

What's New on Codetalk

BABA Public Interest Waiver Expiring

HUD issued a [waiver](#) of the Build America Buy America requirements for **Tribal Recipients** that expires after **September 30, 2024**.

Starting October 1, 2024, any **NEW** obligations made by HUD (grant agreements signed by HUD) will be subject to the Buy America Preference (BAP) requirements for infrastructure projects.

We anticipate that BABA requirements will not begin to impact Tribes and TDHEs until later this year when ONAP anticipates obligating new funding given that we are currently under a Continuing Resolution.

ONAP will provide more specific guidance in a forthcoming implementation notice that is intended to outline BABA requirements for all HUD Tribal Recipients when applying the BAP to covered programs and projects. It will also clarify which how to determine if the BAP is applicable to a project, which HUD general waivers may apply to a project, how to document BAP compliance, and how to submit a specific waiver request for approval.

The most current information can currently be found at HUD's website [Build America, Buy America \(BABA\) | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#).

General Applicability Waivers from BABA Requirements

HUD has approved several general applicability waivers for specific public interest circumstances:

- **Small Grants/Projects**: Where a grant or project's total cost is equal to or less than the current Simplified Acquisition Threshold of \$250,000.
- **De Minimis Portion of a Project**: Where the cumulative total of product purchases is no more than 5 percent of the total cost of the iron, steel, manufactured products, and construction materials, up to a maximum of \$1 million.
- **Exigent Circumstances**: Where there is an urgent need to immediately complete a project because of "exigent circumstances," or a threat to life, safety, or property of residents and the community.

If your situation falls within any of the categories above, BABA waived. Tribes and TDHES do not have to submit anything to HUD to take advantage of these existing waivers. Tribes and TDHES simply must keep documentation demonstrating that the waiver applies.

ONAP appreciates all Tribal feedback that has been received from Tribal grantees to date on this topic and will be issuing additional guidance shortly. Thank you for your patience. More to come shortly.

Dear Tribal Leader Letter- ONAP Seeks Tribal Feedback on Draft Sections of the Section 184 Indian Housing Loan Guarantee Policy Handbook

On September 24, 2024, the Office of Native American Programs (ONAP) posted draft sections of the Section 184 Indian Housing Loan Guarantee Program Policy Handbook (Handbook) to the Office of Loan Guarantee

Drafting Table web page. The draft sections discuss the Section 184 loan origination through final Direct Guarantee Underwriter approval process and requirements.

We encourage Tribes, Tribally Designated Housing Entities and Native Community Development Financial Institutions to submit comments. Comments must be submitted using the Draft Handbook Feedback Sheet and emailed to Section184Comments@hud.gov. The subject line of the email should read “Section 184 Handbook Comments”.

Digital Equity Native Entity Capacity Application Webinar

Date/Time: Thursday, September 26, 2024 - 2:00 PM

NTIA will discuss the next stage in the Digital Equity Act grant programs and how Native Entities (Indian Tribes, Alaska Native entities, and Native Hawaiian organizations) can reduce barriers to digital equity in their communities. Speakers will discuss the Digital Equity Native Entity Application that opens on Wednesday, September 25. [Register Here](#)

[Dear Tribal Leader Letter](#)– Tribal Directory Assessment Tool (TDAT) Enhancement Project

HUD will host a series of listening sessions on **October 17th, November 14th, and December 5th, 2024**. The sessions will include an overview of TDAT’s recent enhancements and an opportunity for Tribal comments and questions. Through these listening sessions, HUD hopes to advance its understanding of Tribal perspectives on the challenges, benefits, needs, and opportunities for using TDAT. HUD recognizes that Tribal input and continued collaboration throughout the project is vital for its success. Attached is a list of questions for you to consider in advance of these listening sessions. HUD looks forward to hearing your thoughts on TDAT and the ways it can be improved to support your Tribe.

Each listening sessions begins at **2 PM EASTERN TIME** on each date (you may join the conference 10 minutes prior). **Webex Support:** # (301) 250-7202.

To join the virtual listening session please follow the steps below:

October 17, 2024

To join the conference, click:

<https://intellor.webex.com/intellor/j.php?MTID=maf7764b3447eda8b818fccd78760711c>

Join the Webex event and follow the prompts to connect audio by computer or telephone. If you cannot join by computer, you may dial in by phone only at 1-202-735-3323 with access code 5375502#.

November 14, 2024

To join the conference, click:

<https://intellor.webex.com/intellor/j.php?MTID=me3d4678c177645ee1719f774712a5d4e>

Join the Webex event and follow the prompts to connect audio by computer or telephone. If you cannot join by computer, you may dial in by phone only at 1-202-735-3323 with access code 7552482#.

