



## **NANSEMOND INDIAN NATION COVID-19 TEMPORARY EMERGENCY RENTAL ASSISTANCE PROGRAM POLICY**

### **SECTION 1. PURPOSE**

**A.** This Temporary Emergency Rental Assistance Program Policy (“Policy”) shall govern the Nansemond Indian Nation (the “Nation”) Temporary COVID-19 Emergency Rental Assistance Program (“ERA Program”) and the expenditure and management of the Emergency Rental Assistance Funds (“ERA Program Funds”) received from the United States Treasury pursuant to Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-220 (Dec.27, 2020) (“Section 501”).

**B.** The Secretary of the United States Department of Health and Human Services declared the public health emergency for COVID-19 on January 31, 2020. The eligible period for relief under the Paycheck Protection Program for covered wages began February 15, 2020, and the eligible period for relief through the Coronavirus Relief Fund (“CRF”) under the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) began March 1, 2020. An emergency declaration was issued on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.5191(b).

**C.** The COVID-19 pandemic poses an immediate and imminent threat to the health, safety, and well-being of the Nation. The purpose of the ERA Program is to provide emergency rental assistance for the payment of rents and utilities, and arrearages for the same, for low-income Tribal citizens and other Indian families who have disproportionately suffered from the impacts of the COVID-19 pandemic. The ERA Program is designed to assist Tribal, Indian, and other households whose income is at or below 80% of the “Area Median Income,” as defined by the income limits for families published in 42 U.S.C. 1437a(b)(2), who face potential eviction or homelessness because they are unable to pay rent and utilities due to the COVID-19 pandemic.

**D.** Notwithstanding any provision set forth in any other policy of the Nation, receipt of assistance from the ERA Program established under this Policy shall not make the Recipient or Recipient family ineligible for assistance under any of the regular policies of the Nation.

**E.** Nothing in this Policy shall be constructed to invalidate any otherwise legitimate grounds for eviction.

**F.** Assistance to be provided under the ERA Program is subject to the availability of funds. No Applicant or household determined to be eligible is entitled to or has a property right to receive funding under the ERA Program. When funding for the ERA Program is fully expended, the ERA Program will terminate. The Nation may terminate this Program at any time.

**G.** This Policy is based on, and the ERA Program will be carried out in reliance upon, the March 16, 2021 guidance document from the Department of Treasury (entitled “Emergency Rental Assistance: Frequently Asked Questions”), which Treasury may modify or clarify with future guidance. This Policy and the administration of the ERA Program will be subject to change if and when additional guidance is provided by the Department of Treasury.

## **SECTION II. DEFINITIONS**

Generally, the following definitions shall apply to this ERA Program Policy:

**A.** “Applicant” means any person or family who applies for assistance pursuant to this Policy.

**B.** “Area Median Income” means, with respect to a household, the income limits for families published in accordance with 42 U.S.C. 1437a(b)(2), available under the heading “Access to Individual Income Limits Areas” at <https://www.huduser.gov/portal/datasets/il.html>.

**C.** “COVID-19” refers to the viral disease caused by the novel coronavirus known as SARS-CoV-2 for which the Secretary of the United States Department of Health and Human Services declared the public health emergency for COVID-19 on January 31, 2020.

**D.** “Eligible Household” means a household that meets the eligibility requirements provided for in Section IV of this Policy.

**E.** “Financial Assistance” means payments provided through the ERA Program Funds for Current and Prospective Rent & Utility Costs, Rent Arrears, Utility and Home Energy Costs Arrears, and Other Eligible Expenses.

(1) “Rent” is the monthly amount charged by a Landlord for possession and occupancy of a dwelling unit. If Utility Costs are included in the monthly payment to the Landlord, they are deemed to be Rent. This definition includes rental payments for either a manufactured home (mobile home) and/or the parcel of land a manufactured home occupies.

