


PROGRAM GUIDANCE

PROGRAM:	Indian Community Development Block Grant (ICDBG)
FOR:	Tribal Government Leaders and Tribally Designated Housing Entities (TDHEs)
FROM:	Heidi J. Frechette, Deputy Assistant Secretary for Native American Programs, PN 
TOPIC:	Imminent Threat Grants

PURPOSE: This Guidance summarizes the Indian Community Development Block Grant (ICDBG) Imminent Threat (IT) program including the funding criteria for application procedures and examples of applications that could be funded. This guidance supersedes Guidance 2017-01(R), Imminent Threat Grants.

BACKGROUND: The Department of Housing and Urban Development (HUD) is authorized to reserve a portion of ICDBG funds for IT grants. IT grants are intended to alleviate or remove imminent threats towards health or safety. The threat to be addressed must be such that an emergency exists or would exist if the threat was not addressed. The grants must address threats of an urgent nature that were not evident at the time of the ICDBG single-purpose funding cycle, or that require immediate action. The amount of funds reserved for IT each year is included in the ICDBG Notice of Funding Availability (NOFA).

The grant ceiling for IT grants are: \$450,000 for disasters that are not Presidentially-declared and \$900,000 for Presidentially declared disasters, also referred to as Major Disaster Declarations by the Federal Emergency Management Agency (FEMA). The regulations for the program can be found at 24 CFR Part 1003, Subpart E.

IT grants are provided on an as-needed basis until all funds have been awarded. The applicant does not need to wait for the annual ICDBG NOFA to be published before requesting IT funds. If an urgent situation arises in your tribal area, IT funds might be able to address it. However, the request must be made within a reasonable amount of time after the event or discovery of the threat.

CRITERIA FOR AWARDS: IT grant funds can only be used to address threats that require an immediate action or solution. The threat must be unique, unusual and at a minimum, affect the entire community.

APPLICANT ELIGIBILITY: Tribes and tribal organizations may apply for IT grants if they meet the definition of such entities in the ICDBG regulations at 24 CFR §1003.5. Eligible applicants are any Indian tribe, band, group, or nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaska native village of the United States which is considered an eligible recipient under Title I of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450) or which had been an eligible recipient under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221). Eligible tribal organizations under the Indian Self-Determination and Education Assistance Act will be determined by the Bureau of Indian Affairs and eligible recipients under the State and Local Fiscal Assistance Act of 1972 are those that have been determined eligible by the Department of Treasury, Office of Revenue Sharing. Tribal organizations must submit a copy of their eligibility determination with the application unless they have already submitted such to HUD. Eligible recipients must be identified on the most current Federal Register listing of “Indian Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs.”

PROJECT/ACTIVITY ELIGIBILITY: IT grants are subject to the same ICDBG eligibility requirements that are found at 24 CFR Part 1003, Subpart C. Activities that cannot be funded with a competitive ICDBG cannot be funded with IT funds. However, in accordance with 24 CFR §1003.200, IT grants are not subject to the primary program objectives found at 24 CFR §1003.208.

APPLICATION PROCEDURES: Prior to submitting an application for IT funds, the applicant should contact their Area Office of Native American Programs (ONAP) to determine if IT funds are available and verify that the situation or event constitutes as a threat towards health and safety as defined in the ICDBG regulation. A contact list can be found on the ONAP website:
https://www.hud.gov/program_offices/public_indian_housing/ih

LETTER TO PROCEED: Pursuant to 24 CFR §1003.401(a) allows the Area ONAP through ONAP Headquarters at its discretion to issue a “Letter to Proceed,” which would enable applicants to incur costs to alleviate the threat quickly, prior to the approval of an IT application. Such costs are eligible only if the assisted activities do not alter environmental conditions and are for temporary or permanent improvements that are limited to protection, repair, or restoration actions necessary only to control or arrest the effects of imminent threats or physical deterioration. The applicant may only be reimbursed for such costs if ONAP Headquarters approves the formal application. To be reimbursed, the costs must meet the IT program criteria and be within the cost principles of 2 CFR 200 Subpart E. The letter will also explain what expedited procurement procedures might apply to your activity and explain the environmental review requirements for these expenditures.

