



# **HUD Contingency Plan for Possible Lapse in Appropriations 2025**

October 16, 2025



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## 1. General Guidance and Legal Decisions

The Constitution, statutory provisions, court opinions, and Department of Justice (DOJ) opinions provide the legal framework for how funding gaps and lapses in appropriations have occurred in recent decades. Additionally, the Office of Management and Budget (OMB) provides agency guidance in OMB Circular A-11, Section 124.

The Constitution provides, “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.” The Antideficiency Act prohibits all officers and employees of the federal government from entering into obligations in advance of appropriations and prohibits employing federal personnel except in emergencies, unless otherwise authorized by law. 31 U.S.C. sections 1341 *et seq.*

The Attorney General issued two opinions in the early 1980s that the language and legislative history of the Antideficiency Act unambiguously prohibit agency officials from incurring obligations in the absence of appropriations ("Applicability of the Antideficiency Act Upon a Lapse in an Agency's Appropriations" (1980) and "Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations" (1981)). The Office of Legal Counsel of the Department of Justice issued an opinion dated August 16, 1995, that reaffirms and updates the 1981 opinion.<sup>1</sup>

When the Congress fails to act on program supplementals and the result is partial funding interruptions, special procedures beyond those outlined in this section may be warranted. In such cases, agencies must consult OMB. In the absence of appropriations:

- Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law.
- Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.<sup>2</sup>

In 1995, the Department of Justice Office of Legal Counsel provided a legal opinion that identifies the types of activities that can take place during a lapse in appropriations. This includes (1) activities to address cases of threat to human life or property where the threat can be reasonably said to be near at hand and demanding of immediate response; (2) government functions funded with multi-year appropriations or indefinite appropriations; (3) express authorizations for agencies to enter into contracts or to borrow funds to accomplish their missions (without appropriations); (4) obligations necessary to discharge of the President's constitutional duties and powers; and (5) the orderly termination of functions that may not continue during a period of lapsed appropriations.<sup>3</sup>

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<sup>1</sup> OMB Circular A-11, Section 124;

<http://www.whitehouse.gov/sites/default/files/omb/assets/a11currentyear/s124.pdf>

<sup>2</sup> OMB Circular.

<sup>3</sup> See Department of Justice Office of Legal Counsel Memorandum Re: “Government Operations in the Event of a Lapse in Appropriations” from Assistant Attorney General Walter Dellinger to Alice Rivlin, Director, Office of Management and Budget, dated August 16, 1995.

## **2. Guidance for Program Operations**

### **a) Available Resources for HUD Salaries and Expenses Funding During a Lapse in Appropriations**

HUD may have available a limited amount of two-year salaries and expenses funding carried over from the prior FY that could sustain some limited government operations. However, any available carryover funding will be limited by both purpose and amount. As an impending lapse approaches, OCFO-Budget will survey available carryover funding and project if any such funding would be available to sustain government operations across the Department's various programs or funding streams, and, if so, which (if any) of the various programs or funding streams may be funded and for how long.

HUD senior leadership will evaluate all available carryover salaries and expenses funding and make the necessary determinations regarding its use. For the limited period of time and scope of work that is able to be continued with carryover funding, if any, normal operations may proceed, and furlough notices will not be issued. Upon a determination by HUD senior leadership that continued operations cannot be sustained, the following guidance shall apply.

### **b) Treatment of Prior Continuing Resolution Resources During a Lapse in Appropriations Not Beginning on October 1**

When a lapse in appropriations begins on a date other than October 1 (the first day of a new fiscal year), all funds previously appropriated for that fiscal year pursuant to any preceding short-term continuing resolutions (CRs) that have now lapsed are expired funds that are no longer available for new obligations. Legally binding obligations entered into by the Department using these now expired CR funds remain valid if they were properly executed before the lapse occurred. However, expired CR funds are not available for new obligations.

### **c) Definition of Excepted**

In the event of a lapse in appropriations due to a lapse in appropriations, most Federal employees are required to stop work because no funds would be available to pay staff, and the government is prohibited from accepting voluntary services. A limited number of employees are "excepted" from this general rule based on the functional activity they perform.<sup>4</sup> This list should include:

1. Employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.
2. Employees who perform functions that are funded through fees or under multi-year (as opposed to annual) appropriations.

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<sup>4</sup> See Department of Justice Office of Legal Counsel Memorandum Re: "Government Operations in the Event of a Lapse in Appropriations" from Assistant Attorney General Walter Dellinger to Alice Rivlin, Director, Office of Management and Budget, dated August 16, 1995.

3. Employees who perform functions that are related to express authorizations to contract or borrow without an appropriation.
4. Employees necessary to meet the obligations necessary to the discharge of the President's constitutional duties and powers. This is understood to be employees necessary to interpret statutes, such as the Antideficiency Act, to avoid significant constitutional issues.
5. Employees necessary to support activities that an agency must continue, in the absence of appropriations, because their continuation is "necessarily implied" from the authorized continuation of other activities. These include congressionally authorized or appropriated functions for which Congress has provided funding that remains available during the lapse, where the suspension of the related activity would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.<sup>5</sup>
6. Employees who are required for the orderly termination of agency functions. (This exception also includes those employees who are required to perform activities necessary for orderly start-up. For additional information about orderly start-up activities, please refer to the relevant portions of the Internal Communications Plan beginning on page 35.)

Presidential appointees, who are confirmed by the Senate, are not subject to the furlough. While they will not be paid until the lapse has ended and funds are appropriated for their salaries, their authorized work activities are not curtailed during a lapse in funding. However, Schedule C, non-career SES, and career SES have no special status in the case of a lapse in appropriations. They must be deemed "excepted" or "not excepted" based upon the duties they perform, and if "excepted," may only perform excepted work.

