Employer Hotline at 800–255–8155 (TTY 800–237–2515). The IER offers language interpretation in numerous languages. Employers may also email IER at IER@usdoj.gov.

Note to Employees
For general questions about the employment eligibility verification process, employees may call USCIS at 888–897–7781 (TTY 877–875–6028) or email USCIS at I–9Central@dhs.gov. Calls are accepted in English, Spanish, and many other languages. Employees or applicants may also call the IER Worker Hotline at 800–255–7688 (TTY 800–237–2515) for information regarding employment discrimination based upon citizenship, immigration status, or national origin, including discrimination related to Employment Eligibility Verification (Form I–9) and E-Verify. The IER Worker Hotline provides language interpretation in numerous languages.

To comply with the law, employers must accept any document or combination of documents from the Lists of Acceptable Documents if the documentation reasonably appears to be genuine and to relate to the employee, or an acceptable List A, List B, or List C receipt as described in the Employment Eligibility Verification (Form I–9) Instructions. Employers may not require extra or additional documentation beyond what is required for Form I–9 completion. Further, employers participating in E-Verify who receive an E-Verify case result of “Tentative Nonconfirmation” (TNC) must promptly inform employees of the TNC and give such employees an opportunity to contest the TNC. A TNC case result means that the information entered into E-Verify from an employee’s Form I–9 differs from Federal or state government records.

Employers may not terminate, suspend, delay training, withhold pay, lower pay, or take any adverse action against an employee because of the TNC while the case is still pending with E-Verify. A Final Nonconfirmation (FNC) case result is received when E-Verify verifies that an employee is not authorized to work based on TPS. If an employee is determined to be unauthorized by E-Verify, an FNC is issued by E-Verify, which is the final outcome in an E-Verify case. An employer cannot verify an employee’s employment eligibility. An employer may terminate employment based on a case result of FNC. Work-authorized employees who receive an FNC may call USCIS for assistance at 888–897–7781 (TTY 877–875–6028). For more information about E-Verify-related discrimination or to report an employer for discrimination in the E-Verify process based on citizenship, immigration status, or national origin, contact IER’s Worker Hotline at 800–255–7688 (TTY 800–237–2515).

Additional information about proper nondiscriminatory Form I–9 and E-Verify procedures is available on the IER website at https://www.justice.gov/ier and the USCIS website at http://www.dhs.gov/E-verify.

Note Regarding Federal, State, and Local Government Agencies (Such as Departments of Motor Vehicles)
While Federal Government agencies must follow the guidelines laid out by the Federal Government, state and local government agencies establish their own rules and guidelines when granting certain benefits. Each state may have different laws, requirements, and determinations about what documents you need to provide to prove eligibility for certain benefits. Whether you are applying for a Federal, state, or local government benefit, you may need to provide the government agency with documents that show you are a TPS beneficiary and/or show you are authorized to work based on TPS. Examples of such documents are:

1. Your current EAD;
2. A copy of your Notice of Action (Form I–797C), the notice of receipt, for your application to renew your current EAD providing an automatic extension of your currently expired or expiring EAD;
3. A copy of your Notice of Action (Form I–797C), the notice of receipt, for your Application for Temporary Protected Status for this re-registration; and
4. A copy of your Notice of Action (Form I–797), the notice of approval, for a past or current Application for Temporary Protected Status, if you received one from USCIS.

Check with the government agency regarding which document(s) the agency will accept. Some benefit-granting agencies use the USCIS Systematic Alien Verification for Entitlements (SAVE) program to confirm the current immigration status of applicants for public benefits. In most cases, SAVE provides an automated electronic response to benefit-granting agencies within seconds, but, occasionally, verification can be delayed. You can check the status of your SAVE verification by using CaseCheck at the following link: https://save.uscis.gov/casecheck/, then by clicking the “Check Your Case” button. CaseCheck is a free service that lets you follow the progress of your SAVE verification using your date of birth and one immigration identifier number. If an agency has denied your application based solely or in part on a SAVE response, the agency must offer you the opportunity to appeal the decision in accordance with the agency’s procedures. If the agency has received and acted upon or will act upon a SAVE verification and you do not believe the response is correct, you may make an Infopass appointment for an in-person interview at a local USCIS office. Detailed information on how to make corrections, make an appointment, or submit a written request to correct records under the Freedom of Information Act can be found on the SAVE website at http://www.uscis.gov/save.
speech-impaired individuals may access this number via TTY by calling the toll-free Federal Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:
I. Background
II. Definitions
III. Program Requirements
IV. Allocation of Assistance
V. Application for Tribal HUD–VASH Program
VI. Tribal HUD–VASH Program Requirements, Waivers, and Alternative Requirements
VII. Environmental Impact

I. Background
Since Fiscal Year (FY) 2008, the Housing Choice Voucher (HCV) program has provided rental assistance under a supportive housing program for Homeless veterans authorized by section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)). The initiative, known as the HUD–VA Supportive Housing (HUD–VASH) program, was initially authorized by the Consolidated Appropriations Act, 2008 (Pub. L. 110–161, approved December 26, 2007). The HUD–VASH program combines HCV rental assistance for Homeless veterans with Case Management and clinical services provided by or through the VA through Veterans Administration Medical Centers (VAMC). Historically, this program has not reached Native American veterans in tribal communities due to legal impediments preventing tribes and tribally designated housing entities (TDHEs) from participating in the HUD–VASH program.

In the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113–235, approved December 16, 2014) (“2015 Appropriations Act”), Congress authorized funding for a demonstration program to expand the HUD–VASH program into Indian Country. The 2015 Appropriations Act directed HUD to coordinate with Indian tribes, TDHEs, and other appropriate tribal organizations to design this program, and ensure the effective delivery of housing assistance and supportive services to Native American veterans who are Homeless or At Risk of Homelessness. It also authorized HUD to make appropriate adjustments to the HUD–VASH model, and to waive or specify alternative requirements (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment) for any provision of any statute or regulation that it administers if it finds that they are necessary for the effective delivery and administration of rental assistance under the program.