(2) “Utility Costs” means utility and home energy costs related to the occupancy of rental property (e.g. electricity, gas, water and sewer, trash removal, and energy costs (such as fuel oil)) that are separately stated charges. This definition includes utility and home energy costs for manufactured homes, as well as regular monthly cost for firewood if the wood is used for heating or cooking. Utility Costs do not include telecommunication services (e.g. telephone, cable and internet services, which can be paid for as “other services”). Payments to public utilities are permitted.

(3) “Arrears” means rent payments or utility costs in arrears.

(4) “Prospective” means rent payments or utility costs expected to be owed.

(5) “Current” means rent payments or utility costs for the current month that is due and owing but not yet in arrears.

(6) “Other Eligible Expenses” means expenses related to housing incurred due, either directly or indirectly, to the COVID-19 outbreak, defined by the Secretary to include the following: relocation expenses and rental fees (if household has been temporarily or permanently displaced due to COVID-19 outbreak); application or screening fees; reasonable accrued late fees (if not included in rental or utility arrears and if incurred due to COVID-19); any rental deposit required by a Landlord as a condition of obtaining possession and occupancy of a rented dwelling unit; internet service provided to the rental unit for the purposes of engaging in distance learning, telework, and telemedicine and for obtaining government services; and payment to a hotel/motel if the Applicant is staying at a hotel/motel long term (one week or longer) as a means of avoiding homelessness, provided that (1) the household has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere; (2) the total months of assistance provided to the household do not exceed 12 months (plus an additional three months if necessary to ensure housing stability for the household); and (3) documentation of the hotel or motel stay is provided and the other applicable requirements imposed by law or policy are met. Neither maintenance costs nor expenses incidental to the charge for a hotel/motel room are included in this definition.

**F.** “Housing Stability Services” means case management and other services related to the COVID-19 pandemic intended to help keep Eligible Households stably housed, as defined by the Secretary to include the following: Housing Counseling; fair housing counseling; case management related to housing stability; housing-related services for survivors of domestic abuse or human trafficking; attorney’s fees related to eviction proceedings; and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing.

**G.** “Income” means either a household’s annual income or sufficient confirmation of the household’s monthly income at the time of application to the Nation.

**H.** “Indian tribe” means an indigenous nation of the United States that is federally or state recognized as defined in 25 U.S.C. 4103(13), the NAHASDA.

**I.** “Internet Service” means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communication service, but excluding dial-up internet access service. This term also encompasses any service that the FCC finds to be providing a functional equivalent of the service described in the previous sentence.

**J.** “Landlord” means any individual person, family or entity who owns or manages a dwelling unit and rents or leases that dwelling unit to an Eligible Household. Assistance may not be used to pay rent while an Applicant is living within a dwelling owned and occupied by an immediate family member.

**K.** “NAHASDA” means the Native American Housing Assistance and Self-Determination Act of 1996 and its subsequent amendments.

**L.** “Recipient” means a household of one or more individuals that receives Financial Assistance from the Nation’s ERA Program Fund.

**M.** “Secretary” means the Secretary of the United States Department of the Treasury, except where otherwise indicated.

**N.** “Treasury” means the United States Department of the Treasury.

**O.** “Foreign Indian” means a person that is an enrolled citizen of an Indian tribe that is not the Nansemond Indian Nation.

**P.** “Tribal Citizen” or “Citizen” means a person that is an enrolled citizen of the Nansemond Indian Nation.

**Q.** “Nation” or “Tribe” means the Nansemond Indian Nation.

### **SECTION III. EMERGENCY PROGRAM OVERVIEW**

**A.** The Nation shall use the ERA Program Funds only to provide Financial Assistance and Housing Stability Services to Eligible Households in accordance with the terms of this Policy.

(1) **Application.** To participate in the ERA Program, an Applicant or a Landlord/Owner acting on behalf of the Applicant must first submit a complete, written Application to the Nation. This Application must include all information required by the Nation, as described below in Section V.

