

Funding Approval/Agreement

Native American Housing Assistance and Self-Determination Act of 1996 (Public Law 104-330)

Title I - Indian Housing Block Grant

Title VI - Federal Guarantees For Financing Tribal Housing Activities

U.S. Department of Housing and Urban Development
Office of Native American Programs

1. Name of Recipient	3. Recipient's 9-digit Tax Identification No.	4. Reserved
2. Recipient's Complete Address	5. Program/Grant Number	6. Amount Approved IHBG Title VI Loan Guarantee

This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Recipient is made pursuant to the authority of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.). The Recipient's submissions for NAHASDA assistance, the NAHASDA statute (as now in effect and as may be amended by Congress), the HUD regulations at 24 CFR Part 1000 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Recipient upon execution of the Agreement by the parties. The Indian Tribe has agreed to assume all of the responsibilities for environmental review, decision making, and actions as specified and required in regulations issued by the Secretary consistent with and pursuant to Section 105 of NAHASDA. (If the Indian Tribe did not agree to assume these responsibilities, these responsibilities are retained by HUD). The Recipient further acknowledges its responsibility for adherence to the Agreement by entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development		Recipient	
Name		Name	
Signature <i>John H. Conway</i>		Signature	
Title	Date (mm/dd/yyyy)	Title	Date (mm/dd/yyyy)

7. Special conditions (check applicable box) a. <input type="checkbox"/> Not applicable b. <input type="checkbox"/> See attachment(s)	8a. Date HUD Received Submission (mm/dd/yyyy)	9. (check one) a. <input type="checkbox"/> Orig. funding aprvl. b. <input type="checkbox"/> Amendment	10. Amount of Indian Housing Block Grant a. Funds Reserved for this Recipient b. Funds Now Being Approved c. Reservation to be Cancelled (a minus b)
	8b. Date Recipient Notified (mm/dd/yyyy)		
	8c. Date of Start of Program Year (mm/dd/yyyy)		

11. (This section is to be completed only if a Tribally Designated Housing Entity [TDHE] is the recipient of the loan guarantee but it is not the IHBG recipient)

11a. Name & Address of TDHE

Loan Guarantee Acceptance Provisions for Tribally Designated Housing Entities (TDHE)

The Tribally Designated Housing Entity hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development (HUD) on the above date with respect to the above program grant number(s) as Recipient designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

11b. Authorized Representative Name _____
Title _____
Signature _____
Date (mm/dd/yyyy) _____

HUD Accounting Use Only (show all dates as mm/dd/yyyy)

Batch	TAC	Program	Y	A	Reg.	Area	Document No.	Project No.	Category	Amount	Effective Date
	153										
	176										
Date Entered PAS	Date Entered LOCCS	Batch Number	Transaction Code	Entered by	Verified by						

IHBG-CARES Grant Agreement Addendum

This Addendum is attached to, and is part of, the Funding Approval/Agreement (HUD-52734-B) (Grant Agreement) executed by the IHBG-CARES Recipient. This Addendum includes terms and conditions applicable to IHBG-CARES grants provided pursuant to the Coronavirus Aid, Relief and Economic Security (CARES) Act (Public Law 116-136). Additionally, as of December 26, 2014, all new grant agreements are required to include the terms established in 2 CFR §200.210. The HUD-52734-B form has not yet been updated to include all the required terms. Accordingly, these required terms are also provided below.

Federal Award Project Description:

Pursuant to the CARES Act, the Recipient has been awarded an IHBG-CARES grant to prevent, prepare for, and respond to Coronavirus Disease 2019 (COVID-19), including to maintain normal operations and fund eligible affordable housing activities under the Native American Housing Assistance and Self-Determination Act (NAHASDA) during the period that the Recipient's IHBG program is impacted by COVID-19.

Name of Recipient: Samish Tribe

Recipient's DUNS Number: 091741637

Period of Performance Start and End Date: 3/10/2020-09/30/2025

CFDA Number and Name: 14.867 – Indian Housing Block Grant (IHBG) Program

TERMS AND CONDITIONS

This Grant Agreement is subject to the following terms and conditions:

1. Applicable Statutory and Regulatory Requirements

The Recipient agrees to comply with all of the applicable terms of the CARES Act, NAHASDA, the IHBG regulations in 24 CFR Part 1000, PIH Notice 2020-05 (COVID-19 Statutory and Regulatory Waivers for the Public Housing, Housing Choice Voucher, Indian Housing Block Grant and Indian Community Development Block Grant programs, Suspension of Public Housing Assessment System and Section Eight Management Assessment Program) (which specifies waivers and alternative requirements issued by HUD with respect to IHBG-CARES grants), as now in effect and as may be amended from time to time, and any other program requirements, waivers, and alternative requirements that HUD may issue in the future with respect to the IHBG-CARES grant funds provided under this Grant Agreement.

