBG- ARP recipient, provided the funds were used to prevent, prepare for, or respond to COVID-19. This includes covering or reimbursing allowable costs incurred back to the date the Indian tribe or TDHE began preparing for COVID-19, but not prior to January 21, 2020.

To assist recipients in ensuring that the activities being proposed can be tied to one or more of the three eligible purposes of ARP, Indian tribes and TDHEs should consider the following:

- **Prepare for:** IHBG-ARP grant funds may be used prior to a local, service area, or regional coronavirus outbreak. This includes, but is not limited to, activities designed to develop processes and procedures to help keep people healthy, and other activities designed to reduce the risk of exposure to COVID-19 and avoid or slow the spread of the disease. Examples may include housing activities designed to reduce severe overcrowding, providing food delivery services to eligible families (including the elderly, disabled, and other high-risk populations) to allow them to shelter in place, and public health campaigns designed to educate families on how to prepare for a possible outbreak in the community and ways to minimize community spread.
- **Prevent:** IHBG-ARP grant funds may be used during a COVID-19 local, service area, or regional coronavirus outbreak. This includes, but is not limited to, activities designed to prevent the initial or further spread of the virus to staff, Tribal housing residents, and the Tribal community. Examples may include distributing Personal Protective Equipment to housing maintenance staff, residents, and members of the community, using IHBG- ARP funds to clean common areas to prevent infections, using IHBG-ARP funds to facilitate the vaccination of IHBG-assisted residents and IHBG recipient staff, and much more.
- **Respond to:** Once COVID-19 has spread to staff, Tribal housing residents, and/or the Tribal community, examples of how Indian tribes and TDHEs may choose to respond to COVID-19 may include using IHBG-ARP grant funds to care for those who have become infected and to limit the exposure and spread of the virus, provide rent assistance to eligible families that cannot pay rent, carrying out activities to reduce severe overcrowding, prevent homelessness to ensure families are stably housed, and much more. Funds may continue to be used after the local, service area, or regional coronavirus outbreak on any continuing expenses incurred due to the spread of COVID-19.

In most cases, maintaining normal operations and carrying out eligible activities, projects, or programs during the period that a recipient’s program is impacted by COVID-19 will likely tie back to the “Respond to” COVID-19 purpose. However, HUD recognizes that there may be circumstances where maintaining normal operations and carrying out eligible activities may tie back to the “Prepare for” or the “Prevent” eligible purpose. One example of maintaining normal operations is using IHBG- ARP funds to carry out eligible IHBG activities that the recipient initially planned to carry out with its regular IHBG funds but did not because it had to use its regular IHBG funds to carry out an unplanned activity to prevent, prepare for, or respond to COVID-19. In this scenario, the IHBG- ARP grant funds can be used to carry out the original IHBG activity that the recipient planned on carrying out, but did not carry out, due to COVID-19.

While these descriptions of the eligible purposes can guide Indian tribes and TDHEs, certain activities, depending on context, do not always obviously fit under one or more categories, and the recipient should therefore use its best judgment to determine to which category or combination of categories that its activity is tied, based on local circumstances. These descriptions are designed to provide general guidance to recipients and are not intended to limit the range of eligible IHBG-ARP grant activities that can be carried out. Provided a recipient can, in HUD’s judgment, reasonably tie their IHBG-ARP activities back to one or

more eligible purposes, HUD will accept the recipient's classification.

7. Eligible Activities: Examples of activities, projects, or programs that could be funded, provided they meet one or more of the above eligible ARP purposes, include, but are not limited to, the following:

Eligible Housing Activities

- Carrying out activities eligible under IHBG provided those activities will prevent, prepare for, and respond to COVID-19;
- Payment of tenant and homebuyer utilities;
- Installing a lockbox or other method for collecting rent payments without the need for personal contact;
- Supporting laundry facilities to assist residents with eliminating the spread of COVID-19;
- Paying for IHBG operating costs due to a significant reduction in rent receipts caused by COVID-19;
- Providing essential housing services to shelter residents including childcare, education services, employment assistance, outpatient health services, legal services, mental health services, and transportation, provided such services are not duplicative of other Federally funded services;
- Working with resident groups to help educate residents on social distancing and other practices designed to minimize the risk of community spread of COVID-19;
- Acquiring, constructing, converting, or rehabilitating structures to reduce and prevent homelessness, and reduce vulnerability to COVID-19;

