



## U.S. DEPARTMENT OF THE TREASURY

# **Homeowner Assistance Fund:** Guidance on Participant Compliance and Reporting Responsibilities

March 30, 2022

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# Homeowner Assistance Fund Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Homeowner Assistance Fund (“HAF”) program. This program provides funding to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing.

This guidance provides additional detail and clarification for each participant’s compliance and reporting responsibilities under the HAF program, and should be read in concert with the HAF Financial Assistance Agreement, the authorizing statute, the Homeowner Assistance Fund Guidance (the “HAF Guidance”) and other regulatory and statutory requirements, including regulatory requirements under the [Uniform Guidance \(2 CFR Part 200\)](#). Please see the [Assistance Listing](#) in SAM.gov under assistance listing number (formerly known as CFDA number), 21.026 for more information.

**Please Note:** This guidance document applies to the HAF program only. This guidance contains two parts: Part 1 addresses general guidance and Part 2 addresses reporting requirements and deadlines.

## Definitions

**Award Date** means the date the HAF participant signed the HAF Financial Assistance Agreement.

**Delinquency(ies)** means an obligation on which a Homeowner was past due on any housing related HAF qualified expense.<sup>1</sup>

**Eligible Entity**<sup>2</sup> means (1) a State, (2) the Department of Hawaiian Home Lands, (3) each Indian Tribe (or, if applicable, the tribally designated housing entity of an Indian Tribe) that was eligible for a grant under Title I of the Native American Housing Assistance and Self Determination Act of 1996 (25 U.S.C. 4111 et seq.) for fiscal year 2020, and (4) any Indian Tribe that opted out of receiving a grant allocation under the Native American Housing Block Grants program formula in fiscal year 2020.

**Expenditure/Expended** means any HAF assistance that has been spent by a HAF participant and/or Subrecipient. Please note, cumulative Expenditures cannot exceed cumulative Obligations.

**Financial hardship**<sup>3</sup> means a material reduction in income or material increase in living expenses associated with the coronavirus pandemic that has created or increased a risk of

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<sup>1</sup> Reference definition published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021). Refer to the qualified expenses noted in the HAF Guidance.

<sup>2</sup> Reference section published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021)

<sup>3</sup> Reference definition published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021)

mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.

**HAF participant<sup>4</sup>** means an Eligible entity that receives funds from the HAF.

**HAF assistance** means any assistance provided by the HAF program, weather through funds received by the HAF program for qualified expenses or through services made available by the HAF program.

**Monetary HAF Assistance** means HAF assistance in the form of money that was provided to Homeowners, financial institutions, utility providers, and taxing authorities under a HAF Program.

**Non-monetary HAF Assistance** means HAF assistance in any form other than money that was provided to Homeowners under a HAF Program (i.e., housing counseling).

**HAF application** means an application submitted by the unique Homeowner to the HAF participant or Subrecipient used to determine eligibility to receive HAF assistance for qualified expenses.

**Homeowner** means an individual who applied and/or receives funds from the HAF participant or Subrecipient to pay for a singular qualified expense (i.e., if a Homeowner receives HAF assistance for more than one qualified expense category, they are counted for more than one qualified expense category).

In some places, the Interim Guidance requires that you provide the number of unique Homeowners. Unique Homeowners are only counted one time even if they applied and or/received funding for more than one qualified expense category.

**Maximum conforming loan limit<sup>5</sup>** means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a two-family residence, a mortgage secured by a three-family residence, or a mortgage secured by a four-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).

**Obligation/Obligated** means an order placed for property and services, contracts and subawards made, and similar transactions that require payment (see [2 CFR § 200.1](#)). Obligated funds include funds that have been **Expended**.

- Examples of obligated funds include: HAF funds that have been committed, pledged, or otherwise promised, in writing, to a specific individual or entity as part of a HAF program; HAF funds that have been set aside to cover obligations arising from loan guarantees; HAF funds that have been committed, pledged, or otherwise promised, in writing, as part of a transaction; and HAF funds that have been committed, pledged, or promised, in writing, for allowable administrative expenses (e.g., an executed contract for services).

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<sup>4</sup> Reference definition published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021)

<sup>5</sup> Reference definition published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021)

**Program Design Elements** are the following: Mortgage Payment Assistance, Financial Assistance, Mortgage Principal Reduction, Facilitating Interest Rate, Payment Assistance Utilities, Payment Assistance Internet, Payment Assistance Insurance, Payment Assistance Fees, Payment Assistance Loans, Payment Assistance Taxes, Measures Preventing Displacement, Counseling or Education and Legal Services which align to eight of the qualified expenses (excludes administrative expenses).

**Socially Disadvantaged Individual<sup>6</sup>** are those whose ability to purchase or own a home has been impaired due to diminished access to credit on reasonable terms as compared to others in comparable economic circumstances, based on disparities in homeownership rates in the HAF participant’s jurisdiction as documented by the U.S. Census. The impairment must stem from circumstances beyond their control. Indicators of impairment under this definition may include being a (1) member of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society, (2) resident of a majority-minority Census tract; (3) individual with limited English proficiency; (4) resident of a U.S. territory, Indian reservation, or Hawaiian Home Lands, or (5) individual who lives in a persistent-poverty county, meaning any county that has had 20% or more of its population living in poverty over the past 30 years as measured by the three most recent decennial censuses. In addition, an individual may be determined to be a socially disadvantaged individual in accordance with a process developed by a HAF participant for determining whether a homeowner is a socially disadvantaged individual in accordance with applicable law, which may reasonably rely on self-attestations.

