

Attachment I: 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.

Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption
PH and HCV-1 PHA 5-Year and Annual Plan Submission Dates: Significant Amendment Requirements	<u>Statutory Authority</u> Section 5A(a)(1), Section 5A(b)(1), Section 5A(g), Section 5A(h)(2) <u>Regulatory Authority</u> §§ 903.5(a)(3), 903.5(b)(3), 903.13(c), 903.21, 903.23	- Alternative dates for submission - Changes to significant amendment process	- Varies based on FYE 12/31/20		
PH and HCV-2 Family Income and Composition: Delayed Annual Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> §§ 982.516(a)(1), 960.257(a)	- Permits the PHA to delay the annual reexamination of income and family composition - HCV PHAs must implement HCV-7 for impacted families if they implement this waiver	6/30/21 - All reexams due in CY20 must be completed by 12/31/20. Reexams due between 1/1/21 and 6/30/21 would need to be completed by 6/30/21.		

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PH and HCV-3 Family Income and Composition: Annual Examination; Income Verification Requirements	<u>Regulatory Authority</u> §§ 5.233(a)(2), 960.259(c), 982.516(a) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	• Waives the requirements to use the income hierarchy, including the use of EIV, and will allow PHAs to consider self-certification as the highest form of income verification • PHAs that implement this waiver will be responsible for addressing material income discrepancies that may arise later	• 6/30/21	YES	12/07/20
PH and HCV-4 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> §§ 5.233(a)(2), 982.516(c)(2), 960.257(a), (b) and (d), 960.259(c) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	• Waives the requirement to use the income verification requirements, including the use of EIV, for interim reexaminations	• 6/30/21	YES	12/07/20

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PH and HCV-5 Enterprise Income Verification (EIV) Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	• Waives the mandatory EIV monitoring requirements	• 6/30/21	YES	12/07/20
PH and HCV-6 Family Self-Sufficiency (FSS) Contract of Participation: Contract Extension	<u>Regulatory Authority</u> § 984.303(d)	• Provides for extensions to FSS contract of participation	• 6/30/21		
PH and HCV-7 Waiting List: Opening and Closing; Public Notice	<u>Regulatory Authority</u> § 982.206(a)(2) <u>Sub-regulatory Guidance</u> Notice PIH 2012-34	• Waives public notice requirements for opening and closing waiting list • Requires alternative process	• 6/30/21		
HQS-1 Initial Inspection Requirements	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(o)(8)(C)	• Changes initial inspection requirements, allowing for owner certification that there are no life-threatening deficiencies	• 6/30/21	YES	12/07/20

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	Regulatory Authority §§ 982.305(a), 982.305(b), 982.405	- Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification - Will include reminder that HQS waiver does not include a waiver of 24 CFR 35.15, visual assessment for deteriorated paint	1-year anniversary of date of owner's certification		
HQS-2: Project-Based Voucher (PBV) Pre-HAP Contract Inspections: PHA Acceptance of Completed Units	Statutory Authority: Section 8(o)(8)(A) Regulatory Authority: §§ 983.103(b), 983.156(a)(1)	- Changes inspection requirements, allowing for owner certification that there are no life-threatening deficiencies - Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification	6/30/21 1-year anniversary of date of owner's certification	YES	12/07/20

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HQS-3 Initial Inspection: Non-Life-Threatening Deficiencies (NLT) Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(ii) <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	Allows for extension of up to 30 days for owner repairs of non-life threatening conditions	6/30/21	YES	12/07/20
HQS-4 Initial Inspection Requirement: Alternative Inspection Option	<u>Statutory Authority</u> Section 8(o)(8)(A)(iii) <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	- Under Initial HQS Alternative Inspection Option - allows for commencement of assistance payments based on owner certification there are no life-threatening deficiencies - Where self-certification was used, PHA must inspect the unit no later than 1-year anniversary of date of owner's certification	6/30/21 1-year anniversary of date of owner's certification	YES	12/07/20