Emergency Response

- Carrying out activities that would prevent individuals from becoming homeless and rapidly rehousing homeless individuals;
- Acquiring, constructing, converting, or rehabilitating structures that can serve as temporary emergency shelters, or converting existing facilities for this purpose, to ensure homeless persons are provided safe shelter and to minimize the risk of community spread of COVID-19;
- Providing short- term rental assistance to homeless persons in hotel/motels to minimize infection and spread of COVID-19;
- Providing units or other space for temporary quarantine purposes as a result of COVID-19;
- Providing emergency housing for health care workers;
- Purchasing Telehealth equipment to allow assisted residents access to health care providers from home;
- Purchasing and distributing personal protective equipment (PPE) such as gloves, surgical masks and goggles, hand hygiene products, soap, paper towels, hand sanitizer, hand wipes, tissues, and thermometers;
- Purchasing and distributing cleaning products such as disinfectants, sanitizers, waste disposal supplies, and other supplies to disinfect homes of residents, common areas, housing-related public facilities, and other public spaces like playgrounds;
- Purchasing of sanitation equipment;
- Purchasing and distribution of water, groceries, prescriptions, and other items for quarantined families, Elders, Veterans, at-risk populations, or disabled households;
- Purchasing beds or cots for isolation/quarantine centers;

- Paying the transportation costs to get IHBG-assisted families and staff of the IHBG recipient to and from a vaccination site;
- Coordinating with health clinics to provide on-site vaccinations either at a Tribal or TDHE owned or operated location or at a mutually agreed upon location;
- Paying the costs of providing public health information to staff and residents so they can learn about the benefits of getting vaccinated and how to get vaccinated;
- Supporting IHBG-assisted families and staff of the IHBG recipient with online registration for vaccination appointments and keeping them informed as vaccination efforts continue.

Administrative Activities

- Preparing housing or TDHE staff and Board of Commissioners to conduct business in a remote working environment, and providing them with necessary supplies to carry out the IHBG program;
- Setting up web-based communication options for program participants and staff;
- Implementing policies, procedures, and other measures to protect vulnerable populations;
- Revising the approval process for policies and procedures in order to limit person-to-person contact;
- Paying staff salaries including the salaries of employees who must shelter in place or are otherwise prohibited from interacting with community members due to COVID-19;
- Paying hazard pay for essential workers that are managing or maintaining units, or staffing emergency or isolation centers, provided such costs are considered necessary and reasonable under 2 C.F.R. Part 200;
- Paying transportation costs of staff to perform IHBG program functions or assist tenants in accessing food, medical care, or prescriptions.

8. Waivers and Alternative Requirements Applicable to the IHBG-ARP Program:

a. Waiver Authority: ARP provides HUD with authority to waive any provision of NAHASDA or regulation applicable to the IHBG-ARP program (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) to expedite or facilitate the use of these funds.

The following waivers and alternative requirements apply only to IHBG funding provided under the ARP. Indian tribes and TDHEs are reminded that these waivers and alternative requirements do not apply to IHBG funds appropriated in any other Act. In applying these waivers and alternative requirements, Indian tribes and TDHEs must ensure that they are doing so only with respect to IHBG-ARP grant.

b. Waiver and Alternative Requirements: HUD has determined that the following waivers and alternative requirements are necessary to expedite or facilitate the use of IHBG-ARP funds:

i.) **Application Process for IHBG-ARP Grants and Indian Housing Plan 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 C.F.R. Part 1000 require IHBG recipients to submit an Indian Housing Plan (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, or have recently been, 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-ARP grant 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 C.F.R. Part 1000, including 24 C.F.R. §§ 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 ARP funding in accordance with the Act and program requirements.

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

Given the current exigent situation, applicants for IHBG-ARP grants funding will only be required to submit an Abbreviated IHP, in accordance with guidance that will be published by HUD, in order to receive an IHBG-ARP 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 ARP (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 2021 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 quickly to expedite awarding grant funding under the ARP. 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 2021*

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 received a FY 2021 IHBG formula allocation but either did not submit an IHP, or whose IHP was not approved in FY 2021, and accordingly did not receive an IHBG grant in FY 2021. Such Indian tribe or TDHE that did not receive IHBG funds in FY 2021 may still apply to receive an IHBG-ARP 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 ARP and NAHASDA. This waiver is necessary to provide an opportunity to all potential IHBG applicants that received an FY 2021 IHBG formula allocation to access this new funding to help address the ongoing crisis, regardless of whether they failed to submit an IHP in FY 2021.

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.