**State** means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

**Subrecipient** as defined in the Uniform Guidance (see [2 CFR § 200.1](#)).

## Part 1: General Guidance

This section provides an orientation for HAF participants regarding their compliance responsibilities and Treasury’s expectations and recommended best practices where appropriate under the HAF program.

HAF participants are the eligible entities identified in Title III, Subtitle B, Section 3206 of American Rescue Plan Act of 2021 (the “HAF statute”) and the HAF Guidance that receive a HAF award. Subrecipients under the HAF program (“Subrecipients”) are entities that receive a subaward from a HAF participant to carry out the purposes of the HAF award on behalf of the HAF participant.

HAF participants are accountable to Treasury for oversight of their Subrecipients, including ensuring the Subrecipients comply with the HAF statute, HAF Financial Assistance Agreement, HAF Guidance, applicable, federal statutes, regulations, and reporting requirements.

### Guiding Principles

There are several guiding principles for developing effective compliance regimes under HAF:

- HAF participants are responsible for ensuring HAF award funds are used for approved

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<sup>6</sup> Reference definition published in HAF Guidance published on August 2, 2021 (Updated November 12, 2021)

purposes, and developing an internal control program designed to minimize the risk of fraud, waste and abuse associated with their HAF award;

- Many HAF-funded programs respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and Participants must balance facilitating program access and maintaining a robust documentation and compliance regime;
- HAF-funded programs should advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in [Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#); and
- Transparency and public accountability for HAF awards and use of such funds are critical to upholding program integrity and trust in all levels of government, and HAF awards should be managed consistent with Administration guidance per [Memorandum M-21-20](#) and [Memorandum M-20-21](#).

## Eligible Participants

The HAF Statute and HAF Guidance identifies Department of Hawaiian Home Lands, States (defined to include the District of Columbia and territories), and Tribes or their tribally designated housing entity (TDHE) , as the entities eligible receive HAF funds.

- Eligible states (“States”) are any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.<sup>7</sup>
- The Department of Hawaiian Home Lands.<sup>8</sup>
- Eligible Tribal Governments (“Tribal Governments”) are Indian Tribes (or, if applicable, the tribally designated housing entity of an Indian Tribe) that were eligible for a grant under Title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.) for fiscal year 2020 or Indian Tribes that opted out of receiving a grant allocation under the Native American Housing Block Grants program formula in fiscal year 2020.<sup>9</sup>

HAF participants may award funds to Subrecipients, such as other levels or units of government (e.g., a municipality), non-profits, or private entities.

## Qualified Expenses

HAF participants may use their HAF award funds only for the following types of qualified expenses that are for the purpose of preventing homeowner mortgage delinquencies, homeowner mortgage defaults, homeowner mortgage foreclosures, homeowner loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship:

1. mortgage payment assistance;
2. financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default;
3. mortgage principal reduction, including with respect to a second mortgage provided by a nonprofit or government entity;
4. facilitating mortgage interest rate reductions;
5. payment assistance for:
  - a. homeowner’s utilities, including electric, gas, home energy (including firewood and home heating oil), water, and wastewater;

<sup>7</sup> Title III, Subtitle B, Section 3206(b)(7) of the American Rescue Plan Act of 2021.

<sup>8</sup> HAF Guidance published on August 2, 2021 (Updated November 12, 2021).

<sup>9</sup> HAF Guidance published on August 2, 2021 (Updated November 12, 2021).

- b. homeowner’s internet service, including broadband internet access service, as defined in 47 CFR 8.1(b) (or any successor regulation);
  - c. homeowner’s insurance, flood insurance, and mortgage insurance;
  - d. homeowner’s association fees or liens, condominium association fees, or common charges, and similar costs payable under a unit occupancy agreement by a resident member/shareholder in a cooperative housing development; and
  - e. down payment assistance loans provided by nonprofit or government entities;
6. payment assistance for delinquent property taxes to prevent homeowner tax foreclosures;
7. measures to prevent homeowner displacement, such as home repairs to maintain the habitability of a home, including the reasonable addition of habitable space to alleviate overcrowding, or assistance to enable households to receive clear title to their properties;
8. counseling or educational efforts by housing counseling agencies approved by HUD or a tribal government, or legal services, targeted to households eligible to be served with funding from the HAF related to foreclosure prevention or displacement, in an aggregate amount up to 5% of the funding from the HAF received by the HAF participant;
9. reimbursement of funds expended by a state, local government, or entity described in clause (3) or (4) of the definition above of “eligible entity” during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by the HAF participant under the HAF, for a qualified expense (other than any qualified expense paid directly or indirectly by another federal funding source, or any qualified expenses described in clauses (6), (7), (8), or (10) of this definition); and
10. planning, community engagement, needs assessment, and administrative expenses related to the HAF participant’s disbursement of HAF funds for qualified expenses, in an aggregate amount not to exceed 15% of the funding from the HAF received by the HAF participant.