(2) **Participation.** If an Applicant is approved for participation in the ERA Program, the Applicant must then submit information and supporting documentation each month for the Rent and Utility Costs for which they seek continued Financial Assistance.

#### **B. Financial Assistance**

(1) At least 90% of the ERA Program Funds received by the Nation must be used to provide Financial Assistance to Eligible Households as defined herein. This 90% quota includes payments for Rent, Utility Costs, and Other Eligible Expenses.

(2) The Nation does not need to provide assistance with respect to Rent in order to provide assistance with respect to Utility Costs and does not need to provide assistance with respect to Utility Costs in order to provide assistance with respect to Rent.

(3) Assistance may not be used to pay Rent while an Applicant is living in a dwelling owned and occupied by immediate family members.

(4) The Nation may not provide ERA Program assistance to homeowners to cover their mortgage payment, utilities, or energy costs, except:

(a) The Nation may provide Financial Assistance to households that are renting their residence under a “rent-to-own” agreement or Mutual Help and Occupancy Agreement (MHOA), under which the Applicant has the option (or obligation) to purchase the property at the end of the lease term, provided that a member of the Applicant’s household: (i) is not a signor or co-signor to the mortgage on the property; (ii) does not hold the deed or title to the property; and (iii) has not yet exercised the option to purchase.

(5) The Nation may provide assistance to Eligible Households for which the Nation is the Landlord, provided that the Nation complies with all provisions of Section 501 of the statute and relevant Treasury guidance, and provided that no preferences beyond those outlined in Section 501 of the statute are given to Eligible Households that reside in the Nation’s own properties.

(6) If any Eligible Household has any Rent or Utility Cost Arrears, the Nation must first provide Financial Assistance under this ERA Program to pay all or a portion of those arrears before providing payments for any Current or Prospective Rent or Current or Prospective Utility Cost payments, if and only to the extent that those arrears were the result of financial distress caused by COVID-19.

(a) Arrears Cut-Off. The Nation may only use ERA Program Funds to pay Rent Arrears and Utility Cost Arrears for rent and utility and home energy costs incurred on or after March 13, 2020<sup>1</sup> for which Eligible Households are in arrears.

(b) Rent Arrears and Utility Cost Arrears includes interest charges and penalties accrued from the date on which the first missed payment was due, but does not include interest charges or penalties accrued for overdue rent or utility and home energy costs incurred before March 13, 2020.

(c) An Eligible Household that does not have any arrears payments may still participate in the ERA Program.

(7) The Nation shall provide Financial Assistance for a period not to exceed twelve (12) months, except that the Nation may provide Financial Assistance for an additional three (3) months only if necessary to ensure housing stability for an Eligible Household, subject to the availability of funds.

(8) Prospective Rent Payments – Limitations on Assistance

---

<sup>1</sup> March 13, 2020 is the date of the emergency declaration pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b) and is the date identified by Treasury in its initial FAQ as the beginning of the COVID-19 pandemic for the purposes of calculating arrears resulting from COVID-19.

(a) Pursuant to Section 501(c)(2)(B) and subject to the exception in subparagraph (b), the Nation shall not provide an Eligible Household with Financial Assistance for Prospective Rent payments for more than three (3) months based on any Application by or on behalf of the household. This limitation does not apply to Prospective Utility Costs.

(b) For any Eligible Household described in subparagraph (a), such Eligible Household may receive Financial Assistance for Prospective Rent payments for additional months (up to three months) at the expiration of the three month period described in subparagraph (a): (i) Subject to availability of the Nation's remaining ERA Program Funds; and (ii) Based upon subsequent application submitted by the Recipient for additional prospective Rent, provided that the total months of Financial Assistance provided to the Eligible Household do not exceed the total months of assistance allowed under paragraph (III)(B)(6).

(9) Distribution of Financial Assistance

(a) For all Financial Assistance for Rent Arrears, Utility Costs Arrears, Current or Prospective Rent, Current or Prospective Utility Costs, or Rental Deposits provided to an Eligible Household, the Nation will make payments to the Landlord or utility provider on behalf of the Eligible Household.