On January 26, 2015, HUD sent a “Dear Tribal Leader” letter to tribal leaders, tribal organizations, and TDHE directors soliciting comments on a Tribal HUD–VASH demonstration program (Tribal HUD–VASH). HUD also held a national listening session at the National American Indian Housing Council’s Legislative Conference held on February 2, 2015, followed by regional listening sessions held at each of the six Office of Native American Programs (ONAP) field offices. HUD also received comments from tribes through letters and emails. Generally, the comments were supportive of the program. The comments offered suggestions on how the program should be structured to address aspects such as rent and geographic distribution. HUD considered these comments when developing the Tribal HUD–VASH program.

On October 21, 2015, HUD published a Notice entitled “Implementation of the Tribal HUD–VA Supportive Housing Program” in the Federal Register establishing the policies and procedures for the Tribal HUD–VASH program (80 FR 63822). HUD announced the availability of $4 million in grant funding to Indian tribes and TDHEs to fund tenant-based or project-based rental assistance and associated administrative expenses. Under Tribal HUD–VASH, Indian tribes and TDHE participants must partner with the Department of Veterans Affairs (VA) to provide healthcare assistance to eligible Native American veterans. On March 2, 2016, HUD published a Notice entitled, “Tribal HUD–VA Supportive Housing Program Awards, Fiscal Year 2015” notifying the public regarding the tribes/ TDHEs selected for the program in the Federal Register. In total, 26 tribes/ TDHEs were awarded $5.9 million in funding, as funding became available in addition to the original $4 million cited in the implementation Notice 81 FR 10980. Finally, HUD issued technical corrections to the October 21, 2015, Federal Register Notice on December 6, 2016 to address issues that arose during the implementation of the program 81 FR 87948.

In the Consolidated Appropriations Act, 2017 (P.L. 115–31, approved May 5, 2017) an additional $7 million for renewal grant funding and limited expansion was provided for the Tribal HUD–VASH program. Today’s announcement supersedes the Notices issued on October 21, 2015 and December 6, 2016 by consolidating all the Tribal HUD–VASH program requirements. This Notice also establishes HUD’s procedures for issuing renewal funding, subject to the availability of future appropriations. Any future changes to Tribal HUD–VASH program definitions, requirements, and implementation will be outlined in future Federal Register Notices issued by HUD.

II. Definitions
Case Management—For purposes of Tribal HUD–VASH, Case Management is a specialized component of healthcare management, requiring highly skilled, trained professionals. Case Management emphasizes a collaborative process that assesses, advocates, plans, implements, coordinates, monitors, and evaluates health care options and services so that they meet the needs of the individual patient.

Community Based Outpatient Clinic (CBOC)—A Community Based Outpatient Clinic (CBOC) is a VA-operated clinic or a VA-funded or reimbursed health care facility or site that is geographically distinct or separate from the parent medical facility.

Fair Market Rent (FMR)—Fair Market Rent means the rent, as established by HUD, for units of varying sizes (by number of bedrooms), that must be paid in the market area to rent privately-owned, existing, decent, safe and sanitary rental housing of modest (non-luxury) nature with suitable amenities.

Homeless and At Risk of Homelessness—For purposes of Tribal HUD–VASH, HUD is adopting the definitions of “Homeless” in Section 103(a) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302(a)) and “At Risk of Homelessness” in Section 401(1) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(1)). However, the income provision at 42 U.S.C. 11360(1)(A) does not apply to the Tribal HUD–VASH program. Instead, HUD is adopting the low-income eligibility requirements in Section 414 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). Accordingly, a veteran will be eligible for this program if he or she otherwise meets the definition of “Homeless” or “At Risk of Homelessness,” and is a low-income Indian, as defined in NAHASDA (i.e., has an income that is no more than 80 percent of area median income for the Indian area as determined by HUD).

Privately-owned housing—Privately-owned housing is any unit not directly

1Wherever the phrase “Homeless veteran” appears in this Notice, it will also include veterans who are At Risk of Homelessness unless explicitly stated otherwise.
owned by the Tribal HUD–VASH grantee. Accordingly, in situations where the TDHE is the Tribal HUD–VASH grantee, but the unit is owned by another tribal organization (such as the tribe), the unit would be considered privately-owned for purposes of this program (see 81 FR 87948).

Project-Based Rental Assistance (PBRA)—Rental housing assistance tied to a specific housing unit or units. The housing assistance stays with the unit or units and any household living in the unit must meet program requirements. If the household moves out of the subsidized unit, they no longer receive rental housing assistance.

Tenant-Based Rental Assistance (TBRA)—Rental housing assistance tied to a specific household. The eligible applicant selects and rents a unit (whether private or TDHE-owned) that meets program requirements, and the tribe or TDHE makes rent subsidy payments on behalf of the household. The assistance stays with the household; if the household moves to a different unit that meets program qualifications, the tribe or TDHE makes rental payments to the owner of the new unit on the household’s behalf.

III. General Program Requirements

HUD consolidates all program requirements of Tribal HUD–VASH with the publication of this Notice. Any future changes to program requirements will be outlined in future Federal Register Notices issued by HUD. In accordance with the 2015 Appropriations Act, this Notice includes appropriate adjustments to program requirements through the issuance of statutory and regulatory waivers that HUD has deemed necessary for the effective delivery and administration of rental assistance under the program. Generally, rental assistance under this program is subject to all requirements of NAHASDA that are applicable to rental assistance funded under the Indian Housing Block Grant (IHBG) program. This includes the NAHASDA statute (25 U.S.C. 4101 et seq.), all IHBG program regulations, 24 CFR part 1000, and all other Federal laws and regulations applicable to the IHBG program. To the extent that program requirements in this Notice differ from any provision in NAHASDA and 24 CFR part 1000, and any other statute or regulation that HUD administers, with the exception of any Federal civil rights and fair housing laws and requirements, the terms of this Notice will govern.