Arrearages of qualified expenses are eligible for purposes of the HAF program regardless of the date they were incurred, including if they arose before January 2020. Funding from the HAF program may not be used for any use other than those provided for in this section. To the extent that HAF participants use their HAF award funds to supplement other loss-mitigation efforts, Treasury encourages participants to avoid using HAF award funds in a manner that replaces other loss-mitigation resources that would otherwise be available.

### **Reimbursable Expenses Incurred Prior to HAF Award**

HAF participants may use their HAF award funds to cover qualified expenses that they incurred during the period that began on January 21, 2020 (or the date of initial qualifying administrative and housing activity). See number #9 in Qualified Expenses above for terms regarding reimbursement of funds during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by the HAF participant under the HAF.

### **Reporting**

HAF participants will be required to submit quarterly reports until September 30, 2026 and final reports are due no later than 120 calendar days after the end of the period of performance on September 30, 2026.

The reports will include financial data, types of programs funded, program design element information, and other information regarding a HAF participants’ utilization of the award funds.

Certain reporting may continue on an annual basis for four years, until August 2027, to ensure that programs funded by the HAF program maintain operations. HAF participants will also be



required to submit an Annual Performance Report to Treasury regarding the impact of the HAF award funds and overall HAF program.

Refer to Part 2 for further details.

### Assistance Listing

The [Assistance Listing](#) for the Homeowners Assistance Fund was published August 12, 2021 on SAM.gov under Assistance Listing Number (“ALN”), formerly known as CFDA Number, **21.026**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for Participants. The ALN is the unique 5-digit number assigned to identify a federal assistance listing and can be used to search for federal assistance program information, including funding opportunities, spending on USASpending.gov, or audit results through the Federal Audit Clearinghouse.

**Participants must use ALN 21.026 for all financial accounting, subawards, and associated program reporting requirements for the HAF awards.**

### Uniform Administrative Requirements

The HAF award funds are generally subject to the requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, [2 CFR Part 200](#) (the “Uniform Guidance”). In all instances, a HAF participant should review the Uniform Guidance requirements applicable to their organization’s use of HAF award funds, and HAF-funded programs. HAF participants should consider how and whether certain aspects of the Uniform Guidance apply.

- 1. Allowable Activities.** Each HAF participant should review program requirements and the HAF participant’s Financial Assistance Agreement, HAF statute, and HAF guidance to determine and record eligible uses of HAF award funds. Per 2 CFR 200.303, a HAF participant must develop and implement effective internal controls to ensure that funding decisions under the HAF award constitute eligible uses of funds, and document determinations.
- 2. Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a HAF participant is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. HAF participants must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

HAF award funds may be, but are not required to be, used along with other funding sources for a given project. Note that HAF award funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used



for the State share for Medicaid.<sup>10</sup>

- a. **Administrative costs:** Planning, community engagement, needs assessment, and administrative expenses related to the HAF participant's disbursement of HAF funds for qualified expenses, in an aggregate amount, must not exceed 15% of the funding from the HAF received by the HAF participant.

Consistent with 2 C.F.R. § 200.414(f), eligible applicants that do not have a current negotiated indirect cost rate may elect to charge indirect costs to an award pursuant to a de minimis rate of ten percent of the modified total direct costs (MTDC) for program administration.

As described in 2 C.F.R. § 200.403 (d), costs must be accorded consistent treatment. A cost may not be assigned to a Federal award as a direct cost if any other cost incurred for the same purpose in like circumstances has been allocated to the Federal award as an indirect cost.

3. **Eligibility.** Under this program, HAF participants are responsible for ensuring funds are used for eligible purposes. Generally, HAF participants must develop and implement policies and procedures, and record retention, to determine and monitor implementation of criteria for determining the eligibility of beneficiaries and / or Subrecipients. HAF participants, and if applicable, the Subrecipient(s) administering a program on behalf of the HAF participant, will need to maintain procedures for obtaining information evidencing a given beneficiary, Subrecipient, or contractor's eligibility including a valid SAM.gov registration. Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.
4. **Equipment and Real Property.** Any purchase of equipment or real property with HAF award funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property improved under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment acquired or real property improved with HAF funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or improvement to real property must also comply with relevant laws and regulations.
5. **Matching, Level of Effort, Earmarking.** There are no matching, level of effort, or earmarking compliance responsibilities associated with the HAF award. HAF award funds may only be used for non-Federal match in other programs where costs are eligible under both HAF and the other program and use of such funds is not prohibited by the other program.
6. **Period of Performance.** The period of performance under the HAF award begins on the date the Financial Assistance Agreement was executed and ends on September 30, 2026. Any funds not used during this period must be returned to Treasury as part of the award closeout process pursuant to 2 CFR 200.344(d).
7. **Procurement, Suspension & Debarment.** HAF participants are responsible for ensuring that any procurement using HAF award funds must comply with the procurement

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<sup>10</sup> See 42 CFR 433.51 and 45 CFR 75.306.

standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. HAF participants must have and use documented procurement procedures consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320, as applicable. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions entering into contracts or subawards with suspended or debarred parties.

