

U.S. Department of the Treasury
Emergency Rental Assistance Under the Consolidated Appropriations Act, 2021
Notice Regarding Recapture and Reallocation of Tribal ERA1 Funds
July 18, 2022

On March 30, 2022, the U.S. Department of the Treasury (Treasury) released updated [reallocation guidance](#)¹ regarding the [Emergency Rental Assistance program](#) (ERA1) authorized by Section 501 of Division N of the Consolidated Appropriations Act, 2021. That guidance applies to all state, territorial, local, and Tribal governments² participating in ERA1 (Grantees). On June 1, 2022, Treasury released an [addendum](#) to its reallocation guidance further clarifying its approach to reallocation for Tribal governments (Addendum to Reallocation Guidance for Tribal Governments), including the method Treasury would use to identify excess funds subject to recapture.

Treasury has determined it will not involuntarily recapture ERA1 funds held by Tribal governments in the reallocation process. Treasury will not involuntarily recapture Tribal ERA1 funds even if such funds may be considered excess funds subject to recapture under ERA1 reallocation guidance.

However, Tribal governments are strongly encouraged to voluntarily return ERA1 funds that they do not anticipate obligating to Treasury by August 19, 2022.³ Specifically, Treasury encourages the return by August 19, 2022 of funds from Tribal governments' initial ERA1 allocations that Tribes do not anticipate obligating by the September 30, 2022 deadline to obligate initial allocations. Treasury welcomes the return of ERA1 funds so they may be reallocated to other grantees. After August 19, 2022, Treasury will reallocate ERA1 funds that Tribal governments have voluntarily returned.

As noted in the Addendum to Reallocation Guidance for Tribal Governments, any funds from the initial ERA1 disbursement (not including funds received through reallocation) that are unobligated on September 30, 2022 must be returned to Treasury at that time. This is a statutory requirement, and Treasury cannot provide flexibility on this deadline.⁴

* * *

If you have any questions, please contact emergencyrentalassistance@treasury.gov and include your ERA1 Grantee number.

¹ A redlined version of the reallocation guidance showing all amendments to the guidance previously published on October 4, 2021 is available at <https://home.treasury.gov/system/files/136/REDLINED-Updated-ERA1-Reallocation-Guidance-3-30-2022.pdf>

² For the purpose of this document, "Tribal governments" includes all Tribes and Tribally Designated Housing Entities that are participating in the ERA1 program, as well as the Department of Hawaiian Home Lands.

³ See pages 2-3 of the ERA1 reallocation guidance for details on the criteria applied to determine whether a Grantee has obligated ERA1 funds.

⁴ Funds that Tribal governments receive through the reallocation process may qualify for a 90-day extension, permitting their use until December 29, 2022. Treasury will provide additional details on this extension in future communications.