Housing assistance under this program is made available by grants to tribes and TDHEs that are eligible to receive IHBG funding under NAHASDA. Tribes request Tenant-Based and/or Project-Based Rental Assistance by the number of bedrooms in a rental unit. Grants are awarded based on the number of rental units (Tenant-Based and Project-Based Rental Assistance) approved by HUD. Grants include an additional amount for administrative costs, which will be described in more detail later in this Notice. Grant funding is awarded based on 12 months of funding. Participating tribes/TDHEs draw down funds from the HUD Line of Credit Control System (LOCCS) on a monthly basis to cover rental assistance payments.

Eligible Homeless veterans receive case management services through the Department of Veterans Affairs. A tribe/TDHE works with the local VAMC to determine how Case Management will be delivered to Native American veterans. VA may provide these services directly through their local VAMC, or through a CBOC. Alternatively, the VA may engage in a contractual relationship with a tribal healthcare provider or the Indian Health Service (IHS) for service delivery. A tribe/TDHE may partner with VA to provide office space within the tribal area for the VA caseworker to operate. Additionally, VA, in coordination with the tribe/TDHE may partner with IHS to provide space for VA case management activities at an IHS facility. Locations for the provision of case management must comply with accessibility requirements as referenced in 24 CFR 1000.12(b).

Native American veterans participating in this program are housed based on a Housing First approach, where Homeless veterans are provided housing assistance and then offered the supportive services that may be needed to foster long-term stability and prevent a return to Homelessness. This approach assumes that supportive services are more effective when the individual or household is housed, and the daily stress of being Homeless is relieved. Key components of the Housing First model include a simple application process for participating veterans, a harm reduction approach from VA, and no conditions of tenancy beyond those included in the lease and the requirements in this Notice. Housing First specifically does not require sobriety or testing for substance abuse to obtain or sustain tenancy, and thus must not be required in the lease. More information on Housing First is available at: http://usich.gov/usich_resources/fact_sheets/the_housing_first_checklist_a_practical_tool_for_assessing_housing_first_in.

IV. Allocation of Assistance

The 2015 Appropriations Act authorized HUD to set aside an amount from the HUD–VASH program for a tribal demonstration program. HUD originally awarded $5.9 million in funding to 26 tribes/TDHEs, to support approximately 600 rental housing units and associated administrative fees for Tribal HUD–VASH.

Pursuant to the 2015 Appropriations Act, awards under this program were based on need, administrative capacity, and other factors that HUD specifies in this Notice after coordination with the VA. The method of allocating assistance under this program was developed through a collaborative effort among VA and HUD’s Offices of Public and Indian Housing, Policy Development and Research, and Community Planning and Development. HUD also considered all comments and suggestions made by Indian tribes during the tribal consultation process. Responding to tribal comments, HUD explored the possibility of allocating funding through a tribal competition. However, HUD determined the best method for allocation under the demonstration program was to follow as closely as possible the existing parameters for the standard HUD–VASH program. HUD is open to reconsidering a competitive process at a later date, if additional funding is received for a Tribal HUD–VASH program.

To identify potential Tribal HUD–VASH sites, HUD used a combination of VA data and data from the American Community Survey (ACS). First, HUD and VA identified VAMCs serving high populations of Homeless Native American veterans. To ensure geographic distribution, HUD selected the top two VAMCs with the highest Homeless Native American population in each of the six ONAP regions. HUD then identified the tribes within these VAMC “catchment” or operating areas. Using VA data showing the number of Native American veterans by tribal areas, HUD then prioritized tribes based on the presence of the greatest number of veterans and cross referenced this list with ACS data. In some instances, tribes with large populations of Native American veterans were outside of the VAMC catchment area. When this occurred, HUD added the tribe (and local VAMC) for consideration in that ONAP region. VA allocated funding for the equivalent of up to 30 professional, full-time Tribal HUD–VASH case managers, which may be used to directly hire VA staff or enter into a contractual relationship with a tribe or IHS facility. Each case manager has the
capacity to serve between 15–25 Native American veterans. Case managers are assigned to VAMCs based on the overall level of need and capacity in each ONAP region.

Tribes/TDHEs selected in each ONAP region were invited to apply for Tribal HUD–VASH shortly after publication of the October 21, 2015 Notice. Tribes/TDHEs were required to submit a Tribal HUD–VASH application and if any declined to participate or did not need its full allocation, HUD invited the next highest tribe within an ONAP region ranked by need and capacity. A tribe/TDHE that participated in the Tribal HUD–VASH program must partner with its VAMC.

In general, tribes were awarded grants equal to an amount that funds rental assistance payments for between 15–25 rental housing units, which is equal to the capacity of one Tribal HUD–VASH case manager. If there were other tribes in the area with eligible veterans who could be served by the same case manager, the tribe invited to apply could either sub-grant to another entity or directly serve Tribal HUD–VASH recipients from the other tribe. Should the tribe sub-grant to another entity, HUD strongly encouraged the tribe invited to ensure that the sub-recipient had sufficient capacity and was in good standing with HUD. The lead tribe would only be eligible for one grant award, not to exceed 25 units of assistance. If there were situations where a tribe/TDHE had a need to serve fewer than 15 Native American veterans, and VA determined there is the capacity within its existing HUD VASH staff to assist Native American veterans, the tribe/TDHE may be awarded fewer than 15 units of assistance.

The grant award was based on the number of units requested by a tribe/TDHE, the rents established by the tribe, and a per-unit administrative fee. Once awarded, a tribe/TDHE may provide assistance to additional Native American veterans if there are funds remaining from the initial grant, and the VA is able to provide Case Management support at no additional cost.

V. Application and Submission Information

HUD consolidates and restates previously issued application and submission guidance for Tribal HUD–VASH with the publication of this Notice. Any future changes to application and submission guidelines will be outlined in any future Federal Register or Public and Indian Housing (PIH) Notices issued by HUD.

A. Application Receipt Deadline

Subject to the availability of appropriations, applicants for this program should submit applications in accordance with the requirements outlined in any future Federal Register or PIH Notices issued by HUD.