## **8. Program Income.**

Funding from the HAF may not be used for any use other than qualified expenses and reimbursements. HAF participants may use program income earned during the period of performance as a result of implementing the objectives of the HAF award for eligible purposes outlined in this guidance. “Program income” is defined in 2 C.F.R. § 200.1 as gross income earned by a non-federal entity that is generated directly by a supported activity or earned as a result of the federal award during the period of performance except as provided by 2 C.F.R. § 200.307(f). Program income includes income from fees for services performed, the use or rental of real or personal property acquired under federal awards, and principal and interest on loans made with federal award funds. To the extent that HAF participants use HAF funds to supplement other loss-mitigation efforts, Treasury encourages participants to avoid using HAF funds in a manner that replaces other loss-mitigation resources that would otherwise be available.

- 9. Reporting.** All HAF participants of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. HAF participants should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

In addition, where appropriate, HAF participants must establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. For a full overview of HAF participant reporting responsibilities see Part 2 of this guidance.

- 10. Subrecipient Monitoring.** HAF participants that are pass-through entities as defined under 2 CFR 200.1 are required to manage and monitor their Subrecipients to ensure compliance with requirements of the HAF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

First, HAF participants must clearly identify to the Subrecipient: (1) that the award is a subaward of HAF award funds; (2) any and all compliance requirements for use of HAF award funds; and (3) any and all reporting requirements for expenditures of HAF award funds.

Next, HAF participants will need to evaluate each Subrecipient’s risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given Subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

Accordingly, HAF participants should develop written policies and procedures for Subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting Subrecipients' compliance obligations.

HAF participants should also note that Subrecipients do not include individuals and organizations that received HAF funds as end users to prevent homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

## Other Compliance Obligations

HAF participants should ensure they remain in compliance with all Financial Assistance Agreement Terms and Conditions. These obligations include the following items in addition to those described above:

1. **SAM.gov Requirements.** All eligible HAF participants are required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>) pursuant to 2 CFR Part 25.
2. **FSRS.gov Reporting Requirements.** All HAF participants are required to report subaward and executive compensation data pursuant to 2 CFR Part 170, Appendix A award term so that it may be made available to the public via [www.USASpending.gov](http://www.USASpending.gov). HAF participants will use the FSRS.gov reporting tool to report on subawards obligated that are in the amount of \$30,000 or more. HAF participants must report their executive compensation as well as their contract data in SAM.gov.
3. **Recordkeeping Requirements.** Generally, a HAF participant must maintain records and financial documents for five years after all award funds have been expended or returned to Treasury, as outlined in paragraph 5 of the Financial Assistance Agreement. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.
4. **Single Audit Requirements.** HAF participants and Subrecipients that expend more than \$750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.<sup>11</sup> HAF participants and Subrecipients may also refer to the [Office of Management and Budget \(OMB\) Compliance Supplements for audits of federal funds and related guidance](#) and the [Federal Audit Clearinghouse](#) to see examples and single audit submissions.

Non-Federal entities that expend less than \$750,000 a year in Federal awards are exempt from an audit under the Single Audit Act and 2 CFR Part 200, Subpart F for that fiscal year, except as noted in 2 CFR 200.503.

5. **Civil Rights Compliance.** HAF participants of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited

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<sup>11</sup> For-profit entities that receive HAF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury, the GAO, the PRAC and the Treasury's OIG.

English proficiency), disability, age, sex (including sexual orientation and gender identity), religion, or familial status, in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23; and the Fair Housing Act, Title VIII of the Civil Rights Act, 42 U.S.C. 3601 et seq. In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from HAF participants to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, [Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42](#), provide for the collection of data and information from Participants (see 28 CFR 42.406). Treasury may request that non-tribal HAF participants submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

## Part 2: Reporting Requirements and Deadlines

There are two types of reporting requirements for the HAF program.

- **Quarterly Report:** Report on programs funded, expenditures, program status, and other information.
- **Annual Performance Report:** Report updating the HAF participants Grantee Plan on programs undertaken with program funding and how the HAF participant plans to ensure program outcomes are achieved in an effective, efficient, and equitable manner. This report will include status updates on program goals identified by the HAF participant and additional mandatory indicators identified by Treasury.

The Annual Performance Report will be posted on the website of the HAF participant as well as provided to Treasury.

**Table 1: Reporting requirements by HAF participant type**

Recipient	Quarterly Report	Annual Performance Report
States	By May 16, 2022, and then 45 days after the end of each quarter thereafter.	By August 15, 2022, and annually thereafter by mid-August.
Tribal Governments with Allocation > \$5M		
Tribal Governments with Allocation < \$5M & Department of Hawaiian Home Lands	By August 15, 2022, and annually thereafter by mid-August.	

The remainder of this document describes these reporting requirements. A user guide will be provided with additional information on how and where to submit required reports.

## Quarterly Report

### Executive Summary

HAF participants are required to quarterly reports that include data regarding programs, expenditures, demographic distribution, civil rights compliance, equity indicators, community engagement efforts, and programmatic data. To provide public transparency on whether programs are using practices that promote on-time and on-budget delivery, Treasury will seek information from HAF participants on their workforce plans and practices related to HAF programs. The requirements that are not applicable to Tribal Governments and the Department of Hawaiian Home Lands are noted in subsequent sections.