December 5, 2024

To join the conference, click:

<https://intellor.webex.com/intellor/j.php?MTID=m0fc9a477f93c90ff6d80112dda9104a2>

Join the Webex event and follow the prompts to connect audio by computer or telephone. If you cannot join by computer, you may dial in by phone only at 1-202-735-3323 with access code 5121843#.

(We understand that some people may have difficulty logging into Webex. We recommend that you use the Google Chrome web browser to log in to the meeting.)

OEE welcomes your participation in any of these upcoming sessions and invites you to submit additional questions and comments prior to the sessions. These can be submitted via email to TDAT_info@hud.gov. **The deadline for providing TDAT listening session specific comments and questions is Monday, October 14, 2024.**

Tribal Homeless Network

What is the Tribal Homelessness Network (THN)? A network of Tribes and TDHEs coming together online for group learning, peer-to-peer collaborative approaches to prevent and end homelessness, and to access technical assistance and support from the U.S. Department of Housing and Urban Development (HUD). THN members will identify topic areas and lead discussions based on issues and challenges facing their communities.

Tribal Homelessness Network

<i>Session Description</i>	<i>Date</i>	<i>Registration Link</i>
<i>Building Communities: Opportunity for participants learn about each other and share examples of the work they are undertaking to combat homelessness.</i>	October 23, 2024, 1:00 – 2:00 pm ET	<u>Register Now</u>
<i>Training: What are the Challenges of Being a CoC-implementation?</i>	November 20, 2024, 1:00 – 2:00 pm ET	<u>Register Now</u>
<i>Quarterly THN – What Could a Tribally Developed CoC Look Like?</i>	December 11, 2024, 1:00 – 2:30 pm ET	<u>Register Now</u>

[**Dear Lender Letter 2024-08**](#) – Office of Loan Guarantee FY 2024 Year End Close

[**Dear Lender Letter 2024-07**](#) – Extension of the COVID-19 Loss Mitigation Options

Funding Opportunity

[**Continuum of Care \(CoC\) Builds | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)**](#)

Grants.gov Link- [CoC Builds](#)

The Continuum of Care Builds (CoCBUILDS) NOFO is a new grant funding opportunity. The program supports efforts within CoC geographic areas to create new units of permanent supportive housing (PSH) for people experiencing homelessness through new construction, acquisition, or rehabilitation.

- HUD expects to make approximately 25 awards from the funds available under this NOFO.
- Up to **3 awards** are set aside for the highest scoring project applications where the PSH units are located on **Tribal reservations or trust lands**.
 - **Applications due: November 21, 2024**

ONAP encourages all Tribes and TDHEs to review this funding opportunity. More information can be found here: [CoCBUILDS Notice of Funding Opportunity | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#). You may send any questions you may have to: CoCBUILDS@HUD.gov

HUD plans on hosting a Tribal-specific webinar soon to share more information about this program. More information to come.

Request for Feedback from Tribes and TDHEs for the Choice Neighborhoods Program

- HUD publication Link: [Request for Information\(RFI\) for HUD's Choice Neighborhoods Grant Selection Process and Award Implementation](#)
- HUD encourages Tribe's and TDHE's to provide feedback on the Tribal specific questions (listed below). The purpose of the feedback is to better understand the opportunities and barriers to applying for and managing Choice Neighborhoods Planning and Implementation Grants.

RFI Tribal Specific Questions

8. For Tribal Entities, are there specific requirements in the NOFO which make it challenging for you to apply for a grant?

9. For Tribal Entities, are there inconsistencies among the housing, people or neighborhood goals and objectives of the Choice Neighborhoods program, as outlined in the NOFO, and the goals and objectives of your tribe, which impact your ability to apply for and receive a Choice Neighborhoods grant?

Comments Due Date: October 11, 2024.

There are two methods for submitting public comments.

1. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at www.regulations.gov. HUD strongly encourages commenters to submit comments electronically through www.regulations.gov. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through www.regulations.gov can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.
2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room

10276, Washington, DC 20410–0500. To receive consideration as a public comment, comments must be submitted through one of the two methods specified above.

- All submissions must refer to the docket number and title of the RFI.
- Commenters are encouraged to identify the topic and number of the specific question(s) to which they are responding.
- Comments may include the name(s) of the person(s) or organization(s) filing the comment; however, because any responses received by HUD will be publicly available, comments should not include any personally identifiable information or confidential commercial information.

****See publication linked above for more information

[PIH Notice 2024-28](#)– Total Development Cost (TDC) for Affordable Housing Under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA)

This Notice transmits the updated schedule for the maximum amount of funds that may be used for affordable housing under NAHASDA based on Marshall Valuation Service, Marshall & Swift/Boeckh, LLC (M&S/B) and RSMMeans Residential Cost Data (RSMMeans) for 2024.