B. Eligible Applicants

Eligible applicants are Indian tribes as defined in section 4(13) of NAHASDA or TDHEs authorized by one or more tribes pursuant to section 4(22) of NAHASDA and 24 CFR 1000.206 and invited by HUD to apply for Tribal HUD–VASH per the allocation method described under Section IV of this Notice.

C. Content of Application, Forms, and Required Elements

The applicant must submit all forms and information required in this section and in accordance with any future Notices issued by HUD.

1. Contact Information: Tribe/TDHE and point of contact; mailing address; phone number; and email address; including name, title, and signature of person authorized to submit the application.

2. Other Identifying Information: Employer/taxpayer identification number (EIN/TIN) and organizational DUNS number.

3. System for Award Management (SAM): Evidence of active, valid SAM registration.

4. Units of Assistance Requested: Provide the estimated total number of rental housing units that the Indian tribe or TDHE plans to provide to Native American veterans with assistance under this program, and whether the assistance will be Tenant-Based Rental Assistance, Project-Based Rental Assistance, or a combination of both. Provide a table detailing the estimated number of units requested by the number of bedrooms and the corresponding rent, as well as a written justification for the rent structure (see Section VI. H. Rent). If the applicant seeks both Tenant-Based and Project-Based Assistance, provide separate tables. FMRs can be found at https://www.huduser.org/portal/datasets/fmr.html.

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| 5. Tenant-Based Rental Assistance vs. Project-Based Rental Assistance:

In the Tribal HUD–VASH application, the tribe/TDHE must determine if the rental housing assistance provided under the program will be Tenant-Based Rental Assistance and/or Project-Based Rental Assistance. After receiving the grant, a tribe/TDHE may make a determination to convert from one type of rental assistance to the other for any unutilized grant funds. If the switch is from Tenant-Based to Project-Based Rental Assistance, then the tribe/TDHE must comply with paragraph C.5.b below; and submit the Project-Based Rental Assistance information requested below in paragraph C.7 for HUD approval prior to the actual switch.

a. Tenant-Based Rental Assistance: A tribe/TDHE may apply for a grant under this program to provide Tenant-Based Rental Assistance to Native American veterans. The tribe/TDHE will either assist the Native American veteran in locating privately-owned housing and enter into a contract with the owner of the housing, or provide housing in a unit that is owned or operated by the tribe/TDHE. Tenant-Based Rental Assistance will be subject to requirements further described in this Notice.

b. Project-Based Rental Assistance: A tribe/TDHE may apply for a grant under this program to provide Project-Based Rental Assistance to Native American veterans. To be considered for Project-Based Rental Assistance, a tribe/TDHE’s...
HUB LOCCS balance cannot exceed three times its most current FY grant, unless the tribe received an HUB that was less than $75,000 in that year.

The tribe/TDHE will provide a monthly rental assistance payment for a specific housing unit in which an eligible Native American veteran will reside. The housing unit will be specifically designated as a unit that is available for Native American veterans eligible under this program. Project-Based Rental Assistance may be provided to privately-owned housing with a contract with the owner of the housing, or a unit that is owned or operated by the tribe/TDHE. Project-Based Rental Assistance will be subject to requirements further described in this Notice.

6. Project-Based Rental Assistance Submission: If requesting funds for Project-Based Rental Assistance, also provide the following information:
   a. The number of units and the type of structure to which the assistance units will be attached.
   b. The ownership of the project and evidence of site control.
   c. If a tribe/TDHE proposes to use its grant to provide rental assistance payments for rental housing units not yet constructed or rehabilitated, provide:
      i. A project timeline, including the length of time the Tribal HUD–VASH assistance would not be used while waiting for the units to be completed (projects with timeframes longer than 2 years until completion will not be approved);
      ii. A detailed budget for the project including all sources and uses of funding; and
      iii. Evidence showing experience of the tribe/TDHE in developing new housing.

7. Tribal Resolution: If an application is submitted by a TDHE on behalf of an Indian tribe(s), a tribal resolution(s) must be submitted authorizing the TDHE to submit the application under this program.

8. Mitigation Plan: Per the 2015 Appropriations Act, HUD must consider administrative capacity before making awards. HUD will examine a range of capacity indicators, including outstanding financial audits; unresolved HUD monitoring findings, Office of Inspector General (OIG) findings or audit findings; unresolved outstanding civil rights violations, high unexpended grant balances; and overall administrative capacity to administer a new program. If the invitation requires an agreement to submit a mitigation plan as a precondition to receiving an award due to capacity concerns identified by HUD, the applicant must submit the mitigation plan with the application. The mitigation plan must be approved by HUD before funds will be awarded.

9. Disclosure of Lobbying Activities (SFLLL): This form must be submitted by State-recognized Indian tribes and TDHEs established only under state law.

10. Code of Conduct: If the applicant’s Code of Conduct (code) is not listed on HUD’s website at: https://www.hud.gov/program_offices/spm/gnmgmt/grantsinfo/conduct or if the information on the website has changed, a copy of the code must be submitted with the application.

11. Community Involvement: The applicant is encouraged to involve the community in developing and implementing the Tribal HUD–VASH program. Please include a description of actions taken to allow for citizen participation.

D. Application Review Procedures

HUD will review each application and will respond to each application within 30 days of receipt or in accordance with the requirements outlined in future Notices issued by HUD. Upon HUD’s approval of the application, a Tribal HUD–VASH grant will be awarded to a tribe/TDHE. HUD will issue a grant agreement to be signed by the tribe/TDHE and will disburse funds through the HUD LOCCS system.