(i) The Nation must make reasonable efforts to obtain the cooperation of Landlords and utility providers to accept payments from the ERA Program. Outreach will be considered complete if:

A. A request for participation is sent in writing by certified mail to the Landlord or utility provider, and the addressee does not respond to the request within fourteen (14) calendar days after mailing.

B. If the Nation has made at least three attempts by phone, text, or email over a ten (10) calendar day period to request the landlord or utility provider's participation; or

C. The Landlord confirms in writing that the Landlord does not wish to participate.

D. For any of these methods, the final outreach attempt to the Landlord or utility provider must be documented. The cost of the mailing is an eligible administrative cost.

(10) Other Eligible Expenses. The Nation may also pay for Other Eligible Expenses related to housing incurred, due directly or indirectly to the COVID-19 outbreak, as follows:

(a) Relocation expenses and rental fees (if household has been temporarily or permanently displaced due to the COVID-19 outbreak);

(b) Application or screening fees;

(c) Reasonable accrued late fees (if not included in rental or utility arrears and if incurred due to COVID-19);

(d) Any rental deposit required by a Landlord as a condition of obtaining possession and occupancy of a rental dwelling unit;

(e) Internet service provided to the rental unit, so long as the Eligible Household provides documentation or self-attestation that the service is for the purposes of engaging in distance learning, telework, and telemedicine, or for obtaining government services; payments can be used for payment of arrears (back to March 13, 2020), for installation, and for up to three months' worth of prospective monthly payments.

(f) Payment to a hotel/motel if the Applicant is staying at a hotel/motel long term (one week or longer) as a means of avoiding homelessness, provided that: (1) the household has been temporarily or permanently displaced from its primary residence or does not have a permanent residence elsewhere; (2) the total months of assistance provided to the household does not exceed 12 months (plus an additional three months if necessary to ensure housing stability for the household); and (3) documentation of the hotel or motel stay is provided and the other applicable requirements imposed by law or policy are met. Payments for Other Eligible Expenses will be paid directly to the provider of such services, subject to the same terms and conditions, and same exceptions, as payments to Landlords and utility providers as set out in Section III.B.8. above.

(11) Duplication of Assistance. An Eligible Household that occupies a federally subsidized residential or mixed-use property may receive ERA Program assistance, provided that ERA Program Funds are not applied to costs that have been or will be reimbursed under any other federal assistance. To the extent feasible the Nation will ensure that any Financial Assistance provided to an Eligible Household pursuant to the ERA Program Funds is not duplicative of any other Federally funded rental assistance provided to such household.

(a) If an Eligible Household receives a monthly federal subsidy (e.g., a housing choice voucher, public housing or project based rental assistance) and the Eligible Household's rent is adjusted according to changes in income, the Eligible Household may not receive ERA Program assistance to cover the portion of the rental payment or utilities that has been subsidized, but the ERA Program assistance can be provided to pay the Eligible Household's owed portion of rent or utility costs (i.e. the amount that the Eligible Household is required to pay out of its own funds to the Landlord or utility provider).

(b) If an Eligible Household receives rental assistance other than through the ERA Program, the ERA Program assistance may only be used to pay for costs, such as the tenant-paid portion of rent and utility costs, that are not paid for by other rental assistance. Pursuant to section 501(k)(3)(B) of Subdivision N of the Act and 2 CFR 200.403, when providing ERA Program assistance, the Nation must review the Eligible Household's income and sources of assistance to confirm that ERA Program assistance does not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

(12) Treatment of Assistance. Assistance provided to an Eligible Household from the ERA Program Funds will not be regarded as income and will not be regarded as a resource for purposes of determining the eligibility of the household for benefits or other assistance, or the amount or extent of benefits or assistance, under any Federal program, the Nation's program, or any other tribally financed program in whole or in part with funds from the federal government of the United States.