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

2021 IHBG grants (or for FY 2020 IHBG grants for those IHBG recipients that have not yet submitted their FY 2021 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-ARP 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 ARP funds or amending their FY 2021 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.

ii.) Income Verification

Regulatory Authority: 24 C.F.R. § 1000.128

Description: 24 C.F.R. § 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 C.F.R. § 1000.128:

- 1) IHBG-ARP recipients may deviate from their current written admissions and occupancy policies, and may allow less frequent income recertifications; and
- 2) IHBG-ARP recipients may carry out intake and other tasks necessary to verify income of applicants and residents 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.

iii.) 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 funds may be used on a wide range of public health activities designed to allow IHBG-eligible residents and staff of the IHBG recipient to prepare for, prevent, and respond to COVID-19.

Eligible uses of IHBG funds under this waiver and alternative requirement include, but are not limited to: providing testing, diagnosis, vaccination or other related services to residents; establishing a fixed or mobile location to conduct testing, vaccination 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, and 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.

With respect to vaccinations, eligible uses of IHBG funds under this waiver and alternative requirement include, but are not limited to, the following:

- paying the transportation costs to get IHBG-assisted families and staff of the recipient to and from a vaccination site;
- coordinating with health clinics to provide on-site vaccinations either at a Tribal or TDHE owned or operated location or at a mutually agreed upon location;
- paying the costs of providing public health information to staff and residents so they can learn about the benefits of getting vaccinated and how to get vaccinated; and
- supporting IHBG-assisted families and staff with online registration for vaccination appointments and keeping them informed as vaccination efforts continue.

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.

iv.) COVID-19-Related Assistance to Non-Low Income and Non-Native Families

Statutory Authority: Section 201(b) of NAHASDA

Regulatory Authority: 24 C.F.R. §§ 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 pandemic; 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 and no individual shall be isolated longer than medically necessary.

24 C.F.R. §§ 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 C.F.R. § 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 C.F.R. § 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.

v.) Useful Life

Statutory Authority: Section 205 of NAHASDA

Regulatory Authority: 24 C.F.R. §§ 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-ARP grant 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.

Under this waiver, IHBG recipients are not required to establish an affordability determination or useful life period for assistance related to cleanup of COVID-19 contamination or temporary use of dwellings units used to quarantine families to inhibit the spread of COVID-19.

This waiver only applies during the period that a unit is being temporarily used to prevent, prepare for, or respond to COVID-19. Useful life restrictions are required for other housing activities conducted with IHBG-ARP funding. For example, if a unit is acquired for the purpose of quarantining families, no useful life restriction will apply to the unit during this temporary period when the unit is being used for COVID-19-related purposes. However, after the unit is no longer needed to temporarily quarantine families, and is no longer needed for other COVID-19 purposes, the recipient must either place useful life restrictions on the property and continue to make it available for NAHASDA-eligible families for an affordability period set by the recipient consistent with its IHBG program, or dispose of the unit.

vi.) Total Development Cost Limits

Regulatory Authority: 24 C.F.R. §§ 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- and long-term impact on 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-ARP 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 elderly and persons with disabilities, 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 Notice PIH 2019-19 remain in effect.

vii.) Prohibition Against Investment of ARP Grant Funds

Statutory Authority: Section 204(b) of NAHASDA

Regulatory Authority: 24 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1000.58 and prohibiting the investment of any IHBG funding provided under the ARP. 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.

viii.) IHBG-ARP Funds Not Counted in Undisbursed Funds Factor

Regulatory Authority: 24 C.F.R. § 1000.342

Description: 24 C.F.R. § 1000.342 codifies the Undisbursed Funds Factor (UDFF) in the IHBG formula. It provides that if an Indian tribe's initial IHBG allocation calculation is \$5 million or more and the Indian tribe has undisbursed IHBG funds on October 1 of the fiscal year for which the allocation is made in an amount that is greater than the sum of the prior 3 years' initial allocation calculations, its grant allocation will be the greater of the initial allocation calculation minus the amount of undisbursed IHBG funds that exceed the sum of the prior 3 years' initial allocation calculations, or its 1996 Minimum.

HUD is waiving 24 C.F.R. § 1000.342 and establishing an alternative requirement to the extent necessary to exclude IHBG-ARP funds from counting towards an Indian tribe's undisbursed IHBG funds from prior years under the UDFF. IHBG-ARP funds are available for a specific purpose under the ARP and were allocated by HUD to allow Indian tribes and TDHEs to prevent, prepare for, and respond to COVID-19. If this funding were counted against an Indian tribe and resulted in it receiving less IHBG formula funding under the next IHBG formula allocation, such a reduction in future funding would undermine the purposes of the IHBG-ARP funds and have an adverse impact on Indian tribes working to respond to the current National Emergency.