VI. Tribal HUD–VASH Program Requirements, Waivers, and Alternative Requirements

The 2015 Appropriations Act requires tribes and TDHEs that receive funding under Tribal HUD–VASH to administer the program in accordance with NAHASDA and the IHBG regulations at 24 CFR part 1000, except as modified in this Notice. This Notice sets forth the program requirements for the HCV program found at 24 CFR part 982 and the project-based voucher (PBV) program requirements found at 24 CFR part 983 do not apply unless specifically made applicable by this Notice. The following Notices also do not apply to Tribal HUD–VASH: PIH 2015–11, PIH 2014–23, PIH 2011–50 PIH–2010–40, and 77 FR 17086. In addition, the 2015 Appropriations Act authorizes HUD, in coordination with the VA, to waive, or specify alternative requirements for, any provision of any statute or regulation (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), that HUD administers in connection with the use of these funds, upon a finding by HUD that any such waivers or alternative requirements are necessary for the effective delivery and administration of assistance under this program. This section of the Notice sets forth requirements for Tribal HUD–VASH that replace or augment those in NAHASDA, and that HUD determined are necessary for the effective delivery and administration of Tribal HUD–VASH. These waivers or alternative requirements are exceptions to the existing HUB program requirements, which would otherwise govern the provision of Tribal HUD–VASH assistance.

A. Native American Veteran Selection and Referral

Native American veterans first will be screened by the VA in accordance with VA screening procedures and by applying the eligibility criteria in section VI, paragraph B. Native American veterans determined by the VA to be eligible for the program will then be referred to the tribe/TDHE for additional screening based on the eligibility requirements also listed in paragraph B., below. Native American veterans determined eligible for assistance under this program will then be provided with rental assistance. A tribe/TDHE may not provide rental assistance under this program unless it receives a referral from the VA and the referred Native American veteran meets the eligibility criteria for housing assistance as described in paragraph B., below.

B. Native American Veteran Eligibility

1. VA Screening: The VA determines the initial eligibility of Native American veterans in the Tribal HUD–VASH program. VA screens for the following program eligibility requirements:
   a. Eligible for VA health care (based on factors such as length of time in active duty, service, and type of discharge as noted on the Native American veteran’s Certificate of Release or Discharge from Active Duty (DD–214)). More information on veteran status and VA eligibility health care eligibility criteria can be found at http://www.va.gov/about_va/(Benefits, “Applying for Benefits”).
   b. A determination of Homelessness or At Risk of Homelessness in accordance with this Notice.
   c. A clinical need for Case Management services (e.g., a disabling physical or mental condition, or substance use that contributes significantly to the Native American veteran’s housing status), as determined by VA.
   d. The Native American veteran’s agreement to participate in VA Case Management.
2. VA will prioritize eligible Native American veterans based on their level of need for Case Management. Those veterans with the greatest need for Case Management will be the first to be referred to a participating tribe/TDHE for rental assistance.

3. For the purposes of this program, eligibility status for housing does not extend to a deceased veteran’s family.

4. **Tribal/ TDHE Screening:** The tribe/ TDHE must accept all VA referrals of Native American veterans and their families from its VA partner and screen for the following eligibility requirements:
   a. A determination that the veteran is “Indian” as defined in section 4(10) of NAHASDA.
   b. A determination that the Native American veteran is income-eligible. To be eligible, a veteran household’s annual income must be no more than 80 percent of the greater of the median income for the Indian area, or the median income for the United States as prescribed by Section 4(15) of NAHASDA. Tribes/TDHEs will be subject to the same definition of “annual income” as in 24 CFR 1000.10. Tribes may follow their existing IHBG policies on calculating income in compliance with 24 CFR 1000.10, or they may establish new policies specific to the Tribal HUD–VASH program.

Native American veterans may qualify for assistance under this program if they meet the income eligibility requirements in this Notice at the time they enter the Tribal HUD–VASH program. HUD is adopting the definitions of Homeless and At Risk of Homelessness that are in the McKinney-Vento Act, but the income requirements of McKinney-Vento do not apply to this program. Tribes and TDHEs may not provide assistance under this program to any over-income Native American veteran that would otherwise be deemed eligible under the over-income or essential family categories in Sections 201(b)(2) and (3) of NAHASDA, unless the household met the income requirements at the time that they entered the program. To ensure that those Homeless and At Risk of Homelessness Native American veterans with the greatest housing need will be first served by this program, HUD has found it necessary to waive of Sections 201(b)(2) and (3) of NAHASDA, and regulations at 24 CFR 1000.104–1000.110, to limit eligibility to Native American veterans whose income is no more than 80 percent of area median income for the Indian area.
   c. A determination that the veteran is not registered as a lifetime sex offender. HUD is establishing the following alternative requirements to section 207(b) of NAHASDA, and 24 CFR 1000.120 relating to tenant selection. HUD is applying the screening requirements similar to 24 CFR 982.553(a)(2) relating to registered lifetime sex offenders. Tribes/TDHEs are required to establish written standards that prohibit admission if the veteran or any member of the household is subject to a lifetime registration requirement (Tier III offense) under any state sex offender registration program. As part of the eligibility screening process, a tribe/TDHE must perform a background check to see if the referred veteran or any household member is subject to a lifetime sex offender registration requirement in the state where the housing is located and in other states where the household members are known to have resided. If a household member other than the Homeless or At Risk of Homelessness veteran (which would result in denial of admission for the household) is subject to lifetime registration under a state sex offender registration, the remaining household members may be served if the veteran agrees to remove the sex offender from its household composition. This requirement is necessary to ensure consistent policy across HUD–VASH programs relating to providing assistance to registered sex-offenders.
   d. Annual income is used to determine program eligibility under NAHASDA. Per PIH Notice 2011–15, veteran compensation for service-connected disability or death under title 38 U.S.C. chapter 11, and dependency and indemnity compensation for service-connected death under title 38 U.S.C. chapter 13 are excluded from income. Refer to NAHASDA Program Guidance 2013–05 for more information on calculating income.
   e. Written documentation of all referrals and eligibility screening must be maintained in the veteran’s file by the tribe/TDHE.

C. Awarding Housing Assistance to an Eligible Veteran

Once the tribe/TDHE performs all the activities listed above and the Native American veteran is deemed eligible, the tribe must offer rental housing assistance provided by this program to the participant. Tenant-Based Rental Assistance must be provided with an initial search term of 120 days from the date such assistance is offered. Project-Based Rental Assistance must be offered in the form of the next available project-based unit.