#### **d) Compliance with OMB Circular A-11**

For the duration of the lapse in appropriations, the automatic apportionment issued by OMB will serve as the obligational authority for necessary HUD operations in the absence of appropriations. Under this Bulletin, OMB apportioned amounts necessary for obligations required in order to carry out the Department's Contingency Plan which was required by OMB Circular A-11, Section 124. The automatic apportionment provides authority to obligate such funds but does not provide any authority to liquidate such funds. No allotments will be issued with respect to such automatic apportionment during a lapse in appropriations, since such Contingency Plan will limit and control activity and associated funding during the lapse in appropriations. The automatic apportionment does not affect previously approved apportionments (e.g., apportionments of carryover or other multi-year funding). Therefore, HUD will operate, but only consistent with such Contingency Plan, under such previously approved apportionments and allotments (issued by OCFO) for those other funding sources and follow normal funds control procedures including verification of available funds prior to reservation and obligation of such funds.

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<sup>5</sup> For further discussion on this category of excepted activities, please see Office of Management and Budget (OMB) Memorandum, *Frequently Asked Questions During a Lapse in Appropriations*, beginning at page 2, available at [Agency-Lapse-FAQs-9-23-21.pdf](https://www.whitehouse.gov/wp-content/uploads/2023/09/Agency-Lapse-FAQs-9-23-21.pdf) ([whitehouse.gov](https://www.whitehouse.gov)).



HUD will avoid undertaking new or different activities from those identified within this plan, unless a prior legal determination is made that the proposed activities fall under one of the exceptions. As set forth specifically within this document, the Secretary has determined the activities that are essential to operate HUD during a lapse in appropriations. HUD estimates that a half-day (four hours) would be needed to orderly shutdown.

| <b>Lapse Plan Summary Overview</b>                                                                                                                                                                                                                                                                  |                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| Estimated time (to nearest half day) required to complete the lapse in appropriations activities:                                                                                                                                                                                                   | <i>4 hours<br/>(1/2 day)</i> |
| Total number of agency employees expected to be on board before implementation of the plan:                                                                                                                                                                                                         | 6,105                        |
| <b>Total number of employees to be retained under the plan for each of the following categories</b>                                                                                                                                                                                                 |                              |
| Compensation is financed by a resource other than annual appropriations:                                                                                                                                                                                                                            | <i>143<sup>6</sup></i>       |
| Necessary to perform activities expressly authorized by law                                                                                                                                                                                                                                         | <i>2 FTEs</i>                |
| Necessary to perform activities necessarily implied by law <sup>7</sup>                                                                                                                                                                                                                             | <i>1,185 FTEs</i>            |
| Necessary to the discharge of the President's constitutional duties and powers:                                                                                                                                                                                                                     | <i>2 FTEs</i>                |
| Necessary to protect life and property:                                                                                                                                                                                                                                                             | <i>414 FTEs</i>              |
|                                                                                                                                                                                                                                                                                                     |                              |
| <b>Brief summary of significant agency activities that will continue during a lapse:</b>                                                                                                                                                                                                            |                              |
| <ul style="list-style-type: none"> <li>Much of HUD's activities supporting FHA's portfolio of insured mortgages, as well as Ginnie Mae's work within the secondary mortgage market, which are vital to the stability and liquidity of the National economy will continue during a lapse.</li> </ul> |                              |

<sup>6</sup> Technically all HUD employees (other than OIG employees) are now funded from appropriations other than annual; however, we do not anticipate sufficient resources to retain all employees under a lapse with these amounts. Accordingly, we have not included those employees within this number.

<sup>7</sup> The responses here include both full-time and intermittently excepted employees. The majority of HUD employees retained will perform excepted duties across a number of categories. For those employees, because their initial duties and/or the majority of their duties fall within the necessarily implied exception, including orderly termination and orderly resumption of duties, they have been identified within that category.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• In addition, the majority of HUD’s annual grant programs, including those that provide for emergency housing for the homeless and persons living with HIV-AIDS, continue to operate in States and local communities across the country when such grant funding has already been obligated.</li> <li>• Many of HUD’s programs addressing imminent threats to the health and welfare of HUD tenants and children will continue where such grant funding has already been obligated before the lapse occurs.</li> <li>• Monthly subsidy programs such as the public housing operating subsidies, housing choice voucher subsidies, and multifamily assistance contracts will continue to operate for as long as the funding remains available.</li> </ul> |
| <b>Brief summary of significant agency activities that will cease during a lapse:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <ul style="list-style-type: none"> <li>• Monthly subsidy programs such as the public housing operating subsidies, housing choice voucher subsidies, and multifamily assistance contracts can be at risk of running out of funding during a lapse period.</li> <li>• Nearly all of HUD’s fair housing activities will cease during a lapse.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                           |