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Item	Statutory and regulatory waivers	Summary of alternative requirements	Availability Period Ends	Did the PHA implement the waiver or alternative requirement?	Date of PHA adoption
HQS-5 HQS Inspection Requirement: Biennial Inspections	<u>Statutory Authority</u> Section 8(o)(D) <u>Regulatory Authority</u> §§ 982.405(a), 983.103(d)	- Allows for delay in biennial inspections - PHAs must require owner certification there are no life-threatening deficiencies - All delayed biennial inspections must resume by 6/30/21 and be completed by 12/31/21	6/30/21 12/31/21		
HQS-6 HQS Interim Inspections	<u>Statutory Authority</u> Section 8(o)(8)(F) <u>Regulatory Authority</u> §§ 982.405(g), 983.103(e)	- Waives the requirement for the PHA to conduct interim inspection and requires alternative method - Allows for repairs to be verified by alternative methods	6/30/21	YES	12/07/20
HQS-7 PBV Turnover Unit Inspections	<u>Regulatory Authority</u> § 983.103(c)	Allows PBV turnover units to be filled based on owner certification there are no life-threatening deficiencies	6/30/21		

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		Allows for delayed full HQS inspection NLT than 1-year anniversary of date of owner's certification	1-year anniversary of date of owner's certification		
HQS-8: PBV HAP Contract: HQS Inspections to Add or Substitute Units	<u>Statutory Authority</u> Section 8(o)(8)(A) <u>Regulatory Authority</u> §§ 983.207(a), 983.207(b) <u>Sub-regulatory Guidance</u> HOTMA HCV Federal Register Notice January 18, 2017	- Allows for PBV units to be added or substituted in the HAP contract based on owner certification there are no life-threatening deficiencies - Allows for delayed full HQS inspection NLT 1-year anniversary of date of owner's certification	6/30/21 1-year anniversary of date of owner's certification		
HQS-9 HQS Quality Control Inspections	<u>Regulatory Authority</u> §§ 982.405(b), 983.103(e)(3)	Provides for a suspension of the requirement for QC sampling inspections	6/30/21	YES	12/07/20

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HQS-10 Housing Quality Standards: Space and Security	<u>Regulatory Authority</u> § 982.401(d)	• Waives the requirement that each dwelling unit have at least 1 bedroom or living/sleeping room for each 2 persons.	Remains in effect one year from lease term or date of this Notice, whichever is longer	YES	12/07/20
HQS-11 Homeownership Option: Initial HQS Inspection	<u>Statutory Authority</u> Section 8(o)(8)(A)(i), Section 8(y)(3)(B) <u>Regulatory Authority</u> § 982.631(a)	• Waives the requirement to perform an initial HQS inspection in order to begin making homeownership assistance payments • Requires family to obtain independent professional inspection	• 6/30/21		
HCV-1 Administrative Plan	<u>Regulatory Authority</u> § 982.54(a)	• Establishes an alternative requirement that policies may be adopted without board approval until 3/31/21 • Any provisions adopted informally must be adopted formally by 6/30/21	• 3/31/21 • 6/30/21	YES	12/07/20

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HCV-2 Information When Family is Selected: PHA Oral Briefing	Regulatory Authority §§ 982.301(a)(1), 983.252(a)	• Waives the requirement for an oral briefing • Provides for alternative methods to conduct required voucher briefing	• 6/30/21	YES	12/07/20
HCV-3 Term of Voucher: Extensions of Term	Regulatory Authority § 982.303(b)(1)	• Allows PHAs to provide voucher extensions regardless of current PHA policy	• 6/30/21	YES	12/07/20
HCV-4 PHA Approval of Assisted Tenancy: When HAP Contract is Executed	Regulatory Authority § 982.305(c)	• Provides for HAP payments for contracts not executed within 60 days • PHA must not pay HAP to owner until HAP contract is executed	• 6/30/21		
HCV-5 Absence from Unit	Regulatory Authority § 982.312	• Allows for PHA discretion on absences from units longer than 180 days • PHAs must not make HAP payments beyond	• 6/30/21	YES	12/07/20