To ensure consistency with the standards of the HUD–VASH program and to serve the maximum number of Native American veterans in need of housing stability, tribes/TDHEs will not be allowed to deny assistance to an otherwise eligible Native American veteran who has been referred by the case manager on any grounds other than preferences based on tribal membership in accordance with the tribe/TDHE’s written admissions and occupancy policies. Where a tribe/TDHE has adopted a tribal preference policy on admissions and occupancy that provides that the tribe/TDHE will provide assistance to a tribal member before members of other Indian tribes, the tribe/TDHE may prioritize assistance under this program to tribal members. If a tribe/TDHE has remaining grant funds after serving its tribal members veterans, it must serve other referred Native American veterans that are members of other Indian tribes until all grant funds under this program have been fully spent and may not refuse to provide such assistance. Tribes/TDHEs may adopt a tribal preference policy specifically for this program. Tribes/TDHEs may not deny admission to a referred and eligible Native American veteran because of any factors or reasons, other than tribal preference, such as criminal history (aside from sex offender status) or substance abuse.

D. Record Keeping at Initial Occupancy

In addition to maintaining records of referral and eligibility determination as required in paragraph B.5. above, a tribe/TDHE must also collect, keep on file, and report, additional household demographic, personal (including social security numbers), and rental information using a HUD–50058 form revised for the Tribal HUD–VASH program. This information also is required to be reported through an electronic reporting system as prescribed by HUD. See ONAP Program Guidance, “Record Keeping at Initial Occupancy” (No. 2016–05) for further guidance on required record keeping.

At initial occupancy, tribes/TDHEs will need to collect Social Security numbers (SSNs) for Homeless or At Risk of Homelessness veterans and their household members. This information must be maintained in the veteran’s physical file. An original document issued by a federal, state, or tribal government agency, which contains the name of the individual and the SSN of the individual along with other identifying information, is acceptable in accordance with the standards in 24 CFR 5.216(g). In the case of the Homeless or At Risk of Homelessness veteran, the tribe/TDHE must accept the Certificate of Release or Discharge from Active Duty (DD–214) or the VA-verified Application for Health Benefits (10–...
with the exception of units developed to house Homeless veterans on the grounds of a VA facility.

Assistance under this program may not be provided to Native American veterans who will be residing in a housing unit that qualifies as Formula Current Assisted Stock under the IHBG program. Refer to the ONAP Program Guidance, “IHBG in the Tribal HUD–VASH Program” (No. 2018–01) for more information.

H. Rent

1. Due to the limited availability of housing stock on or near reservations or in NAHASDA Indian Areas that is not developed, or has been otherwise assisted, with NAHASDA funding, HUD has found it necessary to establish alternative requirements regarding the maximum rent for a unit assisted under NAHASDA. These alternative requirements affect sections 203(a) of NAHASDA, and regulations at 24 CFR 1000.124, and 1000.130, which limit the maximum rent that can be charged to 30 percent of a household’s adjusted monthly income. The alternative requirement allows a tribe/TDHE to determine rents by bedroom size based on the local FMR, market conditions and/or unit operating costs. Tribes/TDHEs must submit a justification as to how rent is determined in their program application. For both, housing units owned or operated by the tribe/TDHE, and privately-owned units, rents may not exceed 110 percent of FMR. If a tribe/TDHE deems it necessary to charge more than 110 percent of FMR (or to place a veteran in a privately-owned unit with a rent that exceeds 110 percent of FMR), it must obtain HUD’s prior approval to do so. For example, a tribe/TDHE may find it necessary to request such approval in order to address a request for a reasonable accommodation for a person with disabilities or in instances where rental market conditions render it difficult to find rent at 110 percent of FMR. HUD encourages tribes/TDHEs to establish rents at a level that is less than 110 percent of the FMR, particularly in housing that is owned or operated by the tribe/TDHE, to allow more Native American veterans to receive assistance. These alternative requirements do not apply to any other HUD-assisted housing that may be subject to other rent restrictions.

2. Bedroom size must be determined based on the number of family members living in the household, not on the number of bedrooms in the unit to be rented. Guidelines for determining unit size are one bedroom for each two persons within the household, except:

a. Persons of the opposite sex (other than spouses, and children under age 5) are not required to share a bedroom;

b. Persons of different generations are not required to share a bedroom;

c. Live-in aides must be allocated a separate bedroom. No additional bedrooms will be provided for the live-in aide’s family; and

d. Single person families must be allocated zero or one bedroom.

Therefore, in situations where the available housing has more bedrooms than necessary for the family size and composition, the rental assistance payment must be limited to the number of bedrooms based on the guidelines listed above. If a recipient chooses to “over house” a Veteran family by placing the family in a larger unit than the family requires under the above guidelines, the maximum amount of Tribal HUD–VASH funds that can be used to house the Veteran family is the rent for a unit sized in accordance with the guidelines, and in accordance with Section VI., subsection H of this Notice. Any additional rental costs due to over housing cannot be funded with Tribal HUD–VASH or regular IHBG funds, but can be funded by other resources. In addition, Tribes/TDHEs may want to consider shared housing arrangements in situations where appropriate-sized housing is limited, but where individual veterans could have a separate bedroom and share common areas.

I. Tenant Rent Contribution Payment

Eligible Native American veterans and their families will be required to make a monthly tenant rent contribution payment that is no more than 30 percent of their monthly adjusted income (as defined in NAHASDA and implementing regulations). The tribe/TDHE will pay the difference between the rent and the tenant rent contribution payment. Consistent with 24 CFR 1000.132, the tribe/TDHE may determine if utilities are included in the rent for the unit. The tribe/TDHE may also make this determination when negotiating rental assistance payment contracts with private owners of housing. Tribes/TDHEs may establish a tenant rent contribution payment amount for a Native American veteran that is less than 30 percent of monthly adjusted income. IHBG funds may be used to cover any additional costs related to housing Native American veterans and their families under this program.