### Quarterly Reporting

The following HAF participants are required to submit quarterly reports:

- States
- The Department of Hawaiian Home Lands<sup>12</sup>
- Tribal Governments<sup>13</sup>

The initial Quarterly Report will cover the Award Date to March 31, 2022 period and must be submitted to Treasury by May 16, 2022. The subsequent Quarterly Reports will cover one calendar quarter and must be submitted to Treasury within 45 calendar days after the end of each calendar quarter. Quarterly Reports are due concurrently with applicable Annual Performance Reports. The table below summarizes the Quarterly Report timelines:

Report	Year	Quarter	Period Covered	Due Date
1	2022	1	Award Date – March 31	Monday, May 16, 2022
2	2022	2	Award Date – June 30	Monday, August 15, 2022
3	2022	3	Award Date – September 30	Monday, November 15, 2022
4	2022	4	Award Date – December 31	Wednesday, February 15, 2023
5	2023	1	Award Date – March 31	Monday, May 15, 2023
6	2023	2	Award Date – June 30	Tuesday, August 15, 2023
7	2023	3	Award Date – September 30	Wednesday, November 15, 2023
8	2023	4	Award Date – December 31	Thursday, February 15, 2024
9	2024	1	Award Date – March 31	Wednesday, May 15, 2024
10	2024	2	Award Date – June 30	Thursday, August 15, 2024
11	2024	3	Award Date – September 30	Friday, November 15, 2024
12	2024	4	Award Date – December 31	Monday, February 17, 2025
13	2025	1	Award Date – March 31	Thursday, May 15, 2025
14	2025	2	Award Date – June 30	Friday, August 15, 2025
15	2025	3	Award Date – September 30	Monday, November 17, 2025
16	2025	4	Award Date – December 31	Monday, February 16, 2026
17	2026	1	Award Date – March 31	Friday, May 15, 2026
18	2026	2	Award Date – June 30	Monday, August 17, 2026
19	2026	3	Award Date – September 30	Monday, November 16, 2026

<sup>12</sup> Please note that the Department of Hawaiian Home Lands will not be required to submit certain reporting requirements in their templates, which are noted in the footnotes of this section.

<sup>13</sup> Please note that Tribal Governments will not be required to submit certain reporting requirements in their templates, which are noted in the footnotes of this section. Tribal Governments with allocations greater than \$5 million will need to submit quarterly reports starting in Calendar Quarter 1 of 2022 with submissions due by May 16, 2022. Tribal Governments with allocations less than \$5 million will submit annual reports (same content as quarterly reports for Tribal Governments with allocations greater than \$5 million) starting in in Calendar Quarter 2 of 2022 with submissions due by August 15, 2022.



Report	Year	Quarter	Period Covered	Due Date
20	2027	Final Report	Award Date – September 30	Wednesday, January 28, 2027

*Programmatic Information Requirements*

The following programmatic information will be required in Quarterly Reports

- a. Budget- HAF participants will be required to report cumulative to date Obligations and Expenditures relative to their HAF Grantee Plan.
- b. Homeowner Applications- HAF participants will be required to report on metrics around received and approved unique Homeowner applications. More specifically, HAF participants will be asked to report on the following metrics regarding applications with each question disaggregated by the categories such as race, ethnicity, gender and income AMI%:
  - Number of unique Homeowners that submitted a HAF application;
  - Number of unique Homeowners that have submitted a completed HAF application;
  - Number of unique Homeowners that submitted a draft or completed HAF application that was then subsequently withdrawn by the Homeowner;
  - Number of unique Homeowners whose application was approved;
  - Number of unique Homeowners whose application was denied;
    - Disaggregation of denial separated by reason category. The categories are as follows: income eligibility, lack of COVID related financial hardship, property not the primary residence, principal balance exceeded conforming loan limit, application not completed within program timeframe and other to include a narrative.
  - Number of unique Homeowners who applied for assistance that had previously received HAF assistance; and,
  - Number of unique Homeowners that received assistance on more than one application.
- c. Targeting- HAF participants will be required to report on targeting metrics including the following:
  - The number of unique Homeowners that received HAF assistance;
  - The number of unique Homeowners that received HAF assistance and were at or below 100% Area Median Income (AMI) or United States Median Income (USMI) (whichever is greater/the HAF participant opted for in order to administer assistance); and,
  - The number of unique Homeowners that received HAF assistance and were classified as a “Socially Disadvantaged Individual” (SDI).<sup>14</sup>

HAF participants will be asked to disaggregate these metrics by the categories noted under the Disaggregated Information requirement below.<sup>15</sup>

- d. Delinquencies- HAF participants will be required to report on the number of Delinquencies resolved using HAF assistance. Delinquencies can be resolved through two forms of HAF assistance: Monetary or Non-Monetary. Delinquencies resolved through Monetary HAF

<sup>14</sup> Tribal Governments and the Department of Hawaiian Home Lands will not be asked to report on the number of unique Homeowners that received HAF assistance and were classified as a “Socially Disadvantaged Individual.”