CONTENT OF APPLICATION: Once the applicant has received confirmation from their Area Office of available IT funds and the IT project eligibility, you may electronically submit an application to the Area ONAP Administrator for your region. The application package can be found on Codetalk under “Imminent Threat Grant Forms” at:
http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/icdbg.

Do not submit IT applications through www.grants.gov.

Your application must include the following:

1. Standard Form-424 (Application for Federal Assistance).
2. HUD-2880 (Application/Disclosure/Update Report).
3. Detailed budget information.
4. HUD-4123 (Cost Summary).
5. HUD-4125 (Implementation Schedule).
6. Project Description Summary. Information submitted includes:
 - a. A written description of the project the applicant wants to undertake.
 - b. A written statement describing the roles/responsibilities (including partnerships) and the knowledge/experience of all individuals and organizations involved in the implementation of the project.
7. Evidence that the applicant can implement and complete the funded project within 12 months of the grant award unless there is good cause, determined by ONAP, for not being able to do so.
8. Information showing that the threat is not of a reoccurring nature. Note that conditions caused by a lack of maintenance are reoccurring and will not be considered for IT funding.
9. Proof showing that the imminent threat has an impact on an entire service area as defined at 24 CFR §1003.400(a). Specify the number of homes/families affected and/or impacted.
10. Information showing that the proposed project outcomes will help alleviate the imminent threat conditions.
11. Form 7015.16, Authority to Use Grant Funds, or a letter with the Responsible Entities' (RE) finding of exempt activity.
 - a. The RE should use HUD recommended formats¹ to document their environmental review determinations, and HUD recommended worksheets² to document compliance with environmental review requirements. Once the review is completed, the applicant must send Form HUD-7015.15³, Request for Release of

¹ See the [HUD format for Environmental Assessments](#); [HUD format for Categorical Exclusions Subject To Related Laws and Authorities in 24 CFR 58.5](#); and [HUD format for Exempt or Categorical Exclusions Not Subject To Related Laws and Authorities in 24 CFR 58.5](#).

² HUD has recommended HUD [Related Laws and Authorities Worksheets](#).

³ Form [HUD 7015.15](#) is available on the HUD website.

LOCCS system.

REGULATORY REQUIREMENTS: If the applicant receives an IT grant they will be required to comply with the applicable regulatory requirements of the competitive ICDBG program. Specifically, grantees will be required to report progress on an Annual Status and Evaluation Report (ASER) and spending on an SF-425; the Federal Financial Report. ONAP will also consider the grantee's progress on completion of IT project(s) when rating future competitive proposals (e.g. ICDBG Single Purpose Grants).

AMENDMENT REQUESTS: The ICDBG regulation at 24 CFR §1003.305(d) allows Tribes/Tribal organizations to amend an existing Single Purpose ICDBG award to fund imminent threats towards health and safety. Grantees interested in amending their current Single Purpose ICDBG awards to include IT funding must request prior approval from ONAP Headquarters when contacting the Area ONAP of its imminent threat situation. The process for submitting an amendment to a current ICDBG is explained in 24 CFR §1003.305. If approved, ONAP will follow the same imminent threat criteria of 24 CFR Part 1003 and this program guidance for reviewing the amendment request. Upon HUD's approval of the amendment package, ONAP Headquarters will issue a grant amendment to be signed by the person designated in item 8F of form SF-424 with a copy to the person listed as the authorized representative in item 21 of form SF-424 and will disburse funds through the HUD LOCCS system.

EXAMPLES OF IMMINENT THREAT GRANTS: Three IT grants are summarized below:

- A grant for \$432,950 was awarded in Fiscal Year (FY) 2017 to permanently reconstruct the only access roadway in and out of the reservation due to a severe storm that washed out and undermined the roadway.
- A grant was awarded in FY 2016 for \$450,000 to repair and replace the multi-purpose facility due to extensive fire damage in April 2015 and subsequent winter weather which caused additional damage.
- A grant of \$410,710 was awarded in FY 2015 for waste water treatment plant repairs. The Tribe was facing a sanitation deficiency from the erosion of the sea shore near the plant. Funds were used to strengthen eroded sections.

ADDITIONAL CONTACT INFORMATION: Applicants are to contact their Area ONAP if they have any questions about the IT grant application process.