[Dear Tribal Leader Letter– Simplified Environmental Review Process](#)

ONAP is excited to share new processes that the U.S. Department of Housing and Urban Development (HUD) developed to simplify and streamline environmental reviews for certain activities funded by the Indian Housing Block Grant, Indian Community Development Block Grant, Title VI Loan Guarantee, Native Hawaiian Housing Block Grant, and Tribal HUD-Veterans Affairs Supportive Housing program.

[Dear Tribal Leader Letter– 2026 Census Challenge](#)

The purpose of this **Dear Tribal Leader letter** is to inform Tribes and TDHEs that HUD is extending the deadline for FY 2026 Indian Housing Block Grant (IHBG) Formula Census Challenges from March 30, 2025, to May 29, 2025. Additionally, this letter announces that Tribes and TDHEs are now able to access their FY 2026 IHBG Formula Needs Data online here: <https://ihbgformula.com/2026-needs-data/>.

The regulatory waiver that provides for the Census Challenge deadline extension is linked here:

https://www.hud.gov/sites/dfiles/PIH/documents/2026_Census_Challenge_Regulatory_Deadline.pdf

Press Release: HUD Expands Support for Housing Counseling Services in Tribal Communities

WASHINGTON - Today, the U.S. Department of Housing and Urban Development's (HUD) Office of Housing Counseling announced that it published a [final rule](#) outlining housing counselor certification requirements for housing counseling conducted in connection with the Indian Housing Block Grant (IHBG) and the Indian Community Development Block Grant (ICDBG) programs. Housing counseling programs are an important tool to help further financial literacy – particularly for low- and moderate- income families. This can be the key to

ensuring that potential homebuyers are set for long-term success and that renters avoid eviction. With this rule, HUD is removing previous impediments to participation in the HUD housing counseling program by Tribes, Tribally Designated Housing Entities, and other Tribal entities. HUD expects the rule to expand the number of HUD-certified housing counselors serving the unique needs of Tribal communities. [View Entire Press Release](#)

[Dear Tribal Leader Letter](#)- Announcement of Continuum of Care Tribal Homelessness Network

The U.S. Department of Housing and Urban Development's (HUD's) Office of Special Needs Assistance Programs (SNAPS) is pleased to announce two opportunities for Tribes and Tribally Designated Housing Entities (TDHEs) to connect and learn more about resources to address homelessness including the Continuum of Care (CoC) program. We recognize that Tribes and TDHEs are newer to the CoC Program and that connecting with one another provides the opportunity for peer sharing, learning, and networking. View the letter [here](#).

OMB Makes Changes to 2 CFR Part 200 and Issues Implementation Memo

The Office of Management and Budget (OMB) has published a final rule revising 2 CFR Part 200. The guidance makes changes to government-wide policies for the award and administration of Federal financial assistance. Tribes and TDHEs administering IHBG and ICDBG grants are subject to 2 CFR Part 200 and should review the latest changes.

The following links cover the newly issued rules and guidance. HUD may issue additional guidance on the latest changes to 2 CFR Part 200 in the future.

- [Uniform Grants Guidance](#) pre-publication internet version released on Thursday, April 4, 2024.
 - [Implementation memorandum](#) directing agencies to put the revisions into effect by October 1, 2024, and provide additional tools to strengthen and streamline the administration of Federal financial assistance.
 - [OMB Key Features of 2024 Uniform Grants Guidance](#)
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Indian Housing Block Grant (IHBG) Model Activity Requests Notice

HUD recently published PIH Notice 2024-08 ("Indian Housing Block Grant (IHBG) Model Activity Requests) which provides IHBG formula recipients with updated information on the process to follow when requesting approval for IHBG model activities. Grantees should review this Notice closely. The Notice can be found [here](#).

Calculating Annual Income for Purposes of Eligibility under NAHASDA Notice

HUD recently published PIH Notice 2024-07 ("Calculating Annual Income for Purposes of Eligibility under NAHASDA"), which provides updated guidance on how to calculate 'annual income' under NAHASDA programs following the changes made by HOTMA to the Section 8/Part 5 definition of 'annual income'. Grantees should review this Notice closely. The Notice can be found [here](#).

[Dear Lender Letter 2024-02](#)- Updated Appraisal Validity Periods

This Dear Lender Letter (DLL) extends the initial appraisal and appraisal update validity periods for Section 184 and Section 184A loans.

HUD Seeking Public Comment on Proposed Rule Making Technical Conforming Changes to ICDBG Program Regulations

HUD has issued a proposed rule in the Federal

Register: <https://www.federalregister.gov/documents/2024/01/10/2024-00039/submission-for-community-development-block-grant-program-consolidated-plans-and-indian-community>. This rule proposes to make various changes to the Community Development Block Grant (CDBG) program regulations. As part of this rulemaking effort, HUD is also making some conforming technical changes to the Indian Community Development Block Grant (ICDBG) regulations.

Please note that this is not the rule that the Office of Native American Programs (ONAP) is currently conducting Tribal consultation on.

[Read the Proposed Changes Now](#)