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		12/31/20 for units vacant more than 180 consecutive days			
HCV-6 Automatic Termination of HAP Contract	<u>Regulatory Authority</u> § 982.455	Allows PHA to extend the period of time after the last HAP payment is made before the HAP contract terminates automatically.	6/30/21	YES	12/07/20
HCV-7 Increase in Payment Standard During HAP Contract Term	<u>Regulatory Authority</u> § 982.505(c)(4)	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.	6/30/21		
HCV-8 Utility Allowance Schedule: Required Review and Revision	<u>Regulatory Authority</u> § 982.517	Provides for delay in updating utility allowance schedule	6/30/21	YES	12/07/20

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HCV-9 Homeownership Option: Homeownership Counseling	<u>Statutory Authority</u> Section 8(y)(1)(D) <u>Regulatory Authority</u> §§ 982.630, 982.636(d)	• Waives the requirement for the family to obtain pre-assistance counseling	• 6/30/21		
HCV-10 Family Unification Program (FUP): FUP Youth Age Eligibility to Enter HAP Contract	<u>Statutory Authority</u> Section 8(x)(2)	• Allows PHAs to increase age to 26 for foster youth initial lease up	• 6/30/21	YES	12/07/20
HCV-11 Family Unification Program (FUP): Length of Assistance for Youth	<u>Statutory Authority</u> Section 8(x)(2)	• Allows PHAs to suspend terminations of assistance for FUP youth who will reach the 36-month limit between April 10, 2020, and December 31, 2020	• 6/30/21		
HCV-12 Family Unification Program (FUP): Timeframe for Referral	<u>Statutory Authority</u> Section 8(x)(2)	• Allows PHAs to accept referrals of otherwise eligible youth who will leave foster care within 120 days	• 6/30/21		

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HCV-13 Homeownership: Maximum Term of Assistance	<u>Regulatory Authority</u> § 982.634(a)	Allows a PHA to extend homeownership assistance for up to 1 additional year	6/30/21		
HCV-14 Mandatory Removal of Unit from PBV HAP Contract	<u>Regulatory Authority</u> §§ 983.211(a); 983.258	Allows a PHA to keep a PBV unit under contract for a period of time that extends beyond 180 from the last HAP but does not extend beyond December 31, 2020	6/30/21		
PH-1 Fiscal Closeout of Capital Grant Funds	<u>Regulatory Authority</u> § 905.322(b)	Extension of deadlines for ADCC and AMCC	Varies by PHA		
PH-2 Total Development Costs	<u>Regulatory Authority</u> § 905.314(c) - (d)	Waives the TDC and HCC limits permitting approval of amounts in excess of published TDC by 25% to 50% on a case by case basis	Applies to development proposals submitted to HUD no later than December 31, 2021		

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PH-3 Cost and Other Limitations: Types of Labor	<u>Regulatory Authority</u> § 905.314(j)	Allows for the use of force account labor for modernization activities in certain circumstances	6/30/21		
PH-4 ACOP: Adoption of Tenant Selection Policies	<u>Regulatory Authority</u> § 960.202(c)(1)	- Establishes an alternative requirement that policies may be adopted without board approval until 3/31/21 - Any provisions adopted informally must be adopted formally by 6/30/21	3/31/21 6/30/21		
PH-5 Community Service and Self-Sufficiency Requirement (CSSR)	<u>Statutory Authority</u> Section 12(c) <u>Regulatory Authority</u> §§ 960.603(a) and 960.603(b)	Temporarily suspends CSSR	6/30/21		
PH-6 Energy Audits	<u>Regulatory Authority</u> § 965.302	Allows for delay in due dates of energy audits	12/31/21		

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PH-7 Over-Income Families	<u>Statutory Authority</u> Section 16(a)(5) <u>Sub-regulatory Guidance</u> Housing Opportunity Through Modernization Act of 2016: Final Implementation of the Public Housing Income Limit 83 FR 35490, Notice PIH 2019-11	Changes to timeframes for determination of over-income when a delay in the annual reexamination occurs as a result of adoption of waiver PH and HCV-2	6/30/21		
PH-8 Resident Council Elections	<u>Regulatory Authority</u> § 964.130(a)(1)	Provides for delay in resident council elections	6/30/21		
PH-9 Review and Revision of Utility Allowance	<u>Regulatory Authority</u> § 965.507	Provides for delay in updating utility allowance schedule	6/30/21	YES	12/07/20
PH-10 Tenant Notifications for Changes to Project Rules and Regulations	<u>Regulatory Authority</u> § 966.5	Advance notice not required except for policies related to tenant charges	6/30/21	YES	12/07/20

