



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

OFFICE OF PUBLIC AND INDIAN HOUSING

October 22, 2020

Subject: Reporting Requirements under the Coronavirus Aid, Relief, and Economic Security (CARES) Act

Dear Tribal Leader:

On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act ([P.L.116-136](#)), which provides additional funding to prevent, prepare for, and respond to the national impacts of the coronavirus (COVID-19) pandemic. The CARES Act included \$200 million for the Indian Housing Block Grant (IHBG-CARES) program and \$100 million for the Indian Community Development Block Grant (ICDBG-CARES) program. The CARES Act also established reporting requirements with respect to how this funding is utilized to prevent, prepare for, and respond to COVID-19.

Section 15011 of the CARES Act provides for certain reporting requirements that all “covered recipients” of IHBG-CARES and ICDBG-CARES funding, defined as recipients of funding that exceeds \$150,000 in aggregate, must follow. Under the CARES Act, covered recipients are to report the following to the U.S. Department of Housing and Urban Development (Department), no later than 10 days after the end of each calendar quarter:

- A. the total amount of large covered funds received from the Department;
- B. the amount of large covered funds received that were expended or obligated for each project or activity;
- C. a detailed list of all projects or activities for which large covered funds were expended or obligated, including—
  - i. the name of the project or activity;
  - ii. a description of the project or activity; and
  - iii. the estimated number of jobs created or retained by the project or activity, where applicable; and
- D. detailed information on any level of subcontracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees, to include the data elements required to comply with the [Federal Funding Accountability and Transparency Act](#) (FFATA) of 2006 allowing aggregate reporting on awards below \$50,000 or to individuals.

After covered recipients provide this information to the Department, it will be aggregated for reporting to the Pandemic Response Accountability Committee (PRAC) established by Section 15010 of the CARES Act to promote transparency and conduct and support oversight of covered funds and the Coronavirus response.

On April 22, 2020, HUD issued the IHBG-CARES Implementation Notice ([PIH-2020-06](#)) followed by ICDBG-CARES Implementation Notice ([PIH-2020-11](#)) on May 15, 2020. Each of these Implementation Notices provided initial guidance to eligible IHBG-CARES and ICDBG-CARES recipients of these Section 15011 quarterly reporting requirements. In addition,

IHBG-CARES and ICDBG-CARES recipients executed grant agreements that were subject to terms and conditions specified in grant agreement addenda, which included these CARES Act reporting requirements.

The CARES Act reporting is due 10 days after the quarter's end (i.e., July 10<sup>th</sup>, October 10<sup>th</sup>, January 10<sup>th</sup>, and April 10<sup>th</sup>) and the first of the CARES Act quarterly report was due July 10, 2020. For that submission of CARES Act reporting and the submission of the October 10<sup>th</sup> reporting, IHBG-CARES and ICDBG-CARES recipients were not expected to provide reports. Instead, the Department provided the PRAC with general information on the awards made. However, as outlined above, the CARES Act requires more detailed information on recipient spending, so reporting in future quarters will require more detail. Our plan is to ensure that, by the next quarter due date, January 10, 2021, additional information can be reported as systems and processes are developed and implemented, and recipients are trained.

The Department has been working in close coordination with the Office of Management and Budget (OMB) to ensure that these reporting requirements can be fulfilled by recipients of CARES Act funding in a manner that utilizes to the greatest extent possible existing reporting streams, providing the necessary transparency and accountability with minimal additional burden. In turn, the Office of Native American Programs (ONAP) has been working with the Department's Office of Chief Financial Officer (OCFO) to review ONAP's existing reporting systems and to develop and introduce new ways to capture information in a timely and accurate manner with the least amount of burden upon IHBG-CARES and ICDBG-CARES recipients. Some of the technology options being considered include establishing new temporary portals for recipients to submit information in a user-friendly format and creating new Departmental-wide systems for reporting.

The Department established a HUD CARES Act Compliance Response Team (HCCRT) to coordinate efforts across the Department's programs and provide further guidance to Departmental and recipient staff as these new reporting systems are put in place. The HCCRT, in coordination with ONAP, will also develop and administer trainings for IHBG-CARES and ICDBG-CARES recipients to ensure they are familiar with these new reporting systems, and can provide complete and accurate reporting.