<sup>15</sup> Tribal Governments and the Department of Hawaiian Home Lands will not be asked to disaggregate targeting data.

assistance includes direct support to homeowners, such as mortgage payment assistance, to resolve a Delinquency. Delinquencies resolved through Non-Monetary HAF assistance includes indirect support, such as housing counseling, to resolve a Delinquency. HAF participants are expected to track the number of Delinquencies reduced as a result of HAF assistance and its category (Monetary or Non-Monetary) at the participant-level and program-level.

- e. Reimbursement- HAF participants will provide information on any reimbursement expense(s) and the associated program design element that the reimbursement expense(s) is/are linked to.
- f. Program(s) Information- HAF participants will provide information on all HAF funded programs. Programs are new or existing eligible government services or investments funded in whole or in part by HAF funding. For each program, the HAF participant will be required to enter the following information:
- Program Name;
  - Identification Number;
  - Program Start Date;
  - Program Description;
  - Program Design Elements Covered (selected by the HAF participant);
  - Total Obligations Cumulative to Date;
  - Total Expenditures Cumulative to Date;
  - Number of Homeowners Assisted Cumulative to Date;
  - Number of SDIs Assisted Cumulative to Date<sup>16</sup>;
  - Number of Delinquencies Resolved with Non-Monetary and Monetary HAF Assistance Cumulative to Date;
  - Program Income Earned; and,
  - Program Income Expended.
- g. Expenditures- HAF participants are required to report the HAF assistance expended or spent by the HAF participant. HAF participants will be asked to report expenditures on a cumulative basis on at the following levels: the participant-level, program-level, and program design element-level. At the participant-level, HAF participants will be asked to disaggregate expenditures or amounts expended by the categories noted under the Disaggregated Information requirement below.<sup>17</sup>
- h. Obligations- HAF participants are required to report the HAF assistance obligated. HAF participants will be asked to report obligations on a cumulative basis at the participant-level, program-level, and program design element-level. HAF participants will be asked to disaggregate participant-level obligations by the categories noted under the Disaggregated Information requirement below.<sup>18</sup>
- i. Program Design Elements Covered- HAF participants will report on each of their Programs' program design elements. HAF participants will create a new line item for each program design element and tie the program design element to a specific program. HAF participants will be expected to report the following for each specific program design element within a program:

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<sup>16</sup> Please note, Tribal Governments and the Department of Hawaiian Home Lands will not be required to report on Program SDIs assisted.

<sup>17</sup> Please note, Tribal Governments and the Department of Hawaiian Home Lands will not be required to disaggregate information related to Expenditures.

<sup>18</sup> Please note, Tribal Governments and the Department of Hawaiian Home Lands will not be required to disaggregate information related to Obligations.



- Total Obligations Cumulative to Date;
  - Total Expenditures Cumulative to Date;
  - Number of Homeowners Assisted Cumulative to Date; and,
  - Number of SDIs Assisted Cumulative to Date.<sup>19</sup>
- j. Disaggregated Information- HAF participants are expected to know how their HAF assistance has impacted different demographics in addition to other categories. This information will help determine equity indicators and confirm that HAF participants are reaching the appropriate population with HAF assistance. HAF participants will report on the following disaggregated categories at the participant-level for the number of unique Homeowners that received HAF assistance, the number of unique Homeowners classified as SDIs that received HAF assistance, the amount of HAF assistance obligated, and the amount of HAF assistance expended:
- Race
  - Ethnicity
  - Gender
  - Area Median Income Level
  - Socially Disadvantaged
  - Region
  - Mortgages
  - Housing Type
  - Zip Code

More information on the distinct breakdown of these disaggregated categories and the sub-levels can be found in Appendix 1 and Appendix 2.

### *Compliance Information Requirements*

The following compliance information will be required in Quarterly Reports:

- k. Socially Disadvantaged Individual Definition – HAF participants will need to confirm the definition they used for a “Socially Disadvantaged Individual” (SDI) during the report quarter. The SDI definition will be pulled from the HAF participant’s HAF plan. If a HAF participant has changed or needs to adjust their definition of an SDI, they will select ‘deny’ from in the form and write their new SDI definition in the text box provided.<sup>20</sup>

The below questions are Compliance Information regarding Self-Disclosure of Improperly Funded HAF Assistance

Note: Using the questions below, determine if HAF assistance was improperly funded. Additionally, please provide detail on how it was identified and what remedial measures were/are being taken to address the issue and ensure it doesn’t happen again.

- l. Maximum Conforming Loan Limit – HAF participants will need to report if they have used HAF assistance to assist homeowners with loans above the maximum conforming loan limit as defined in the HAF statute, section 3206(b)(1). If a HAF participant answers in the

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<sup>19</sup> Please note, Tribal Governments and the Department of Hawaiian Home Lands will not be required to report on Program Design Element SDIs assisted.

<sup>20</sup> Tribal Governments and the Department of Hawaiian Home Lands will not be asked to confirm their “Socially Disadvantaged Individual” Definition

affirmative, they will need to provide an explanation about why they did assist homeowners with loans above the maximum conforming loan limit.