**C. Housing Stability Services to Eligible Households.**

(1) Not more than ten percent (10%) of the ERA Program Funds received by the Nation may be used to provide Eligible Households with housing stability services intended to help keep Eligible Households stably housed. The Nation must maintain records regarding such housing stability services and the amount of funds provided to them.

(2) The combined amount of ERA Program Funds spent for housing stability services and for administrative costs may not exceed ten percent (10%) of the total ERA Program Funds received by the Nation.<sup>2</sup>

## **SECTION IV. ELIGIBILITY**

**A.** In order to be eligible to apply for the ERA Program, at the time the Applicant applies to the Program the Applicant must meet the following eligibility requirements.

(1) The Applicant is part of a household of one (1) or more individuals who are occupying as tenants and obligated to pay Rent on a residential dwelling and with respect to which the Nation determines that one (1) or more individuals within the house has:

(a) Qualified for unemployment benefits as evidenced by a written attestation signed by the Applicant or other relevant documentation regarding the household member's qualification for unemployment benefits, or

(b) Experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due directly, or indirectly, to the

---

<sup>2</sup> While this allocation may be subject to change, initial comments from the Department of Treasury indicate that the ten percent (10%) maximum expenditure allowed for housing stability services and the maximum expenditure allowed for administrative costs must come out of the same 10% allocation and that 90% of the grant must be expended on financial assistance as defined herein.



COVID-19 pandemic, as evidenced by written attestation signed by the Applicant that one or more members of the household meets this condition; or

(2) Applicant, or one (1) or more individuals within Applicant's household, can demonstrate a risk of experiencing homelessness or housing instability, which may include:

(a) A past due utility or rent notice or eviction notice; or

(b) Unsafe or unhealthy living conditions including overcrowding; lack of adequate heat, plumbing or sewer, threat or occurrence of domestic violence, criminal activity including drug-related criminal activity, as evidenced by a written attestation from the Applicant, documentary or photographic evidence, court or police records; or

(c) any other evidence of such risk as determined by the Nation, which may include any prior evidence aforementioned in addition to that which the Nation considers evidence of such risk(s); and

(3) The household has an income that is not more than 80 percent of the Area Median Income for the household.

(4) There are no geographic limitations on where an applicant household is located to be eligible for financial assistance under the ERA Program.

**B. Income Determination.** In determining the income of a household for purposes of determining such household's eligibility for assistance from the ERA Program Funds, the Nation shall consider either the household's total annual income or monthly income:

(1) The Applicant is part of a household of one (1) or more individuals who are occupying as tenants and obligated to pay Rent on a residential dwelling and with respect to which the Nation determines that one (1) or more individuals within the house has income that can be calculated according to the following formulas:

(a) The Nation may choose between using the "annual income" provided in 24 CFR 5.609 or adjusted gross income as defined under IRS Form 1040 series for individual federal annual income tax purposes. For determining "annual income" the Nation should obtain, at the time of application, source documents evidencing annual income (e.g. wage statement, interest statement, unemployment compensation statement, etc.) or copy of IRS Form 1040 as filed with the IRS for the household.

(b) The Nation may determine income based on sufficient confirmation of the household's monthly income at the time of application for such assistance from income source documentation for at least the two months prior to application, and extrapolating over a 12 month period to determine whether household income exceeds 80% of the Area Median Income; except that the Nation shall be required

to re-determine the eligibility of a household's income after each such period of three (3) months for which the household receives assistance from ERA Program Funds.

(2) **Documentation of Income.** Applicant must provide sufficient information to the Nation for the Nation to have a reasonable basis under the circumstances for determining income. Except as discussed below, this calculation generally requires a written attestation from the Applicant as to the household income and also documentation available to the Applicant to support the determination of income, such as paystubs, W-2s or other wage statements, from an employer. As discussed below, under limited circumstances the Nation may rely on a written attestation from the Applicant without further documentation of household income. The Nation has the discretion to provide waivers or exceptions to this documentation requirement to accommodate disabilities, extenuating circumstances related to the pandemic, or a lack of technological access. In these cases, the Nation is still responsible for making the required determination regarding the Applicant's household income and documenting the determination.