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PH-11 Designated Housing Plan Renewals	<u>Statutory Authority</u> Section 7(f)	Extends the Plan's effective period through June 30, 2021 for Plans due to expire between July 2, 2020 and June 30, 2021	6/30/21		
PH-12 Public Housing Agency Annual Self-Inspections	<u>Statutory Authority</u> Section 6(f)(3) <u>Regulatory Authority</u> § 902.20(d)	Waives the requirement that the PHA must inspect each project	12/31/20		
PH-13 Over-Income Limit: Termination Requirement	<u>Statutory Authority</u> Section 16(a) as amended by section 103 of HOTMA Implementation Notice: Housing Opportunity Through Modernization Act of 2016: Final Implementation of Public Housing Income Limit, 83 Fed. Reg. 35,490 (July 26, 2018)	- Waives the requirement that a family whose income has exceeded the over-income limit for the locality for two consecutive years be terminated within 6 months of the third income determination. - As an alternative requirement, over-income families will remain public housing	6/30/21		

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		households instead of being terminated and will be charged the applicable FMR as the family's monthly rental amount.			
PH-14 Annual Choice of Rent	Statutory Authority: 42 USC 1437a(a)(2)(A) <u>Regulatory Authority</u> § 960.253	Allows families an additional opportunity to select an income-based or flat rent	6/30/21		
11a PHAS	<u>Regulatory Authority</u> 24 CFR Part 902	- Allows for alternatives related to inspections - PHA to retain prior year PHAS score unless requests otherwise	HUD will resume issuing new PHAS scores starting with PHAs with FYE dates of 6/30/21	YES	12/07/20
11b SEMAP	<u>Regulatory Authority</u> 24 CFR Part 985	PHA to retain prior year SEMAP score unless requests otherwise	HUD will resume issuing new SEMAP scores starting with PHAs with FYE dates of 06/30/21	YES	12/07/20

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11b-1 SEMAP	<u>Regulatory Authority</u> § 985.105(d)	Allows field offices to perform a remote SEMAP confirmatory review instead of an on-site confirmatory review before changing a PHA's rating from troubled to standard or high performer	6/30/21	YES	12/07/20
11b-2 SEMAP	<u>Regulatory Authority</u> § 985.101(a)	Waives the requirement for PHAs to submit an annual SEMAP certification in PIC within 60 days of FYE during the period of time that HUD will roll forward prior year SEMAP scores	6/30/21	YES	12/07/20
11c Uniform Financial Reporting Standards: Filing of Financial Reports; Reporting Compliance Dates	<u>Regulatory Authority</u> §§ 5.801(c), 5.801(d)(1)	Allows for extensions of financial reporting deadlines	Varies by PHA FYE	YES	12/07/20

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12a PHA Reporting Requirements on HUD Form 50058	<u>Regulatory Authority</u> 24 CFR Part 908, § 982.158 <u>Sub-regulatory Guidance</u> Notice PIH 2011-65	• Waives the requirement to submit 50058 within 60 days • Alternative requirement to submit within 90 days of the effective date of action	• 12/31/20	YES	12/07/20
12b Designated Housing Plans: HUD 60-Day Notification	<u>Statutory Authority</u> Section 7(e)(1)	• Allows for HUD to delay notification about designated housing plan	• 7/31/20		
12c Extension of Deadline for Programmatic Obligation and Expenditure of Capital Funds	<u>Statutory Authority</u> Section 9(j) <u>Regulatory Authority</u> § 905.306(d)(5)	• Provides an 18-month extension	For all open Capital Fund grants, an 18-month extension from the obligation and expenditure end dates in LOCCS as of April 10, 2020		
12d Section 6(j) 1- and 2-Year Substantial Improvement	<u>Statutory Authority</u> Section 6(j)(3)(B)(ii)	• For PHAs designated as troubled prior to the date of this Notice that have not received a PHAS	The period of availability for this waiver and alternative		