:

|                                                       | Number of Employees (National Finance Center Records) | Approximate Number of Excepted and Exempt Full-time Employees as projected | Fees, No-year, or Multi-year Appropriations | Approximate Maximum Number of Recalled/ Intermittent Employees on any given day |
|-------------------------------------------------------|-------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------|
| <b><u>Administrative Offices &amp; Management</u></b> |                                                       |                                                                            |                                             |                                                                                 |
| Executive Offices                                     | 70                                                    | 16                                                                         | -                                           | 7                                                                               |
| Field Policy and Management                           | 191                                                   | 28                                                                         | -                                           | 53                                                                              |
| Chief Human Capital Officer                           | 139                                                   | 3                                                                          | -                                           | 5                                                                               |
| Chief Financial Officer                               | 191                                                   | 3                                                                          | 4                                           | 34                                                                              |
| Chief Information Officer                             | 188                                                   | 26                                                                         | -                                           | 41                                                                              |
| Chief Procurement Officer                             | 97                                                    | 9                                                                          | -                                           | 31                                                                              |
| Administration                                        | 192                                                   | 22                                                                         | 7                                           | 26                                                                              |

|                                           |              |            |            |            |
|-------------------------------------------|--------------|------------|------------|------------|
| General Counsel                           | 386          | 24         | -          | 115        |
| Departmental Equal Employment Opportunity | 14           | -          | -          | -          |
| <b>Program Offices</b>                    |              |            |            |            |
| Housing                                   | 1,820        | 76         |            | 463        |
| Public and Indian Housing                 | 1,052        | 5          | 2          | 41         |
| Fair Housing and Equal Opportunity        | 315          | 6          | -          | 15         |
| Policy Development and Research           | 137          | 2          | -          | 10         |
| Lead Hazard Control and Healthy Homes     | 40           | 2          | -          | 3          |
| Community Planning and Development        | 578          | 3          | 101        | 18         |
| Office of Inspector General               | 477          | 2          | 29         | 50         |
| Ginnie Mae                                | 2,188        | 17         |            | 53         |
| <b>TOTAL</b>                              | <b>6,105</b> | <b>244</b> | <b>143</b> | <b>965</b> |

The reasons for the retention of excepted employees are set forth in this document by program office. Additionally, during lapse in appropriations, HUD anticipates that a modest number of employees, up to 965, would be called in on an intermittent basis to work solely on excepted activities.

### 3. Excepted Activities by Office

#### a) Office of Public and Indian Housing (PIH) (including the Office of Native American Programs)

Excepted work by the Office of Public and Indian Housing during a lapse in appropriations includes the performance of functions that are funded through multi-year appropriations or no-year (“x-year”) appropriations, including staff work to perform the minimum necessary supporting activities for such functions described in this plan, or where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property, as identified below:

- Keep open the line of credit control system for the purposes of disbursing previously obligated funds for public housing (operating subsidies and capital funds) and Indian programs.
  - Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.
  - Where further action or review by a HUD employee is required before a grantee may access previously obligated funds, PIH will recall employees intermittently to review and approve or deny disbursement requests as necessary to avoid an imminent threat to the safety of human life or property.

- Manage the HUD Central Accounting Program System (HUDCAPS) and Enterprise Voucher Management System (eVMS) for purposes of disbursing previously obligated funds for section 8 tenant-based rental assistance (Housing Assistance Payments and Administrative Fees). A PHA's HUD-held Housing Assistance Payments (HAP) reserves may be requested (or may be automatically disbursed) to address emergency situations, including where families are at risk or terminations of assistance or where PHAs cannot afford to pay their contractual Housing Assistance Payments to Owners.
- Work closely with OCFO to identify, when previously obligated Operating Subsidy, Housing Assistance Payment (HAP), or HAP Administrative Fee allocations may be insufficient to support ongoing program operations, if any available carryover funding remains or advance appropriations are available that can be used to fund these subsidy programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement. Note that only no-year or multi-year amounts appropriated in a prior year will be legally available for this purpose, and no amounts made available by now-expired Continuing Resolutions (CRs), can be utilized.
- At PHAs in receivership or HUD possession, HUD staff continue to assist with (and/or carry out) functions delegated to the PHA Recovery Administrators/Receivers/Executive Directors. Contracts, where funds are previously obligated, may continue performance.
- Existing Technical Assistance and Capacity Building cooperative agreement awards, where funds have been previously obligated and work plans have been approved, may continue performance. Actions that require HUD staff review and approval, such as the review and approval of new TA requests, workplan amendments or modification of workplans and new workplans, will not take place during a lapse in appropriations. However, if such proposed actions are related to an imminent threat to life or property, HUD staff will be recalled to review and approve TA requests, new workplans, and workplan amendments and modifications.
- Conduct closings on Mixed Finance and Choice Neighborhoods transactions where the failure to close by a set date would threaten the property and demands immediate response (e.g., loss of Low-Income Housing Tax Credits, New Markets Tax Credits and/or other critical financing commitments). Depending on the circumstances, further legal consultation will occur.
- In the event of an emergency (e.g., a contract termination due to safety and health violations; submission of an emergency/disaster Section 18 application, etc.), process a tenant protection action to provide vouchers for families to move from the project.
- The Real Estate Assessment Center (REAC) Technical Assistance Center (TAC) will be operational and available to receive and answer questions related to both Multifamily and PIH financial submissions, all inspection inquiries, resident income verification and other such technical areas managed by the REAC. However, responses that require HUD staff review or approval will be delayed until the lapse in appropriations has ended.

- Respond to any other issues directly related to the imminent threat to the safety of residents or the protection of property.

Public housing agencies and other grantees continue operating in the event of a federal government lapse in appropriations. There are existing IT systems that will be available to public housing agencies allowing them to draw down obligated funding from prior years and conduct other activities without further action or review by HUD employees. The systems below are considered excepted activities that are necessary to protect property and records:

- Enterprise Income Verification
- Inventory Management System/PIH Information Center (IMS/PIC)
- Voucher Management System (VMS)
- Enterprise Voucher Management System (eVMS)
- Financial Assessment Sub-System
- Physical Assessment Sub-System
- Integrated Assessment Sub-System
- Management Assessment Sub-System
- Technical Assistance Center
- Energy and Performance Information Center (EPIC) System
- Line of Credit Control System (LOCCS)
- HUDCAPS
- Grants Evaluation and Management System (GEMS)
- Native Advantage (NTV)
- CHUMS Lite
- HUD Financial Data Mart
- NSPIRE Application Suite