(3) **Categorical Eligibility.** If an Applicant's household income has been verified to be at or below 80% of the Area Median Income in connection with another tribal, local, state, or federal government assistance program, the Nation may rely on a determination letter from the government agency that verified the Applicant's household income, provided that the determination for such program was made on or after January 1, 2020. To the extent that a household's income, or a portion thereof, is not verifiable due to the impact of the pandemic (for example, because a place of employment has closed) or has been received in cash, or if the household has no qualifying income, the Nation will accept written attestation from the Applicant regarding household income. If such documentation is relied upon, the Nation will reassess such household income every three (3) months. In appropriate cases, the Nation will rely on attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an Applicant's household income qualifies for assistance.

## **SECTION V. APPLICATION FOR ERA PROGRAM**

**A. Participation applications.** To participate in the ERA Program, an Applicant must first submit a complete, written application on the forms provided by the Nation, which are attached as exhibits to this policy. All information required to be on the forms must be completed, or the application will be returned. Applications for the ERA Program must be submitted to the Nation by mailing or dropping off the applications to the following address:

Mr. Thomas Badamo  
Tribal Administrator  
Nansemond Indian Nation  
1001 Pembroke Lane  
Suffolk, VA 23434  
Phone: (646) 284-4010  
Email: [administrator@nansemond.org](mailto:administrator@nansemond.org)

The application must include the following information and supporting documentation:

**(1) Applicant and Household Information**

- (a) Full name and date of birth of the Applicant and of all members of the Applicant's household;
- (b) Applicant's address and contact information; rental unit address (if different from Applicant's current address);
- (c) For Landlords and utility providers, the name, address, and social security number, tax identification number, or DUNS number;
- (d) Total amount of each type of assistance requested by Applicant to be provided to the household (i.e. rent, rental arrears, utilities and home energy costs, utilities and home energy costs arrears, and other expenses related to housing, incurred due directly or indirectly to the COVID-19 outbreak);
- (e) Amount of outstanding rental arrears for the household;
- (f) Amount of outstanding utilities arrears for the household;
- (g) Number of months of rental payments and number of months of utility or home energy costs payments for which ERA Program assistance is requested;
- (h) Household income and number of individuals in the household; and
- (i) Gender, race, and ethnicity of the primary Applicant for assistance.

**(2) Financial hardship.** Information and supporting documentation demonstrating that one (1) or more individuals within the household is experiencing financial hardship. The Applicant must submit documentation as set out in Section IV above.

**(3) Housing Instability.** Information and supporting documentation demonstrating that one (1) or more individuals within the household is experiencing or is at risk for experiencing homelessness or housing instability. The Applicant must submit documentation as set out in Section IV above.

**(4) Income.** Information and supporting documentation demonstrating the Applicant has a household income that is not more than 80% of the Area Median Income for the household. The Applicant must submit documentation as set out in Section IV above.

**(5) Release of Information.** This form is attached as an exhibit.

**(6) Attestation of Economic Hardship.** A signed self-attestation of economic hardship. This form is attached as an exhibit.

(7) **Other Information.** Such other information as may be specifically requested by the Nation to document income, the need for the services being applied for, and the connection of that need for services due to the COVID-19 pandemic.

**B. Application for Assistance by Landlords and Owners**

- (1) A Landlord of a residential dwelling may:
  - (a) Assist a renter of such dwelling in applying for assistance from the ERA Program; or
  - (b) Apply for such assistance on behalf of a renter of such dwelling.
- (2) Requirements for applications submitted by Landlords on behalf of renters.
  - (a) If a Landlord of a residential dwelling submits an application for assistance from the ERA Program Funds on behalf of a renter of such dwelling:
    1. The Landlord must obtain the signature of the renter on such application, which may be documented electronically;
    2. Documentation of such application must be provided to the renter by the Landlord; and
    3. Any payments received by the Landlord from the ERA Program Funds shall be used to satisfy the renter's rental obligations to the Landlord.