Additionally, the Department intends to phase in reporting required to comply with FFATA, the Payment Information and Integrity Act ([PIIA](#)) and the Single Audit Act as codified in 2 C.F.R. Part 200, Subpart F. This will ensure adequate safeguards as part of the implementation of the CARES Act and to bring the grant programs administered by ONAP and the Department into compliance with these statutes.

Tribal governments nationwide are continuing their efforts to prevent, prepare for, and respond to COVID-19. The IHBG-CARES and ICDBG-CARES funds helped, and continue to help, Tribal communities and families address the current public health crisis. Accurate reporting on the use of these funds is critical because it helps show how these funds are being used in an efficient and effective manner to address the current National Emergency. The Department is committed to helping you meet these requirements with the least effort feasible. To this end we have aligned the reporting requirements for the CARES Act to existing ONAP reporting requirements and existing recipient compliance requirements, as follows:

**Requirement A of Section 15011 of the CARES Act: the total amount of large “covered funds” received from the agency:**

As noted above, the CARES Act reporting requirements apply to all “covered recipients” of IHBG-CARES and ICDBG-CARES funding. Covered recipients are recipients of total CARES Act funding that exceeds \$150,000 in the aggregate. This \$150,000 threshold is to be calculated at the overall recipient level, which would be the aggregate amount received by any Tribe or Tribally Designated Housing Entity (TDHE). That is, when determining whether the Tribe or TDHE meets this threshold, the entity that signed the relevant CARES Act grant agreement (i.e., Tribe or TDHE) should include all HUD CARES Act funding (i.e., IHBG CARES and ICDBG CARES with any other HUD CARES Act funding) that entity received with CARES Act funding, if any, that entity received from other agencies. Once the aggregate of total CARES Act funding received by the recipient is over \$150,000, the Tribe or TDHE is required to report quarterly on each CARES Act grant, regardless of the individual award amount and amount spent.

**Requirements B & C of Section 15011 of the CARES Act: the amount of large covered funds that were expended or obligated for each project or activity:**

The CARES Act reporting requirements call for a detailed list of and information on “all projects or activities for which large covered funds were expended or obligated.” The project/activity levels for both IHBG-CARES and ICDBG-CARES are outlined below. The CARES Act quarterly reporting will be on the eligible activities you identified in the abbreviated Indian Housing Plan (IHP) (i.e., the activity from the Eligible Activity list) or your successful ICDBG-CARES application.

To simplify the process for capturing quarterly information from the Tribe or TDHE, the Department aligned the CARES Act requirements to existing reporting requirements and forms. This will allow ONAP to reconcile quarterly CARES Act reporting information to annual reporting requirements.

The IHBG-CARES and ICDBG-CARES Act programs are structured to prevent, prepare for, and respond to COVID-19, as well as to reimburse any non-Federal funding spent prior to the CARES Act to prevent, prepare for, and respond to COVID-19. As such, grantees are receiving funding to be used for one or more of the following eligible purposes:

1. COVID-19 Prevention
2. COVID-19 Preparation
3. COVID-19 Respond
4. COVID-19 Reimbursement

These eligible purposes are captured in the Abbreviated IHP/Annual Performance Report (APR) submission forms as described in IHBG-CARES Implementation Notice (PIH-2020-06) and the Project Description Summary portion of the Application described in ICDBG-CARES Implementation Notice (PIH-2020-11).

The table below provides a complete list of activity levels for quarterly reporting for both IHBG-CARES and ICDBG-CARES funding:

#	IHBG Project/Activity Level	ICDBG Project/Activity Level
1	Modernization of 1937 Act Housing	ED: Economic Development
2	Operation of 1937 Act Housing	HA: Housing acquisition
3	Acquisition of Rental Housing	HB: Homebuyer Assistance
4	Construction of Rental Housing	HC: Housing - new construction
5	Rehabilitation of Rental Housing	HR: Housing rehabilitation
6	Acquisition of Land for Rental Housing Development	LE: Land Acquisition for economic development activity
7	Development of Emergency Shelters	LH: Land Acquisition for housing
8	Conversion of Other Structures to Affordable Housing	LP: Land Acquisition for public facilities
9	Other Rental Housing Development	MI: Micro enterprise assistance
10	Acquisition of Land for Homebuyer Unit Development	PFC: Public Facilities/community centers
11	New Construction of Homebuyer Units	PFI: Public Facilities infrastructures
12	Acquisition of Homebuyer Units	PFS: Public Facilities - special needs
13	Down Payment/Closing Cost Assistance	PS: Public Service
14	Lending Subsidies for Homebuyers (Loan)	WV: Other COVID-19 Activities Authorized by Waiver or Alternate Requirements
15	Other Homebuyer Assistance Activities	
16	Rehabilitation Assistance to Existing Homeowners	
17	Tenant Based Rental Assistance	
18	Other Housing Service	
19	Housing Management Services	
20	Operation and Maintenance of NAHASDA-Assisted Units	
21	Crime Prevention and Safety	
22	Model Activities	
24	Infrastructure to Support Housing	
25	Reserve Account	
26	Other COVID-19 Activities Authorized by Waivers or Alternate Requirements	

The four quarters of CARES Act reporting should be able to be reconciled to the Tribe or TDHE's annual reporting submission (i.e., APR or Annual Status and Evaluation Report), as well as its quarterly Financial Statements (SF-425). The table below provides a summary of the

information required to be reported to show CARES Act funding expenditures by activity aligned to the Tribe or TDHE's flow of funds for each CARES Act award:

Tribe or TDHE				
Award	Prevent	Prepare	Respond	Total
<b>Funding Received</b>				
<i>CARES Funding</i>	Yes	Yes	Yes	Yes
<b>CARES Activity Expenditures*</b>				
<i>Activity Example 1</i>	Yes	Yes	Yes	Yes
<i>Activity Example 2</i>	Yes	Yes	Yes	Yes
.....				
<b>Total CARES Expenditures</b>	Yes	Yes	Yes	Yes
<b>Unexpended Funds Remaining</b>	Yes	Yes	Yes	Yes

**\*The applicable CARES Activities specific to IHBG and ICDBG and are listed in the table in the preceding section and in Appendix 1 to this document**

To fulfill these requirements of Section 15011(A), (B), and (C) of the CARES Act, ONAP in conjunction with the OCFO and the HCCRT is working to develop a format to report IHBG-CARES and ICDBG-CARES activity expenditures. To facilitate the reporting with the least amount burden, CARES funding recipients, on a quarterly basis, will utilize an internet portal HUD is creating for CARES Act reporting. Once the portal is developed, additional guidance and training will be provided on how to gain access to the portal and report expenditures per activity.

**Requirement D of Section 15011 of the CARES Act: detailed information on any level of contracts or subgrants awarded by the covered recipient under FFATA through the FSRs**

Section 15011 of the CARES Act also requires detailed information on contracts or subgrants awarded by a covered recipient that includes the data elements required to comply with the FFATA. FFATA reporting is an additional statutory reporting requirement that applies to all Federal awards. ONAP, in conjunction with the HCCRT, intends to train grant recipients on how to report the FFATA elements for all grants and enforce FFATA reporting.

Under FFATA [guidance](#) issued by OMB on August 27, 2010, recipients are required to file a FFATA sub-award report by the end of the month following the month in which they award a contract greater than \$30,000. Likewise, grant recipients awarded a Federal grant greater than or equal to \$25,000 are required to file a FFATA sub-award report by the end of the month following the month in which the grant recipient awards any sub-grant greater than or equal to \$25,000.

All FFATA reporting, including the reporting under Subsection D of Section 15011 of the CARES Act, is to be conducted in the FFATA Subaward Reporting System (FSRS) to which

prime recipients of funding have access. The FSRS is available here: <https://www.fsrs.gov/>

On November 12, 2020, ONAP in coordination with HCCRT will administer an initial training for IHBG-CARES and ICDBG-CARES recipients. The training will go over this memorandum and the reporting requirements under the CARES Act, as well as provide an introduction on how to use the FSRS. This initial training will help ensure IHBG-CARES and ICDBG-CARES recipients are comfortable with FFATA reporting through the FSRS and can provide complete and accurate reporting of the statutorily required information.