## Inspections

The Department's Real Estate Assessment Center performs inspection services for properties in the portfolios of both the Office of Public and Indian Housing and the Office of Housing.<sup>8</sup> The inspection protocols for these two portfolios during a lapse are presented below:

- Previously awarded inspections procured by HUD and funded by previous obligations will continue regardless of the reason for the inspection.
- All inspections where the servicing mortgagee bears the responsibility for procuring the inspection will continue.
- For inspections that are to be conducted by HUD employees:

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<sup>8</sup> Properties covered include housing assisted under the HUD programs listed in 24 CFR 200.853(a); housing with mortgages insured or held by HUD, or housing that is receiving assistance from HUD, under the programs listed in 24 CFR 200.853(b); and Public Housing (housing receiving assistance under the U.S. Housing Act of 1937, other than under section 8 of the Act). This does not apply to units assisted under the Housing Choice Voucher (HCV) program, including the Project-Based Voucher Program under the purview of the Office of Public and Indian Housing.

- Where there is reason to believe that there is a threat to life or property at that specific location, the inspection will continue.
  - Where there is no reason to believe that there is a threat to life or property at that specific location, the inspection will be cancelled.
  - When during a lapse in appropriation HUD becomes aware of a threat to life or property, HUD will schedule an inspection to be conducted by a HUD employee.
- For any inspections that occur immediately before or during a lapse:
  - HUD staff will be recalled as appropriate to conduct the activities that are essential to review inspections, identify exigent circumstances, release inspections to HUD field staff, and process inspection payments; and
  - If exigent circumstances are uncovered, HUD staff in either the Office of Public and Indian Housing and the Office of Housing, as appropriate, will be recalled intermittently to take any necessary and appropriate actions to ensure that those emergency circumstances are alleviated consistent with applicable requirements.

#### **b) Office of Community Planning and Development (CPD)**

##### **CPD Generally**

CPD will continue to make previously obligated CDBG, HOME, HOPWA, Homeless Assistance Grants funds and other grant funds available for draw down by CPD grantees. Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.

- Where further action or review by a HUD employee is required before a grantee may access previously obligated funds, CPD will recall employees intermittently to review and approve or deny disbursement requests as necessary to avoid an imminent threat to the safety of human life or property.
- CPD will perform the necessary review and approval, if there is no valid objection, of environmental requests for release of funds (RROFs) where the failure to act would put the safety of life or property at risk, including where a previously scheduled closing would be impacted.
- CPD will ensure grantee access to eLOCCs, IDIS and DRGR. (Resetting and assigning new passwords and troubleshooting issues where approved grantees are unable to access the system.)
- The Ask A Question (AAQ) Help Desk will remain open and will be available to answer questions received. Responses that require HUD staff review or approval will be delayed until the lapse has ended; however, HUD staff will be available to review and approve or otherwise respond to questions related to an imminent risk to life or property.
- Existing Technical Assistance and Capacity Building grants and cooperative agreement awards, where funds have been previously obligated and work plans have been approved, may continue performance. Actions that require HUD staff review and approval, such as the review and approval of workplan amendments or the modification of workplans, will not take place during a lapse in appropriations. However, if such proposed actions are related to an imminent threat to life or property, HUD staff will be recalled to review and approve workplan amendments or modifications.

- Continue to maintain the IT contracts for CPD systems (e.g., IDIS, DRGR, e-snaps) that support excepted activities.

Note: CPD grantees submit consolidated plans for annual formula funding programs that are deemed approved if not disapproved within 45 days of submission. These are rolling submissions that are due 45 days prior to submission of the start of their program years. CPD grantees select the start dates of their program years. A long term lapse of appropriations could result in the automatic approval of consolidated plans. The review of the consolidated plans (exclusive of CDBG-DR action plans and substantial amendments) does not fall under an excepted activity.

### **Continuum of Care (CoC) and Housing Opportunities for Persons with HIV/AIDS (HOPWA) Additional Activities**

In addition to the activities listed above, CPD will take certain actions when (1) prior year, unobligated funds remain available for obligation in the Continuum of Care (CoC) and Housing Opportunities for Persons with HIV/AIDS (HOPWA) programs, (2) the award announcements were planned to have occurred during the lapse period, and (3) any further delay of the announcements would create a gap in services. Under these conditions, CPD would take the necessary and appropriate steps to make renewal award announcements and execute grant agreements for those renewal eligible grantees who would experience a gap in services absent announcement and/or a renewal agreement. This activity will enable grantees to continue to provide for the delivery of essential housing and emergency services for homeless persons and persons with HIV/AIDS.

### **Disaster Recovery Assistance Programs**

CPD will continue Disaster Recovery Assistance Programs, which are funded through multi-year or no-year appropriations.

This includes, but is not limited to, activities that may involve the support of HUD staff, such as:

- Previously obligated funds will be available for draw down by grantees. Where further action or review by HUD employees is not required for funds to be drawn down from the system, grantees will be able to draw funds normally.
- Actions necessary to approve grantee voucher drawdown requests that are routed for review or above threshold when there is no valid objection to approval.
- For grantee voucher drawdown requests that are above threshold and there are concerns or questions regarding approval, CPD will recall employees intermittently to review and approve or deny disbursement requests to avoid an imminent threat to the safety of human life or property.
- Review and approval (or disapproval, if appropriate) of CDBG-DR action plans and substantial amendments, including necessary follow-up and technical assistance on disapproved plans or amendments.
- Review and acceptance of CDBG-DR financial management and grant compliance certifications.

- Review and approval, if there is no valid objection, of environmental requests for release of funds (RROFs).
- Recall permanent employees intermittently to maintain the DRGR system when necessary to protect life and property.