- m. Written Attestations – HAF participants will need to report if they required homeowners to provide attestations about financial hardship prior to disbursing HAF assistance. If the HAF participant answers in the negative, they will need to provide an explanation about why they did not require or receive attestations from homeowners.
- n. Annual Income – In determining income for each household applying for HAF assistance, HAF participants will need to report if they used HUD’s definition of “annual income” in 24 CFR 5.609 (<https://www.govinfo.gov/content/pkg/CFR-2021-title24-vol1/pdf/CFR-2021-title24-vol1.pdf>) or adjusted gross income as defined for purposes of reporting on IRS Form 1040 series as mentioned in the HAF guidance. If the HAF participant answers in the negative, they will need to provide an explanation about why they did not use HUD’s definition of “annual income” in 24 CFR 5.609 or adjusted gross income as defined for purposes of reporting on IRS Form 1040 series as mentioned in the HAF guidance.
- o. Targeting AMI/USMI Dollar Amount – HAF participants will need to report the dollar amount Obligated to homeowners with incomes less than the greater of 100% AMI or US Median Income.
- p. Targeting AMI/USMI Assistance – HAF participants will need to report if they allocated at least 60% of HAF assistance to homeowners with incomes less than the greater of 100% Area Median Income or US Median Income. If the HAF participant answers in the negative, they will need to provide an explanation about why they did not allocate at least 60% of HAF assistance to homeowners with that income threshold.
- q. Certifications – HAF participants will need to read, review, and sign all relevant certifications in the Quarterly Report on Treasury’s reporting portal. By signing the certifications, the authorized representative for the HAF participant is confirming that the HAF participant is in compliance with all terms from the HAF statute, HAF Guidance, and HAF Financial Assistance Agreement and that the HAF participant has answered all questions truthfully.

#### *Required Components of Standard Financial Reporting (SF-425)*

All HAF participants must submit the corresponding contents of the Federal Financial Report, Standard Form 425 (SF-425), on a quarterly basis. Treasury uses the financial data to compare the rate of the participant’s actual expenditures against performance data to verify that expenditure amounts align with program activities.

### **Annual Performance Report**

#### *Executive Summary*

HAF participants will be asked to provide a high-level overview of their intended and actual uses of funding including, but not limited to the following: the HAF participant’s plan for use of funds to promote a response to the pandemic and economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

#### *Annual Performance Reporting*

The following HAF participants are required to submit Annual Performance Reports:

- States
- The Department of Hawaiian Home Lands
- Tribal Governments

HAF participants are required to submit an Annual Performance Report on an annual basis and demonstrate the impact of the HAF-financed programs. Reports should include data related to program outputs and outcomes against the stated objectives of the HAF participant’s HAF Grant Plan.

Report	Period Covered	Due Date
1	Award Date – June 30, 2022	Monday, August 15, 2022
2	July 1, 2022 – June 30, 2023	Tuesday, August 15, 2023
3	July 1, 2023 – June 30, 2024	Thursday, August 15, 2024
4	July 1, 2024 – June 30, 2025	Friday, August 15, 2025
5	July 1, 2025 – June 30, 2026	Monday, August 17, 2026
6	July 1, 2026 – June 30, 2027	Monday, August 16, 2027

Each Annual Performance Report must be posted on the public-facing website of the HAF participant on or by the same date the HAF participant submits the report to Treasury. The Annual Performance Report will include, at a minimum, the following information:

**Community Engagement**

HAF participants will provide an update on how the HAF participant planned or current use of funds incorporates written, oral, and other forms of input that capture diverse feedback from constituents, community-based organizations, and the communities themselves. Where relevant, this description must include how funds will build the capacity of community organizations to serve people with significant barriers to services, including people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

**Performance Goals**

HAF participants initially submitted performance goals on use of HAF awarded funds in their approved Grantee Plan. Each one of the performance goals should have identified how the HAF participant will address homeowner needs and should have been disaggregated by key characteristics such as mortgage type, racial and ethnic demographics, and/or geographic areas, as appropriate. HAF participants will be required to provide a status update and quantitative measures, if applicable, on each of their initial performance goals set forth in their Grantee Plan. Please note, HAF participants will not have the ability to alter their original performance goals noted in their Grantee Plan nor add additional performance goals in the Annual Report.

**Methods for Targeting and HAF Funding**

HAF participants were asked in their original Grantee Plan to describe how the HAF participant will effectively target HAF award funds to (1) homeowners with incomes equal to or less than 100% of the area median income or equal to or less than 100% of the median income for the United States, whichever is greater; and (2) socially disadvantaged individuals. The description included the HAF participant’s targeting strategies. HAF participants will be required to provide an update on their targeting methods and if they have appropriately executed targeting methods according to their original Grantee Plan.

**Best Practices and Coordination with Other HAF participants**

HAF participants will be required to describe any relevant coordination with federal agencies including FHA, VA, and USDA, as well as with state or local agencies that hold mortgage portfolios that have covenants or targeting requirements that match the HAF participants’ HAF targeting strategies and goals.