J. Rental Assistance Payment Contract

A tribe/TDHE must enter into a contract with the owner of the privately-owned rental housing units in which
the Native American veteran will reside. The contract will govern rental assistance provided under this program to the owner by the tribe/TDHE. Specific terms and conditions will be required. See ONAP Program Guidance, “Rental Assistance Payment (RAP) Contract Requirements” (No. 2016–04R) for further guidance on the required contract contents.

K. Program Income

HUD has found it necessary to establish alternative requirements to section 104(a) of NAHASDA, and 24 CFR 1000.62–1000.64, relating to program income received by the tribe/TDHE under this program to ensure program funds continue to be used to provide affordable housing to low-income Native American families. Amounts paid to the tribe/TDHE to cover the rental assistance payment of Native American veterans and their families in tribe/TDHE-owned or operated housing; tenant rent contribution payments collected under this program; and any other income earned from the disbursement of grant funds, including income earned on funds received from such payments; will be considered program income, and must be spent on affordable housing activities, which will be subject to the requirements of NAHASDA and any other applicable Federal law. Notwithstanding Section 104(a) of NAHASDA, and 24 CFR 1000.62–1000.64, such income may not be spent on housing-related activities, as that term is defined in 24 CFR 1000.10. HUD strongly encourages tribes/TDHEs to use this program income to further provide affordable housing assistance to Homeless or At Risk of Homelessness Native American veterans eligible under this program first, before providing assistance to other low-income Native American families. Additionally, all such amounts must be tracked and reported in the Federal Financial Report (SF–425) to ensure compliance with this requirement.

L. Environmental Review

In accordance with the environmental requirements in 24 CFR 1000.20, the tribe/TDHE may not enter into a project-based rental assistance contract or lease before completion of an environmental review and either HUD approval of a Request for Release of Funds under 24 CFR part 58 or HUD approval of the property under 24 CFR part 50. However, 1) in accordance with 24 CFR 50.19(b)(1) and 24 CFR 58.35(b)(4), tenant-based rental assistance is excluded from environmental review.

M. Administrative Fee and Reserve Accounts

HUD has found it necessary to establish alternative requirements to section 101(h) of NAHASDA, and 24 CFR 1000.236–1000.239 to ensure that administrative fees received under this program can pay for, and are limited to, administrative and planning expenses related to this program. Tribes/TDHEs participating in the program will receive a flat administrative fee of $1,020 per unit, for a 12-month period, which can also be used for start-up funding. These funds will be included as part of the grant issued under this program.

A tribe/TDHE may use up to this amount for eligible administrative and planning expenses related only to this Tribal HUD–VASH program. These funds may not be used to pay for administrative and planning expenses related to the tribe/TDHE’s HBHG program or any other program. If, after covering all administrative Tribal HUD–VASH expenses, there is a residual administrative fee amount, these funds may be used to provide additional rental assistance to Native American veterans and their families under Tribal HUD–VASH.

Eligible administrative expenses include but are not limited to: (1) Eligibility determinations; (2) intake and briefings; (3) owner outreach efforts; (4) unit inspections; (5) rent negotiations; (6) annual and interim reexaminations; (7) tenant fraud investigations and hearings; (8) processing subsequent moves; (9) the costs associated with making rental assistance payments to owners; and (10) complying with reporting requirements.

HUD is waiving section 202(9) of NAHASDA and 24 CFR 1000.239 relating to reserve accounts established to accumulate amounts for administration and planning. Given the need to ensure the timely expenditure of funds under this program, and the limited scope of this demonstration program, tribes/TDHEs may not draw down funds under this program and deposit them in a reserve account to accumulate amounts for administration and planning.

N. Interim and Annual Reexaminations

HUD has established alternative requirements to 24 CFR 1000.128(b) relating to income reexamination requirements. HUD has found it necessary to require interim reexaminations if a Native American veteran’s household income decreases so that the rental assistance payment may increase to cover the cost of rent. Further, if the program is given renewal authority, it will be necessary to conduct annual reexaminations to capture annual fluctuations in income and rent as well as track demographic data necessary for the reporting requirements of the program.

Tribes/TDHEs must conduct an interim reexamination if the Native American veteran’s income decreases between annual certifications. If there have been any changes in income, rent, or household composition they must be reported using the relevant sections of the HUD–50058 Form. A paper copy of this information must be kept in the veteran’s file and be transmitted electronically to HUD at the time of the interim reexamination.

In the event of renewal funding for the program, the tribes/TDHEs must conduct an annual reexamination of the Native American veteran and the household’s income to determine rental assistance payments and tenant rent contribution payments. Annual reexaminations must also collect and update household data, and provide personal and rental information reported on the Tribal Family Report (HUD–50058 form). A paper copy of this information must be kept in the veteran’s file and an electronic version of this information must be sent to HUD. Rental information reported during the annual recertification will be used to calculate renewal funding.

If, upon annual reexamination, a Native American veteran or his/her household is determined to be over-income, the tribe can continue to serve the Native American veteran/household and not have it count towards its 10 percent over-income cap under 24 CFR 1000.110(c). If the Native American veteran/household’s adjusted rent contribution payment, based on the income increase, is equal to the rent for the unit, then the Tribal HUD–VASH rental assistance is no longer needed and this assistance must be used on the next eligible Native American veteran. In this instance, the over-income Native American veteran can continue to receive Case Management services from the VA for as long as the VA deems the care necessary.

O. Reporting Requirements

As required by Congress, tribes/TDHEs must submit demographic and financial information generated by the Tribal HUD–VASH program. Grant funds received under this program must be reported annually in a tribe/TDHE’s Indian Housing Plan and Annual Performance Report. Information on grant funds and program income received under this program also must be reported quarterly on the Federal Financial Report (SF–425) to ensure compliance with this requirement.
Native American veterans and their
TDHEs should use their best efforts to
funding is not available, then tribes/
requirements issued in this Notice. If
the criteria specified in the
HUD will award renewal funds based on
published annually in a PIH Notice.