### **The Section 108 Loan Guarantee Program**

In the Section 108 Loan Guarantee Program, HUD staff will:

- Take the ministerial actions necessary to follow through on providing permanent financing of Section 108 loans through scheduled public offerings.
- Take limited administrative actions, such as implementing already approved plans and transmitted documents, that are necessary to provide interim and permanent financing for commitments authorized by prior year appropriations and approved before the lapse. (Note that no new commitment authority will be available during a lapse in appropriations.)
- Coordinate with the OCFO to make any scheduled payments on behalf of Section 108 borrowers that are due to Fiscal Agent/Trustee pursuant to underlying agreements (e.g., Fiscal Agency Agreement, Contract for Loan Guarantee Assistance, Promissory Note or HUD's Guarantee).

#### **c) Fair Housing and Equal Opportunity (FHEO)**

FHEO recipients will continue to have access to LOCCS, including any funding previously approved for draw before the lapse occurred. FHEO will recall necessary personnel if an emergency arises where the Department must pursue prompt judicial action or obtain restraining orders in a civil rights matter. FHEO will also recall staff that are necessary to respond to a request from the Department of Justice to assist in litigation that has not been stayed. A limited number of FHEO Information Technology personnel are necessary to monitor HEMS and provide system maintenance and fix any system delays/crashes.

#### **d) Office of Housing (Housing)**

Excepted work by the Office of Housing during a lapse in appropriations includes the performance of functions that are funded through multi-year appropriations or no-year ("x-year") appropriations, including staff work to perform the minimum necessary supporting activities for such functions described in this plan, or where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property. These activities are associated with FHA's portfolio of insured mortgages – multifamily, healthcare, and single family, as well as commitments entered into for project-based rental assistance and Sections 202 and 811 rental assistance and capital advances or with manufactured housing.



**Multifamily (MF) Housing****➤ FHA MF Production**

- Conduct closings and endorsements of projects with Firm Commitments/Firm Approval Letters issued prior to a lapse in appropriations and related activities (e.g., review and approve lender requests for amendments to the Firm Commitment, including mortgage increases (subject to handbook processing guidelines) so long as Commitment Authority is available).
- During a lapse in appropriations the following will apply:
  - a. MAP and Risk Share Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction or repair (in the case of Section 223(f) project) draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract, provided the contractor has sufficient capacity to proceed independently or, when necessary, under the oversight of an excepted employee. The GTM for each region will approve the inspection deliverables to assist in processing contractor invoices. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
  - b. MAP and Risk Share lenders may, at their and the Borrower's risk, release funds from the Operating Deficit and Working Capital Accounts to support project operations. HUD will review any release at such time as the government re-opens.
  - c. No change orders will be processed or approved.

**➤ Section 202/811 Production**

- Initial closings on projects with Firm Commitments issued prior to the lapse in appropriations and related activities (e.g. review and approve sponsor requests for amendments to the firm commitment, subject to the availability of funds for such amendment).
- Final closings on projects with critical deadlines (e.g., tax credit deadlines).
- HUD will process construction draws using intermittent staff to respond to issues relating to the imminent threat and protection of property. HUD will rely on the sponsors' supervisory architects' certifications and will perform or contract for construction inspections on a post-review basis at such time the government re-opens.

**➤ Rental Assistance Demonstration Program**

- Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD) where a Rental Assistance Demonstration Conversion Commitment (applicable to Component 1) or a Rental Assistance Demonstration Approval (applicable to Component 2) was issued, and the closing was scheduled prior to the lapse in appropriations or RAD Conversions where the failure to close or prepare to close would threaten the property and demands an immediate response (e.g. loss of tax credits).

➤ **Mark-to-Market and Post-Market-to-Market**

- Issuance of HUD approvals, waivers or authority to proceed on Mark-to-Market transactions and post-transaction requests where the failure to take such action would threaten the property and demands an immediate response (e.g., loss of tax credits).

➤ **Asset Management/FHA and Assisted Housing**

- Make payments under previously obligated Section 8 contracts, Section 236 agreements, Section 202 and 811 Project Rental Assistance Contracts (PRAC), Section 811 Project Rental Assistance (PRA), Performance Based Contract Administration (PBCA) contracts, and similar rental-assistance related contracts on an as-needed basis to ensure ongoing viability of assets and preservation of affordable housing.
- Work closely with OCFO to identify, when previously obligated Section 8, PRAC, PRA, PBCA, and similar rental-assistance-related contract allocations may be insufficient to support ongoing program operations, if any available carryover funding remains that can be used to fund these assistance programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement, including processing Section 8 and PRAC renewals for expiring contracts and processing amendment funds for non-expiring Section 8 contract renewals. Note that only no-year or multi-year amounts appropriated in a prior year will be legally available for this purpose, and no amounts made available by now-expired Continuing Resolutions (CRs), can be utilized.
- Approval of emergency property funding needs through approval of reserve for replacement releases, residual receipts, or other mechanisms. Reserve for replacement and residual receipts funds are held by the property or a property lender, not obligated by HUD, and no previous obligation is needed.
- Proceed with activities necessary to support orderly termination of Insurance, including processing extension requests and processing insurance termination requests, performing loss mitigation and asset management activities, including as mortgagee-in-possession, processing insurance claims, and liquidating and disposing of assets resulting from insurance claims.
- Respond to issues directly relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured or assisted multifamily projects.
- For information about inspections, see section 3a (Public and Indian Housing) above.