**C. Notification of Change of Eligibility.** Applicants are required to notify the Nation in writing immediately whenever any determining factor of eligibility changes. These factors include:

- (1) No longer qualifying for unemployment benefits;
- (2) No longer experiencing a reduction in household income or other financial hardship.
- (3) No longer facing risk of homelessness or housing instability, or
- (4) Having an income that is above 80% of the Area Median Income for the household.

**D. Falsification and Investigation.**

(1) If it is discovered that an Applicant has falsified his or her application, or otherwise abused the ERA Program, or if a recipient fails to notify the Nation of changes to the household's eligibility, the household will be subject to penalties. Penalties will include ineligibility for continued participation in the ERA Program and repayment of the value of any benefit which they

were not eligible to receive. The Nation shall have the right to seek such repayment through appropriate means, including but not limited to, garnishment of the Applicant's wages, if any.

(2) The Nation shall retain the right to conduct follow-up investigations into any self-attestations submitted or regarding any other documentation, at its own discretion, if it determines that the reliability or accuracy of the information provided is in doubt.

## **E. Application Review**

(1) The Nation staff member receiving the application shall sign and date the application when it is received at the Nation's offices.

(2) Applications will be reviewed and processed as they are received. However, in anticipation of the Nation receiving a substantial number of applications within a short period of time, with a finite amount of funding available, the Nation shall review and process applications under this policy according to the following order of preferences:

(a) The income of the household does not exceed 50% of the Area Median Income for the household;

(b) One or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date.

In reviewing applications, the Nation will further prioritize consideration of the application of an Eligible Household as follows:

(c) First preference will be given to Eligible Households that have at least one family member (whether adult, head of household, or minor) who is currently an enrolled Citizen of the Nation.

(d) Second preference will be given to Eligible Households that have at least one family member (whether adult, head of household, or minor) who is currently a foreign Indian.

(3) The Nation will notify Applicants in writing, within fourteen (14) days of the Nation's receipt of application, of the Nation's decision as to whether or not the Applicant has been approved to receive financial assistance.

(4) If, upon initial review, the Nation determines that the Applicant is not eligible, the request is outside of the Nation's policy, or there are no longer any ERA Program Funds available, the Nation will notify the Applicant in writing of the determination. Any Applicant dissatisfied with a decision of the Nation concerning eligibility of assistance, level of benefit approved, or the type of services available, can appeal that decision under the regular appeal procedures of the Nation; except that if the reason for denial of the application is that there are no longer any ERA

Program Funds remaining, or there was not an eligible citizen or foreign Indian in the household, then such denial is not subject to appeal.

## **SECTION VI. ERA PROGRAM PARTICIPATION**

### **A. Submission of Documentation.**

(1) Once an Applicant is approved, said Applicant must submit information and documentation on the rent arrears, utility costs arrears, prospective rent, and utility costs for which they are seeking assistance. This information may be submitted at time of application; however, no assistance is to be provided until such time as aforementioned documentation is submitted and received.

(2) For each additional month (or three-month prospective period, if applicable) that a recipient seeks financial assistance under this program, the recipient must submit the information and documentation listed below for the rent and utility costs for which they seek assistance.

(3) Applications and recipients must submit information and supporting documentation on the following:

(a) Signed copy of the Applicant's current or prospective rental agreement; and

(b) If the Applicant is seeking assistance for past or prospective Rent:

(i) Copies of the notices of past due and/or current Rent;

(ii) Documentation detailing the past and/or current Rent due, accrual of any interest charges and/or penalties, and the total amount in arrears;

(iii) Name and current address of Landlord to whom payment must be made.