Thank you for all the important work that you do every day. Your continued commitment to Indian Country is vital to our collective efforts to ensure that American Indian families have decent, safe, and affordable housing. HUD is always available to help you implement your programs effectively. If you or your staff have any questions, please contact your local Area Office of Native American Programs.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line extending to the right.

R. Hunter Kurtz

Assistant Secretary for Public and Indian Housing

## Appendix 1

### I. Eligible Purposes for CARES Act Funding:

The CARES Act requires IHBG-CARES and ICDBG-CARES grants to be used to prevent, prepare for, and respond to COVID-19, as well as to reimburse any non-Federal funding spent prior to the CARES Act to prevent, prepare for, and respond to COVID-19.

To comply with this requirement, grantees must select one of the following eligible purposes when reporting on CARES Act funds:

5. COVID-19 Prevention
6. COVID-19 Preparation
7. COVID-19 Respond
8. COVID-19 Reimbursement

### II. Eligible Activities for Reporting CARES Act Funding:

The following tables provide an overview of the activities and related measures and outcomes that are to be used when reporting on the CARES Act funds received:

#### A. IHBG CARES Act Activities, Metrics, and Outcomes

Eligible Activity	Output Measure	Output Completion
(1) Modernization of 1937 Act Housing [202(1)]	Units	All work completed and unit passed final inspection
(2) Operation of 1937 Act Housing [202(1)]	Units	Number of units in inventory at Program Year End (PYE)
(3) Acquisition of Rental Housing [202(2)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [202(2)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [202(2)]	Units	All work completed and unit passed final inspection
(6) Acquisition of Land for Rental Housing Development [202(2)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [202(2)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [202(2)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development	Units	All work completed and unit passed final

[202(2)]		inspection
(10) Acquisition of Land for Homebuyer Unit Development [202(2)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [202(2)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [202(2)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [202(2)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [202(2)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [202(2)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [202(2)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [202(3)]	Households	Count each household once per year
(18) Other Housing Service [202(3)]	Households	Count each household once per year
(19) Housing Management Services [202(4)]	Households	Count each household once per year
(20) Operation and Maintenance of NAHASDA-Assisted Units [202(4)]	Units	Number of units in inventory at PYE
(21) Crime Prevention and Safety [202(5)]	Dollars	Dollars spent (report in Uses of Funding table only)
(22) Model Activities [202(6)]	Dollars	Dollars spent (report in Uses of Funding table only)
(24) Infrastructure to Support Housing [202(2)]	Dollars	Dollars spent (report in Uses of Funding table only)
(25) Reserve Accounts [202(9)]	N/A	N/A
(26) Other COVID-19 Activities Authorized by Waivers or Alternate Requirements	Households	When household receives services

#### B. ICDBG CARES Act Activities, Metrics, and Outcomes

Eligible Activity	Output Measure	Output Completion
(1): ED: Economic Development	Jobs	When the development is operational
(2): HA: Housing acquisition	Units	When recipient takes title to the unit
(3): HB: Homebuyer Assistance	Dollars	When binding commitment signed

(4): HC: Housing - new construction	Units	All work completed and unit passed final inspection
(5): HR: Housing rehabilitation	Units	All work completed and unit passed final inspection
(6): LE: Land Acquisition for economic development activity	Dollars/Acres	When recipient takes title to the land
(7): LH: Land Acquisition for housing	Dollars/Acres	When recipient takes title to the land
(8): LP: Land Acquisition for public facilities	Dollars/Acres	When recipient takes title to the land
(9): MI: Micro enterprise assistance	Jobs	When the enterprise is operational
(10): PFC: Public Facilities/community centers	Square Feet	All work completed and facility passed final inspection
(11): PFI: Public Facilities infrastructures	Dollars/Acres/Square Feet	All work completed and infrastructure passed final inspection
(12): PFS: Public Facilities - special needs	Dollars/Square Feet	All work completed and facility passed final inspection
(13): PS: Public Service	Jobs/Dollars	When the Public Service is operational
(14): WV: Other COVID-19 Activities Authorized by Waiver or Alternate Requirement	Dollars	When services are received