**Healthcare Programs**

- Conduct closings and endorsements of projects with Firm Commitments issued prior to the lapse in appropriations and related activities (e.g., review and approve lender requests for amendments to the Firm Commitment, including mortgage increases (subject to handbook processing guidelines) so long as Commitment Authority is available.
- Approve emergency repairs.
- Respond to issues directly relating to the imminent threat to the safety of the residents, or to the protection of property in HUD-insured healthcare projects.

- Proceed with activities necessary to support orderly termination of Insurance, including processing extension requests and processing insurance termination requests, performing loss mitigation and asset management activities, including high risk interventions and as mortgagee-in-possession actions, processing insurance claims, and liquidating and disposing of assets resulting from insurance claims.
- During a lapse in appropriations, the following will apply:
  - a. Lenders may, at their and the Borrower's risk, release funds from the Operating Deficit, Working Capital and Debt Service Reserve Accounts, to support project operations. HUD will review any release at such time as the government re-opens.
  - b. Lenders servicing loans having a construction or repair component may, at their and Owners' and General Contractors' risk, process interim construction or repair draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
  - c. No change orders will be processed or approved.

### **Single Family Housing**

- The Office of Single-Family Housing will endorse loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, under current multi-year loan guarantee commitment authority in order to support the health and stability of the U.S. mortgage market.
- Endorsements that require assessment by an FHA underwriter will not be able to be finalized during a lapse in appropriations; however:
  - FHA will support manual endorsement actions that lenders cannot process themselves including case number cancellations, reinstatements, transfers, and releasing case numbers from the hold tracking queue including those for condominiums through the Single Unit Approval process;
  - FHA staff will not be available to review and endorse Test Cases for mortgagees with Conditional Authority, and loans for HUD Employees.
  - While FHA staff will not be available to process condominium project approvals under the HUD Review and Approval Process (HRAP), lenders will be permitted to continue processing condominium approvals under the Direct Endorsement Lender Review and Approval Process (DELRAP).
- FHA's Resource Center will be available to answer questions, but responses to questions requiring escalation to HUD staff may be delayed.
- The Office of Single-Family Housing will maintain the minimum operations necessary to support FHA's existing portfolio. This includes:
  - activities in support of the processing and the payment of claims;
  - servicing of Secretary-held notes and mortgages (including making payments required under HECMs assigned to the Secretary-Held portfolio);
  - ensuring the continuity of FHA's asset disposition process; and

- o supporting loan servicing and loss mitigation activities related to both forward and reverse mortgage loans.
- The Office of Single-Family Housing will advise the Secretary on pending settlement agreements that are at risk due to delay and that address imminent threats to persons or property by recouping or preventing further loss of MMIF funds.
- The Office of Single-Family Housing will provide litigation support on behalf of the agency where necessary to protect against threats to life, safety or property.
- The Office of Housing will continue to work on planned sales of defaulted notes, as required for the orderly termination of HUD's fiduciary insurance and servicing obligations.

### **Housing Counseling**

- The Office of Housing Counseling (OHC) will not have staff on board and will not process requests to draw down grant funds from the Line of Credit Control System (LOCCS).
- The Housing Counseling system (HCS) will be operational on a limited basis; however, actions that require intervention by OHC personnel will be either delayed or suspended.
- The [housing counselor examination](#) will be operational on a limited basis; however, actions that require intervention by OHC personnel will be either delayed or suspended. The housing counselor certification process relies on FHA systems and will be operational on a limited basis; however, actions that require intervention by OHC or HUD personnel will be either delayed or suspended.

### **Finance and Budget**

- The Office of Finance and Budget (FAB) will have limited staff in the office during temporary office closure to support Housing-FHA "excepted activities." FAB's role is as follows:
  - o Safeguarding of governmental assets through protection of the integrity of Housing-FHA's loan portfolio and overall financial data and transactions is the number one goal of FAB during a lapse in appropriations. In addition, the Office of Budget and Field Resources will support excepted activities.
  - o Assure the financial integrity, formulation, execution, and analysis of the Housing-FHA Loan Insurance, Grant and Subsidy programs; includes providing travel funding to support excepted activities.
  - o Maintain and manage FHA financial and loan processing systems, including systems used for loan underwriting, disbursements and collections (i.e., FHA insurance premium collections and claims payments) during temporary closure.
  - o FAB's Office of Asset Sales (ASO) will continue to work with housing program offices on planned sales of Single Family, Multifamily and Healthcare defaulted notes, as required for the orderly termination of HUD's fiduciary insurance and servicing obligations.

- o FAB's Comptroller's office will also maintain a limited number of staff to support minimum operations and administration of FHA's existing loan portfolio, including those actions necessary to collect mortgage insurance premiums, pay lender claims, support collection and disbursement functions between FHA and U.S. Treasury, and timely issue any legally necessary tax forms regarding the disposition of debt. The limited number of staff will also conduct financial business or transactions related to the protection of government property and in support of program office excepted activities.

### **Risk Management**

- Critical modeling and analytics necessary to ensure continuous protection of property and to support Constitutional duties to continue. Specifically, continued operations are required to support:
  - o Subsidy rate development as part of the broader budget development process necessary to support the Constitutional duties relating to the budget and appropriations process.

### **Office of Manufactured Housing Programs**

- Perform oversight of Manufactured Home Construction and Safety standards and Model Manufactured Home Installation standards, as necessary, to maintain core operations and protect life and/or property.