- c. Period of Availability:** Any waivers granted by HUD are deemed to be effective as of the date the Indian tribe or TDHE began preparing for COVID-19, but after January 21, 2020. Accordingly, the relief provided by the following waivers and alternative requirements will apply retroactively to the date that an Indian tribe or TDHE began preparing for COVID-19, but after January 21, 2020. Additionally, IHBG-ARP grants may also be used to cover or reimburse any costs incurred by an IHBG recipient that are otherwise eligible and allowable under the IHBG- ARP grant, including costs incurred after January 21, 2020. See Section 9, entitled "Reimbursement of Costs."

Indian tribes and TDHEs should retain documentation demonstrating when it began preparing for COVID-19. Such documentation should be maintained to ensure that both HUD and Indian tribes and TDHEs can clearly identify the date, no further back than January 21, 2020, when waivers and alternative requirements issued by HUD began to apply, and to support costs incurred by the Indian tribes or TDHE that it covers or reimburses with IHBG-ARP funding.

In accordance with ARP, this waiver relief is available only for IHBG funding provided under ARP and is generally available until ARP funds are expended, unless otherwise noted under specific waivers. HUD is allowing waivers and alternative requirements to remain available to Indian tribes and TDHEs until IHBG-ARP grant 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.

d. Continued Operations During the Covid-19 Pandemic: The waivers implemented through this Notice provide administrative relief and allow for alternative approaches to various aspects of Tribal and TDHE operations that are necessary to expedite or facilitate the use of the IHBG-ARP funds. With this flexibility, HUD strongly encourages 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 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 also encourages Indian tribes and TDHEs to apply the waivers authorized in this Notice based on local circumstances and needs, and 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 of an 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.

Likewise, it is imperative that Indian tribes and TDHEs, as well as regional and national organizations representing Native American housing interests, work with ONAP and its six area offices across the country to find and share safe and efficient methods to carry out affordable housing activities to support low-income Native American families and their health.

9. Reimbursement of Costs: IHBG-ARP grants may also be used to cover or reimburse any costs incurred by an IHBG recipient that are otherwise eligible and allowable under the IHBG- ARP grant, including costs incurred on or after January 21, 2020. Recipients must indicate in **Section I** of the Abbreviated IHP what date they began preparing for COVID-19. HUD will not accept dates that pre-date January 21, 2020. Recipients must also add a program in the Abbreviated IHP specific to reimbursement costs. The **Unique Identifier (Block 1 of Section III)** must be titled COVID-19 reimbursement costs. Recipients must maintain documentation demonstrating when the recipient began preparing for COVID-19, such as notes on formal planning meetings or calls, and must maintain documentation to support any costs incurred by the recipient that the recipient plans to cover or reimburse with IHBG-ARP grant funding. Please note that FY2020 IHBG formula funds that were reprogrammed pursuant to the CARES Act to prevent, prepare for, and respond to COVID-19 cannot be reimbursed by IHBG-ARP grants.

0. Reporting Requirements: The following reporting requirements that apply to the IHBG-CARES grants also apply to IHBG-ARP grants:

A. Quarterly Federal Financial Reports (SF-425): that account for the receipt and disbursement of IHBG-ARP funding.

B. Abbreviated APR: IHBG-ARP recipients will be required to submit information regarding their expenditure of their IHBG-ARP grant in an Abbreviated APR (Form:

HUD-52735). A separate Abbreviated APR must be submitted covering the IHBG- ARP grant funding. This Abbreviated APR will be in addition to the recipient's annual APR, which will cover the recipient's regular IHBG formula grant funding, and the Abbreviated IHBG-CARES APR, which will cover the recipient's IHBG-CARES grant funding.