(c) If the Applicant is seeking assistance for past or prospective utility costs:

(i) Copies of the notices of past and current utility costs due;

(ii) Documentation detailing the past and/or current utilities costs due, accrual of any interest charges and/or penalties, and the total amount in arrears;

(iii) Name and current address of utility provider to whom payment must be made.

**B. Prospective Payments.** If a recipient who has already received three (3) months of prospective Rent or prospective utility costs seeks assistance for additional prospective Rent or utility costs, the recipient must submit a new application for additional financial assistance.

## **SECTION VII. ERA PROGRAM MANAGEMENT**

### **A. Maintenance of Access to Records.**

(1) The Nation must create and maintain a set of files for this Program separate from all other Nation programs. Any recipient who also participates in another Nation program must have a separate file maintained specifically for the ERA Program.

(2) The Nation may copy relevant documents from a recipient's existing file under a separate Nation program so that the recipient does not need to submit the same documentation twice, provided that the copied documentation for the ERA Program is kept separately with all other ERA Program files.

(3) The Nation shall maintain records and financial documents sufficient to support compliance with Section 501(c) regarding the eligible uses of funds.

(4) The Nation shall maintain records for a period of five (5) years after all funds have been expended or returned to the United States Treasury Department.

### **B. Report Requirements**

(1) The Nation shall submit quarterly reports detailing such information as required by the Secretary. The Nation should be prepared to collect and retain such information as:

- (a) Number of applications received;
- (b) Address of rental unit of each recipient;
- (c) Name, address, social security number, tax identification number, or DUNS number, as applicable for the Applicant, Landlord or utility provider;
- (d) Amount and percentage of monthly Rent covered by ERA;
- (e) Amount and percentage of separately stated utility and home energy costs covered by ERA;
- (f) Total amount of each type of assistance (i.e. Rent, rental arrears, utilities, and home energy costs, etc.) provided to each household;
- (g) Number of months of rental and/or utility payments;
- (h) Household income and number of individuals in the household;
- (i) Payments for which ERA assistance is provided; and
- (j) Gender, race, ethnicity and tribal roll number (if applicable) for the primary applicant for assistance.

(2) The Nation shall establish data privacy and security requirements for the information required by the Secretary for use of ERA funds in accordance with Section 501(g)(4).

**C. Compliance with Applicable Law.** The Nation shall comply with any applicable law, rule or regulation in carrying out activities funded by the ERA Program including, but not limited

to: 2 CFR Part 200; 2 CFR Part 25; 2 CFR Part 170; OMB guidelines; 31 CFR Part 20 & 21; 24 CFR Part 8; and 31 CFR Part 23.

**D. Publications.** Any publications produced with ERA Program Funds must display the following language: “This project is supported, in whole or in part, by the ERA Program funded to the Nansemond Indian Nation by the United States Department of Treasury.”

## **SECTION VIII. USE AND MANAGEMENT OF FUNDS**

**A. Use of Funds.** The Nation understands and agrees that ERA Program Funds may only be used for purposes set forth in section 501. The ERA funds received by the Nation must be held and maintained in a bank account depository separate from all other Nation funds and that is sufficiently insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Share Insurance Fund (NCUSIF). The funds should be accounted for separately from all other Nation funds.

**B. Administrative Costs.** The Nation may not use more than ten percent (10%) of the amount of ERA Program Funds for administrative costs attributable to providing financial assistance, including data collection and reporting requirements related to such funds. Administrative expenses of the Nation may be treated as direct costs, but the Nation may not cover indirect costs using ERA Program Funds.

**C. Housing Stability.** The Nation may not use more than ten percent (10%) of the amount of ERA Program Funds for housing stability services.

**D. Other Spending Requirements.** The Nation shall repay to the Treasury any ERA funds not expended within applicable deadlines, unless extension of such deadlines is provided by the United States Treasury Department.

Attachments: Application Checklist and Application Materials