#### **e) Ginnie Mae**

Ginnie Mae's role in the secondary mortgage market is vital to the stability and liquidity of the primary mortgage market. An interruption in the operations would create immediate and significant market disruption that would lead to financial losses for investors and increased mortgage rates for government-insured mortgage loans. Ginnie Mae has two-year MBS guarantee commitment authority that remains available under a lapse. Ginnie Mae may also incur obligations and continue its operations during a lapse in appropriations in some emergency situations as described further in the table below. Furthermore, all Ginnie Mae contracts are funded with "no year" money; work performed by contractors in support of operations may continue. Contractor-dependent exempt or excepted functions will be managed by Ginnie Mae "excepted" employees. Any non-exempt or non-excepted functions for which funds have been obligated will continue to be independently operated by the contractors with no Ginnie Mae employee involvement, however, only in cases where Ginnie Mae has made the determination that the contractor has sufficient capacity to proceed independently.

Note that Ginnie Mae also employs several employees whose regular salaries and expenses (S&E) costs are billed to Ginnie Mae's no-year S&E account. These employees (sometimes called "term" employees, although not all term employees will fit into this category) will follow the specific guidance and direction from HUD's OCHCO regarding their work status during a lapse in appropriations, which may be different from Ginnie Mae's other employees.

Ginnie Mae will limit its operations to the following functions that are essential to avoid disruption to Ginnie Mae's ability to fulfill its obligations:

|                                                                                            | <b>Lapse of Appropriations</b>                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ability to Issue Commitment Authority</b>                                               | Yes<br><br>Emergency Exception (property protection) – Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.                                                                                                                                                                                                          |
| <b>Ability to Issue Mortgage-Backed Securities and Structured Multi-Class Transactions</b> | Yes<br><br>Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.                                                                                                                                                                                                           |
| <b>Ability to Receive/Process Monthly MBS Loan &amp; Payment Accounting Data</b>           | Yes<br><br>Emergency Exception (property protection) –Ginnie Mae's operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.                                                                                                                                                                                                           |
| <b>Ability to Pay Securities Holders</b>                                                   | Yes<br><br>Emergency Exception – Failure to pay investors would cause a default on the guarantee of the Government and mortgage market stability would be put at risk.                                                                                                                                                                                                                        |
| <b>Ability to Engage and Pay Contractors</b>                                               | Yes, if those contractors are necessary to carry out Ginnie Mae's functions.<br><br>May not fall directly under emergency exception but if an agency may continue to operate during an appropriation lapse, it may incur obligations beyond employee salaries that are necessary for carrying out the functions. Ginnie Mae manages contractual obligations under mandatory, no-year funding. |
| <b>Ability to engage in Issuer Defaults activities (e.g., Pre and Post related)</b>        | Yes<br><br>Emergency Exception – Ginnie Mae's operation is essential for market stability and maintaining low mortgages rates for Government-insured mortgages. The ability to default an issuer is essential (i.e., Pre- and Post-related activities) for market stability and protecting Government's property.                                                                             |
| <b>Ability to Travel for Emergency Purposes (e.g., Issuer Defaults)</b>                    | Yes<br><br>Emergency Exception – Ability to default is essential for market stability and protecting Government's property.                                                                                                                                                                                                                                                                   |

|                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Ability to Review and Process Mortgage Servicing Rights (MSR) Transfers and Financial Agreement Requests</b> | <p>Yes</p> <p>Emergency Exception (property protection) – Ginnie Mae’s operation is essential for market stability and maintaining low mortgage rates for Government-insured mortgages.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Ability to Meet Buyout and Servicing Needs of Extinguished HECM Loans</b>                                    | <p>Yes. Performing on Ginnie Mae’s guarantee requires the capacity to buy out loans, remit payments to investors, fund borrower draws and related financing activities.</p> <p>No. The ability to file timely claims with other Federal entities and other actions unrelated to protecting the Federal Government’s guarantee.</p>                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Ability to Invest Cash Reserves in Treasury Securities</b>                                                   | <p>Yes</p> <p>Emergency Exception – Ginnie Mae’s investment of Cash Reserve balances on an overnight basis is consistent with 12 U.S.C. § 1723b, authorizing the investment of funds to support activities that Ginnie Mae must continue. consistent with 12 U.S.C. § 1723b, authorizing the investment of funds to support activities that Ginnie Mae must continue. The funding comes from no-year mandatory fees in the Financing account, funds in the Liquidating account, and the interest earned on these amounts. The costs of these activities – including managing the Cash Reserve investments – are covered by both no-year mandatory fees and discretionary multi-year funds in the Program account.</p> |

#### **f) Office of Policy Development and Research (PD&R)**

PD&R will maintain a minimal number of staff and services necessary to support activities addressing emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

The following activities will be undertaken. In general:

- PD&R will ensure grantee/cooperative agreement awardees access to eLOCCs and DRGR. (Resetting and assigning new passwords and troubleshooting issues where approved grantees are unable to access the system.)
- PD&R will complete processing for invoices for *research* grants and cooperative agreements on invoices received before the lapse in appropriations to ensure an orderly shutdown of agency functions. Research grants/cooperative agreement grantees may continue performance of work if funds have been previously obligated and work plans have been approved, but invoices received after the lapse in appropriations that require approval will not be processed until after the lapse.
- When FEMA requests data from HUD to support an excepted rehousing mission after a disaster, HUD will extract the requested data and provide matched data to HUD staff as

appropriate; if FEMA extracts data and makes it available to PD&R as an excepted activity, PD&R will provide necessary data support and analysis.