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Requirements	<u>Regulatory Authority</u> 24 CFR § 902.75(d)	assessment for the first full fiscal year after the initial notice of the troubled designation, HUD will: (1) evaluate the 1-year substantial improvement benchmark based on the first released score for fiscal years ending on or after June 30, 2022; and, (2) toll the evaluation of the 2-year recovery benchmark to the next sequential fiscal year	requirement: (1) is effective on the date of this Notice; and, (2) will continue through June 30, 2023, at which time HUD will reevaluate any additional impacts of this waiver on any PHA in the process of being evaluated.		
MR-1 Family Income and Composition: Delayed Annual Examination	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> 24 CFR § 882.515(a)	• Waives statutory and regulatory requirement to permit PHAs to delay annual reexaminations of Mod Rehab families	• 6/30/21		
MR-0 Family Income and Composition: Annual examination; Income	<u>Regulatory Authority:</u> §5.233(a)(2) <u>Sub-regulatory Guidance</u>	• Waives the requirements to use the income hierarchy	• 6/30/21		

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Verification Requirements	Notice PIH 2018-18	described by Notice PIH 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 reexam rather than delaying the family's annual reexam as permitted under MR-1			
MR-3 Family Income and Composition: Interim Examinations	<u>Statutory Authority</u> Section 3(a)(1) <u>Regulatory Authority</u> 24 CFR §§ 5.233(a)(2), 882.515(b) <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	• Waives requirements to use the income verification hierarchy as described by Notice PIH 2018-18. Allows PHAs to forgo third-party income verification	• 6/30/21		

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		- requirements for interim reexams, 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 reexams			
MR-4 Enterprise Income Verification (EIV) Monitoring	<u>Regulatory Authority</u> § 5.233 <u>Sub-regulatory Guidance</u> Notice PIH 2018-18	Waiving the mandatory EIV monitoring requirements.	6/30/21		
MR-5 PHA Inspection Requirement: Annual Inspections	<u>Regulatory Authority</u> § 882.516(b)	- Waives the annual inspection requirement and allows PHAs to delay annual inspections for Mod Rehab units - All delayed annual inspections must be	6/30/21		

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		completed as soon as reasonably possible but no later than one year after the date the annual inspection would have been required absent the waiver			
MR-6 Adjustment of Utility Allowance	<u>Regulatory Authority</u> § 882.510	• Waives the requirement to allow PHAs to delay the review and update of utility allowances	• 6/30/21		
MS-1 Mainstream Initial Lease Term	<u>Statutory Authority</u> Section 8(o)(7)(A) <u>Regulatory Authority</u> § 982.309(a)(2)(ii)	• PHA may enter initial lease terms of less than one year regardless of whether the shorter lease term is a prevailing market practice	• 6/30/21		
MS-2 Mainstream Criminal Background Screening	<u>Statutory Authority</u> 42 U.S.C. 13663(a), 42 U.S.C. 13661	• PHAs may establish, as an alternative requirement, screening	• 6/30/21		

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MS-3 Mainstream Age Eligibility to Enter HAP Contract Statutory Authority	Regulatory Authority §§ CFR 5.856, 982.553(a)	requirements for applicants for Mainstream vouchers which are distinct from those in place for its HCV program in general • As an alternative requirement, the PHA may choose to expand the definition of an eligible non-elderly family member to include those who were issued a voucher prior to turning 62 and were not yet 63 on the effective date of the HAP Contract	• 6/30/21	YES	12/07/20

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.

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

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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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.

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13j. IHBG-CARES Funds Not Counted in Undisbursed Funds Factor	Regulatory Authority: 24 CFR § 1000.342	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.
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 2019/2020 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 FY19/20 ICDBG Notice of Funding Availability (NOFA)	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. 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. 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.

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

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.		
14c. Removal of Public Services 15 Percent Cap under FY 2019 and 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 2019/2020 ICDBG funding (both Single Purpose and Imminent Threat grants).
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.

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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.