*Budget by Program Design Element (if adjusting)*

HAF participants will need to validate current program design element budget expended to date against their original projected budget amounts. The Annual Report will have the Grantee Plan budget amounts prepopulated for each program design element. HAF participants are expected to adhere to these budget amounts unless they have submitted a request for Grantee Plan change and the request has been formally accepted by Treasury.

*Civil Rights Compliance*

Treasury may request information on the HAF participant's compliance with Title VI of the Civil Rights Act of 1964 on an annual basis. This information may include a narrative describing the HAF participant's compliance with Title VI, along with other questions and assurances. This collection does not apply to Tribal Governments.

## Appendix 1 – Race, Ethnicity and Gender Categories

The following is a list of race, ethnicity, and gender categories for HAF participant data collection and reporting.

### **Race**

- American Indian or Alaska Native
- Asian
  - Indian
  - Chinese
  - Filipino
  - Japanese
  - Korean
  - Vietnamese
  - Asian (Other)
- Black or African American
- Native Hawaiian or Other Pacific Islander
  - Guamanian or Chamorro
  - Native Hawaiian
  - Samoaan
  - Pacific Islander (Other)
- White
- Declined to Answer
- Data Not Collected

### **Ethnicity**

- Hispanic or Latino/a
- Not Hispanic or Latino/a
- Declined to Answer
- Data Not Collected

### **Gender**

- Female
- Male
- Nonbinary
- Declined to Answer
- Data Not Collected

## Appendix 2 – Targeting Categories

The following are key targeting categories for HAF participant data collection and reporting.

### **Income: Area Median Income**

Below or equal to 50%

Greater than 50% and less than or equal 80%

Greater than 80% and less than or equal to 100%

Greater than 100% and less than or equal to 150%

Data Not Collected

### **Socially Disadvantaged**

Racial or Ethnic Prejudice – member of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society.

Majority-Minority Census Tract – resident of a majority-minority Census tract.

Limited English Proficiency – individual with limited English proficiency.

Resident US Territory, Indian Reservation, or Department of Hawaiian Home Lands – resident of a U.S. territory, Indian reservation, or Department of Hawaiian Home Lands.

Persistent Poverty County – individual who lives in a persistent-poverty county, meaning any county that has had 20% or more of its population living in poverty over the past 30 years as measured by the three most recent decennial censuses.

Other – individual in accordance with a process developed by a HAF participant for determining whether a homeowner is a socially disadvantaged individual in accordance with applicable law, which may reasonably rely on self-attestations.

N/A – individual was not classified as Socially Disadvantaged.

### **Region**

Urban – Only geographic areas delineated as “Urbanized Areas” by the Census Bureau’s 2010 Urban and Rural Classification Criteria. This definition does not include the Census Bureau’s 2010 list of “Urban Clusters.” HAF participants should use the following Census Bureau “Urbanized Areas” list [here](#) to determine if Homeowners are located in an urban region.

Rural – Includes all geographical areas not included in the urban definition above.

Data Not Collected

### **Mortgages**

Federal Housing Administration (FHA)

Department of Veterans Affairs (VA)

U.S. Department of Agriculture (USDA)

Government Sponsored Enterprise (GSE)

Private-label Securities

Reverse Mortgages

Portfolio Loan

Land Contracts  
N/A  
Data Not Collected

**Housing Type**

Single Family Home Detached  
Single Family Home Attached  
Condominium  
Manufactured Housing  
Other  
Data Not Collected

**Zip Code**

HAF participants will be expected to collect number of Homeowners and program funds Obligated and Expended at the zip code level.



## Appendix 3 – Program Design Element Categories

The following is a list of program design elements for HAF participant data collection and reporting.

### Program Design Elements

Mortgage Payment Assistance – mortgage payment assistance.

Financial Assistance – financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default.

Mortgage Principal Reduction – mortgage principal reduction, including with respect to a second mortgage provided by a nonprofit or government entity.

Facilitating Interest Rate – facilitating mortgage interest rate reductions.

Payment Assistance Utilities – payment assistance for homeowner’s utilities, including electric, gas, home energy (including firewood and home heating oil), water, and wastewater.

Payment Assistance Internet – payment assistance for homeowner’s internet service, including broadband internet access service, as defined in 47 CFR 8.1(b).

Payment Assistance Insurance – payment assistance for homeowner’s insurance, flood insurance, and mortgage insurance.

Payment Assistance Fees – payment assistance for homeowner’s association fees or liens, condominium association fees, or common charges, and similar costs payable under a unit occupancy agreement by a resident member/shareholder in a cooperative housing development.

Payment Assistance Loans – payment assistance for down payment assistance loans provided by nonprofit or government entities.

Payment Assistance Taxes – payment assistance for delinquent property taxes to prevent homeowner tax foreclosures.

Measures Preventing Displacement – measures to prevent homeowner displacement, such as home repairs to maintain the habitability of a home, including the reasonable addition of habitable space to alleviate overcrowding, or assistance to enable households to receive clear title to their properties.

Counseling or Education – counseling or educational efforts by housing counseling agencies approved by HUD or a tribal government targeted to households eligible to be served with funding from the HAF related to foreclosure prevention or displacement.

Legal Services – legal services targeted to households eligible to be served with funding from the HAF related to foreclosure prevention or displacement.