The Abbreviated APR for the IHBG-ARP grant will cover the recipient's typical reporting period and will be due to the AONAP within 90 days of the end of their program year unless otherwise specified. The type of information HUD will require to be reported, which is subject to change, will include:

- (1) The total amount of IHBG-ARP grant funding received from HUD.
- (2) The amount of IHBG-ARP grant funding that was expended or obligated during the tribal program year to:
 - (a) prevent COVID-19;
 - (b) prepare for COVID-19; or
 - (c) respond to COVID-19.
- (3) A list of all activities or projects for which IHBG-ARP grant funds were expended or obligated under each of the above eligible purpose categories, including:
 - (a) the name or type of the activity or project;
 - (b) a description of the activity, including whether the activity is:
 - (i) eligible under the IHBG program; or
 - (ii) an eligible activity pursuant to a waivers and alternative requirement set forth in this Notice (and subsequent ARP waiver notices).
 - (c) an explanation of how the activity addresses one or more of the eligible purposes identified in (2) above;
 - (d) an evaluation of the completion status of the activity;
 - (e) an estimate of the number of eligible families that were assisted by this activity, including the number of low-income Indian families, non-low-income Indian families, and non-Indian families; and
 - (f) the name of the person to contact at the Tribe or TDHE if HUD staff have questions about the activity or need additional information.

These reporting requirements are subject to change through future notice. As the IHBG-ARP recipient develops its Abbreviated IHP, it should ensure that throughout its implementation of this grant, it will collect this information and plan on reporting on it in its Abbreviated APR.

C. Additional ARP Reporting: Section 15011 of the CARES Act requires that recipients of \$150,000 or more of CARES Act funding submit, not later than 10 days after the end of each calendar quarter, a report containing information regarding the amount of funds received; the amount of funds obligated or expended for each project or activity; a detailed list of all such projects or activities, including a description of the project or activity; and detailed information on any subcontracts or subgrants awarded by the recipient.

HUD is considering whether IHBG-ARP recipients will be required to comply with similar reporting requirements or other reporting requirements under ARP. In the near future, HUD will provide additional guidance with respect to reporting requirements under the IHBG-ARP program. The Department will work in coordination with the Office of Management and Budget to ensure that any reporting requirements can be

fulfilled by recipients of ARP funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden. If additional reporting is necessary, further guidance will be released by the Department.

11. General Resources:

Office of Native American Programs COVID-19 Recovery Programs website:
[https://www.hud.gov/program_offices/public_indian_housing/ih/Covid Recovery](https://www.hud.gov/program_offices/public_indian_housing/ih/Covid_Recovery)

IHBG-CARES Waivers and Alternative Requirements, PIH Notice 2020-33: <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2020-33.pdf>

Office of Native American Programs website, including updated COVID-19 related Frequently Asked Questions: <https://www.hud.gov/codetalk>

HUD COVID Resources and Fact Sheets: <https://www.hud.gov/coronavirus>

12. Paperwork Reduction Act: The information collection requirements contained in this Notice are approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3520). In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. The active information collections contained in this Notice are approved under the PRA OMB Control Number 2577-0218.

13. Further Information: Any questions concerning this Notice should be directed to your AONAP.

/s/
Dominique Blom
General Deputy Assistant Secretary
Public and Indian Housing

Attachment I: IHBG-ARP Statutory and Regulatory Waivers and Alternative Requirements Summary

IHBG-ARP Statutory and Regulatory Waivers and Alternative Requirements Summary		
Item	Statutory and Regulatory Waivers	Waiver/Alternative Requirement Summary
3(b)(ii). Income Verification	Regulatory Authority: 24 C.F.R. § 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.
3(b)(iii). Public Health Services	Statutory Authority: Section 202(3) of NAHASDA	Recipients may use IHBG-ARP funding to carry out a wide range of public health services.
3(b)(iv). COVID-19-Related Assistance to Non-Low Income and Non-Native Families	Statutory Authority: Section 201(b) of NAHASDA, Regulatory Authority: 24 C.F.R. §§ 1000.104, 1000.106, 1000.108, 1000.110, 1000.312, 1000.314, 1000.318	Recipients may use IHBG-ARP 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.
3(b)(v). Useful Life	Statutory Authority: Section 205 of NAHASDA, Regulatory Authority: 24 C.F.R. §§ 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-ARP funding to assist housing units without determining and maintaining affordability during their useful life.
3(b)(vi). Total Development Cost (TDC) Limits	Regulatory Authority: 24 C.F.R. §§ 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.
3(b)(vii). Prohibition Against Investment of ARP Act Grant Funds	Statutory Authority: Section 204(b) of NAHASDA, Regulatory Authority: 24 C.F.R. § 1000.58	Recipients are prohibited from investing any IHBG funding provided under ARP.

3(b)(viii). IHBG- ARP Funds Not Counted in Undisbursed Funds Factor	Regulatory Authority: 24 C.F.R. § 1000.342	IHBG-ARP funds will not count towards an IHBG recipient's prior years' undisbursed funds when applying the Undisbursed Funds Factor under the IHBG formula.
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