The criteria specified in the
determination of renewal eligibility for
Tribe/TDHE's needs, is
funding under this program and the
program, the limited scope of this
demonstration program, tribes/TDHEs
may not draw down funds under this
program to invest in securities or other
obligations.

Because of the urgent housing needs of
Native American veterans and their
families, the relatively limited amount of
funding under this program, the
limited scope of the demonstration
program, and the need to ensure the
timely expenditure of funding, HUD
determines it necessary for the
effective delivery and administration of
assistance under this program to waive
Title IV of NAHASDA, and all
implementing regulations at 24 CFR part
1000 as they relate to termination,
reduction and limitation of assistance, and
reallocation of such assistance to
other tribes/TDHEs under this program.

HUD is establishing alternative
requirements to Title IV of NAHASDA,
and relevant implementing regulations
24 CFR part 1000.

To ensure compliance with program
requirements, HUD will conduct remote
and on-site monitoring, as appropriate.

After HUD has provided sufficient
warning and time to cure, HUD may
find it necessary to terminate, reduce, or
limit the availability of the grant to a
tribe/TDHE for poor performance or
substantial noncompliance with
program requirements. Poor
performance, as determined by HUD
may include actions outside of the tribe/
TDHE’s responsibility such as lack of
adequate referrals or poor quality of
supportive services provided by a
contracted case management entity, or
other reasons. Poor performance also
includes an inadequate voucher
utilization rate by the tribe or TDHE.

Substantial noncompliance with
program requirements is noncompliance
that HUD determines: (1) Has a material
effect on the tribe/TDHE’s Tribal HUD–
VASH program; (2) represents a material
pattern or practice of activities
constituting willful noncompliance with
program requirements, even if a single
instance of noncompliance would not
be substantial; or (3) places the tribe/
TDHE’s Tribal HUD–VASH program at
substantial risk of fraud, waste, or
abuse. HUD may also terminate or
reduce grant funds in situations where a
tribe/TDHE is not carrying out
activities due to a lack of Homeless
Native veterans who need housing, or
the recipient’s failure to comply with its
mitigation plan.

If, after expiration of any applicable
cure period, HUD determines that a
tribe/TDHE lacks Homeless Native
veterans who need housing, is
performing poorly, or is in substantial
noncompliance with program
requirements, HUD will provide written
Notice to the tribe/TDHE informing it of
HUD’s decision to terminate, reduce, or
limit the availability of the grant. If the
tribe/TDHE disagrees with HUD’s
determination, it may appeal that
decision in writing to HUD within 30
days of receipt of HUD’s written Notice.

In such appeal, the tribe/TDHE must
demonstrate to HUD’s satisfaction good
cause to maintain its grant under this
program, including and, as applicable,
demonstrate how it will cure its
noncompliance or improve its poor
performance, within a time period
described in this Notice.

In situations where HUD determines a
tribe/TDHE is not carrying out activities
due to a lack of Homeless Native
veterans, the tribe/TDHE must
demonstrate how it will cure its
noncompliance or improve its poor
performance, within a time period
described in this Notice.

Reconsideration will be conducted by
an official other than the one who
decided the tribe/TDHE’s appeal. If
HUD affirms its initial decision on
reconsideration, HUD’s decision will
constitute final agency action. HUD will
not take any action to terminate, reduce,
or limit a tribe/TDHE’s assistance until
the tribe/TDHE has exhausted all of its
appeal and reconsideration rights.

If, after receiving Notice informing it
of HUD’s decision to terminate, reduce,
or limit the availability of assistance, the
tribe/TDHE fails to submit a timely
appeal or request for reconsideration,
fails to demonstrate to HUD’s
satisfaction good cause to maintain its
grant under this program, or fails to
cure its noncompliance or poor
performance within the time specified
by HUD, HUD is authorized to terminate, reduce, or limit the availability of the tribe/TDHE’s grant funds under this program. HUD may use its discretion to reallocate the grant funds resulting from such reduction or termination, to any other tribe/TDHE that is in compliance with program requirements and is not deemed to be a poor performer, and that still has a need to house Homeless Native veterans. Grant funds may be reallocated among tribes/TDHEs within the same ONAP region, or among tribes/TDHEs in different ONAP regions, based on administrative capacity, the utilization of previously awarded Tribal HUD–VASH assistance, and current geographic need as determined by the VA and HUD.

To the extent that any provision of Title VI of NAHASDA or any implementing regulation at 24 CFR part 1000 conflicts with the appeal process described above including, but not limited to, the opportunity for an administrative hearing, the provisions of this Notice will apply.

U. Nondiscrimination Requirements

The Tribal HUD–VASH program is administered in accordance with applicable civil rights and fair housing laws and requirements. Tribes/TDHEs shall be subject to all nondiscrimination requirements that are applicable under NAHASDA and the HBG regulations at 24 CFR part 1000 and in particular 24 CFR 1000.12

V. Electronic Submission Requirement

For the demonstration program, HUD waived the requirement to submit applications for grant funding through www.grants.gov, as required in 24 CFR 5.1005. Considering the statutory deadline to publish the October 21, 2015 Notice and begin the process of awarding funding, and the limited amount of available funds under this program, HUD determined that allowing the submission of paper applications was less burdensome and allowed HUD to make awards in a timelier manner. Subject to the availability of appropriations, applicants for this program should submit applications in accordance with the requirements outlined in any future Federal Register or Public and Indian Housing (PIH) Notices issued by HUD.

VII. Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The Finding of No Significant Impact is available for public inspection during regular business hours in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, please schedule an appointment to review the Finding by calling the Regulations Division at 202–402–3055 (this is not a toll-free number). Individuals with speech or hearing impairments may access this number via TTY by calling the Federal Relay Service at (800) 877–8339.


Dominique Blom,
General Deputy Assistant Secretary for Public and Indian Housing

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

1. Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. The accuracy of the agency’s estimate of the burden of the proposed collection of information;