

**U.S. Department of the Treasury
Emergency Rental Assistance
Payments to Tribal Communities**

January 19, 2021

The Department of the Treasury (Treasury) is providing this information in response to questions about payments to Indian tribes and tribally designated housing entities (TDHEs) asked during the consultation Treasury held with Indian tribes and other stakeholders on January 14, 2021, regarding the Emergency Rental Assistance (ERA) program established by section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) (the Act).

Introduction

Section 501(b)(2)(A)(ii) of Division N of the Act provides that the Secretary of the Treasury shall allocate and pay the amounts reserved for tribal communities to each Indian tribe or, if applicable, the tribally designated housing entity (TDHE) of an Indian tribe that was eligible for a grant under the Indian Housing Block Grant (IHBG) program established by the Department of Housing and Urban Development (HUD) under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).

Under NAHASDA and HUD's regulations implementing the IHBG program, Indian tribes are permitted to either receive IHBG funding directly, or designate TDHEs to receive the Indian tribe's IHBG funding and administer the IHBG program on the Indian tribe's behalf. Any TDHE that was designated by an Indian tribe for the IHBG program for fiscal year 2020 is thereby eligible to receive a payment from Treasury on behalf of the Indian tribe under the ERA program. Therefore, for each Indian tribe, only the Indian tribe itself or the TDHE may receive funds from Treasury under the ERA program. Treasury intends to rely on TDHE designations made under the IHBG program in fiscal year 2020, unless the Indian tribe has applied for ERA funding, as discussed below.

Cases in which either the Indian tribe or its TDHE applied for ERA funding

In most cases, either the Indian tribe or its TDHE has applied for ERA funding. If, as of January 19, 2021, an Indian tribe has submitted an application and the Indian tribe's TDHE did not, Treasury will pay the Indian tribe, subject to a separate provision for certain Indian tribes in Alaska, discussed below. If as of January 19, 2021, the TDHE submitted an application and the Indian tribe did not, Treasury will pay the TDHE.

Cases in which both the Indian tribe and its TDHE applied for funding

In some cases, both the Indian tribe and its TDHE applied for a direct ERA payment. **In cases in which both the Indian tribe and TDHE applied, Treasury will contact the Indian tribe to determine whether the Indian tribe or the TDHE should receive payment, with the exception of certain Indian tribes in Alaska, discussed below.** In the event that both an Indian tribe and its TDHE have applied for ERA and the Indian tribe has not responded to Treasury's request for a clarification by January 26, 2021, Treasury will pay the Indian tribe.

Alaska Regional Housing Authorities

As stated above, the Act provides that the Secretary shall allocate and pay certain amounts to each Indian tribe or, if applicable, the TDHE of an Indian tribe that was eligible for a grant under the IHBG program for fiscal year 2020. Section 211 of the Department of Housing and Urban Development Appropriations Act, 2020, Pub. L. No. 116-94 (Dec. 20, 2019) (the HUD Appropriations Act), provides that the funds made available for Native Alaskans under the IHBG program in fiscal year 2020 shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005. As a result of this provision, in the case of those Indian tribes in Alaska subject to section 211 of the HUD Appropriations Act, Treasury is required to make ERA payments to the appropriate TDHEs (Alaska regional housing authorities) that normally serve as TDHEs for these Indian tribes in Alaska under the IHBG program. **In the event an Indian tribe in Alaska subject to this provision has submitted an application to Treasury for an ERA payment, Treasury will pay the relevant TDHE.** As with any TDHE, these TDHEs will be required to submit their payment information and agree to the ERA program award terms in order to receive an ERA payment from Treasury.