2. Reimbursement of Allowable Costs Incurred by Recipient Prior to Award

In accordance with the CARES Act, recipients may use IHBG-CARES grant funds to reimburse allowable costs to prevent, prepare for, and respond to COVID-19 that were incurred by the Recipient beginning January 21, 2020, including costs incurred prior to the date of enactment of the CARES Act (March 27, 2020).

3. IHBG-CARES Reporting Requirements

The recipient must report on its IHBG-CARES award separately from regular IHBG Formula or IHBG Competitive awards on the Abbreviated APR (Form HUD-52735). Reporting requirements continue to be developed for IHBG-CARES funds; and grant recipients will be subject to additional reporting requirements as they are developed. The Recipient must ensure that, throughout its implementation of this grant, it will collect the information required in PIH Notice 2020-06 (IHBG-CARES Implementation Notice) and any additional requirements established by HUD in the future. Recipients must submit a post-award report within the timeframe established by HUD.

a. IHBG-CARES Annual Performance Report (IHBG-CARES APR) (HUD-52737)

In accordance with 24 CFR 1000.514, the CARES Act, and PIH Notice 2020-06 (IHBG-CARES Implementation Notice), the Recipient is required to submit information regarding its expenditure of its IHBG-CARES grant in an Abbreviated APR (Form: HUD-52735). After all grant funds have been expended, recipients will be required to submit a final APR in accordance with future requirements established by HUD.

b. Additional CARES Act 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.

As outlined in the Office of Management and Budget (OMB) memorandum, M-20-21, existing reporting requirements are anticipated to meet the requirements of Section 15011, but the content and format for this reporting is still under development and will need to be reviewed against current program practices. The Department will work in coordination with OMB to ensure that this requirement 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. If additional reporting is necessary, further requirements will be released by the Department in the near future.

c. Federal Financial Report (SF-425)

The Recipient is required to submit SF-425 reports to its Area ONAP within 30 days after the end of each quarter of its program year. A final SF-425 must be submitted after the IHBG-CARES grant is fully expended, in accordance with Hud-issued reporting requirements. The SF-425 must record and track IHBG-CARES revenues and expenditures, capture anticipated obligations of IHBG-CARES funds, and report on program income, if any.

4. Prohibition Against Investment of IHBG-CARES Funds

In accordance with PIH Notice 2020-05, IHBG-CARES funds may not be invested pursuant to

section 204(b) of NAHASDA. Drawing down funds for investment in securities and long-term interest-bearing accounts is prohibited.

5. Indirect Cost Rate

In accordance with 2 CFR § 200.414, recipients are subject to the indirect cost rate negotiated with their respective cognizant agencies. Recipients whose indirect cost rates change must submit the new indirect cost rate and documentation to HUD. (2 CFR § 200.414)

Recipients that have never received a negotiated indirect cost rate can elect to charge a de minimus (minimum) rate of 10% of modified total direct costs, which may be used indefinitely.

Program costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimus rate must be applied consistently for all Federal awards until the recipient chooses to negotiate for a rate, which the recipient may apply to do at any time. Documentation of this decision to use the de minimus rate must be retained on file for audit purposes.

6. Duplication of Benefits

Duplication of benefits occurs when Federal financial assistance is provided to a person or entity through a program to address losses resulting from a Federally-declared emergency or disaster, and the person or entity has received (or would receive, by acting reasonably to obtain available assistance) financial assistance for the same costs from any other source (including insurance), and the total amount received exceeds the total need for those costs.

Before expending IHBG-CARES grant funds on any eligible activity, the Recipient must ensure that no other financial assistance has been received (including insurance proceeds) or is available to pay costs intended to be charged to the IHBG-CARES grant. HUD will issue guidance to grantees to facilitate compliance with this requirement.

7. Environmental Review

The recipient is required to complete an environmental review, in accordance with the requirements of 24 CFR §§ 1000.18-1000.24, and an environmental review must be completed before funds are released. A grantee can assume environmental responsibilities under 24 CFR part 58 or decline to assume environmental responsibilities and request HUD perform the review under 24 CFR part 50, in accordance with 24 CFR § 1000.20(a). An environmental review, all required notifications, and approval of the Request for Release of Funds and Certification when applicable under 24 CFR part 58 or HUD's approval of the project or activity under 24 CFR part 50, must be completed before a recipient may commit HUD or non-HUD funds, or take any other choice limiting action, including but not limited to real property acquisition, demolition, disposition, rehabilitation, repair, new construction, site preparation or clearance, ground disturbance, and leasing. Any mitigating/remedial measures required by the responsible entity (or HUD) must be carried out. Environmental review resources including training, guidance, forms, sample letters and worksheets are available on the HUD Exchange at: <https://www.hudexchange.info/programs/environmental-review/>.