- The Ask A Question (AAQ) Help Desk will remain open and will be available to answer questions received. Responses that require HUD staff review or approval will be delayed until the lapse has ended; however, HUD staff will be available to review and approve or otherwise respond to questions related to an imminent risk to life or property.
- Existing Technical Assistance and Capacity Building cooperative agreement awards, where funds have been previously obligated and work plans have been approved, may continue performance. Vouchers submitted to HUD via DRGR that are under the threshold set for the Eviction Protection Grant Program will be processed and paid automatically in the event of a lapse in appropriations, if funds are available. Vouchers over the threshold amount require HUD staff review and will not be reviewed or paid until the government has reopened. Actions that require HUD staff review and approval, such as the review and approval of workplan amendments or the modification of workplans, will not take place during a lapse in appropriations. However, if such proposed actions are related to an imminent threat to life or property, HUD staff will be recalled to review and approve workplan amendments or modifications.
- For the Eviction Protection Grant Program, grantees may continue to work if they do not require any instruction from HUD staff. Vouchers submitted to HUD via DRGR that are under the Threshold set for the Eviction Protection Grant Program will be processed and paid in the event of a lapse in appropriations, if funds are legally available. Vouchers over the threshold amount require HUD staff review and will not be reviewed or paid until the government has reopened. HUD staff will not be available to answer questions during a lapse in appropriations unless it relates to an imminent risk to life or property

#### **g) Office of Lead Hazard Control and Healthy Homes (OLHCHH)**

OLHCHH will maintain a minimal number of staff and services necessary to support activities addressing emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

Depending on the circumstances, excepted activities include the following oversight activities related to OLHCHH grantees and contractors that are necessary to avoid imminent threats to the health and welfare of tenants and children:

- environmental assessments
- lead-based paint inspections
- risk assessments
- lead hazard control work plans
- healthy homes hazard remediation work plans
- work specifications
- clearance examinations
- payment requests.

OLHCHH will also conduct other excepted activities necessary to avoid imminent threats to the health and welfare of tenants and children, including:

- lead safety regulatory compliance reviews;
- technical assistance;



- enforcement activities;
- disaster recovery technical support activities.

#### **h) Office of General Counsel (OGC)**

If a lapse in appropriations appears to be reasonably foreseeable, taking into consideration guidance from OMB, OGC will:

- Provide program clients with lists of activities that continued during the previous lapses and provide legal guidance about whether new programs are excepted activities.
- Provide legal advice about the ramifications of a lapse in appropriations with respect to all program, contractual, operational and personnel functions.
- Review legal documents, including contracts, grant agreements, settlement agreements addressing imminent threats to persons or property, notices to grantees, proposed stop work orders, notices to employees, etc.
- Provide legal assistance, in coordination with OCHCO, to senior staff about related labor issues.
- Draft motions for a stay of proceedings pending appropriations to be filed in all administrative cases pending before the HUD Office of Hearings and Appeals.
- Coordinate with the Department of Justice and relevant program offices to ascertain the impact of a lapse on appropriations on pending litigation and discovery obligations in the federal courts.
- Identify the pipeline of scheduled closings for transactions permitted to proceed under this contingency plan and identify the staff and resources necessary to close such transactions, in coordination with the relevant program offices.

If a lapse in appropriations occurs, OGC will:

- Provide the names, telephone numbers, and e-mail addresses of all excepted OGC ethics officials for taking telephone calls and responding to emails about ethics issues regarding employment and volunteer work.
- Provide legal advice to senior Departmental officials necessary to meet the obligations necessary to the discharge of the President's constitutional duties and powers.
- Provide legal advice to facilitate the orderly shutdown and resumption of activities with respect to HUD staff.
- Provide legal advice and review legal documents to assist in the orderly termination of agency functions. This includes review of contractual agreements and points of obligation.
- Provide legal advice to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.
- File motions for a stay of proceedings pending appropriations to be filed in all administrative cases pending before the HUD Office of Hearings and Appeals.
- Recall HUD attorneys, on an intermittent basis, to review and close transactions as provided for in this contingency plan.

- Monitor non-federal and federal litigation to ensure the protection of property. Headquarters and field attorneys will be excepted or recalled on an intermittent basis to handle affirmative and defensive litigation and discovery issues related to the imminent threat to the safety of human life or the protection of property.
- Provide legal advice to Ginnie Mae on excepted activities.
- Provide legal advice and support to HUD programs that perform functions that are funded under disaster appropriations, multi-year appropriations, permanent and indefinite appropriations, and other non-annual appropriations.
- Provide legal advice to HUD programs that perform functions that are related to express authorizations to contract or borrow without an appropriation.
- Provide legal advice related to exempted HUD contracts identified by OCPO.
- Consistent with guidance from OMB, provide legal advice and assistance related to Congressional oversight activities.
- Provide legal advice to HUD officials on whether a management action taken or contemplated during a lapse in appropriations triggers union representational rights under a collective bargaining agreement or 5 U.S.C. chapter 71 for which official time should be granted to employees to perform representational duties related to the action.
- Provide legal advice to various program offices in connection with their conduct of excepted activities.
- Provide legal advice to various program offices, in coordination with OCFO and OMB, regarding whether a contemplated activity constitutes an excepted activity.
- Recall HUD attorneys, on an intermittent basis, to draft and submit documents to the Federal Register, when such documents are required to avoid an imminent threat to the safety of human life or for the protection of property or where completion of such actions as a ministerial or limited administrative matter are necessarily implied in order to facilitate other funded activities at HUD or other portions of the Federal government.
- Recall HUD attorneys, on an intermittent basis, to provide technical drafting services to Congress on legislative items addressing imminent threats to the safety of human life or the protection of property or where completion of such actions as a ministerial or limited administrative matter are necessarily implied in order to facilitate other funded activities at HUD or other portions of the Federal government.
- Carry out litigation-related and additional programmatic functions (e.g., continue transactions during a lapse where mandated by court order) and comply with court ordered deadlines unless stayed during the lapse in appropriations to ensure protection of the Department from further harm in connection with ongoing litigation.

#### **i) Office of Field Policy and Management (FPM)**

FPM will maintain minimal staff to ensure the safety of human life and the protection of property in the 10 HUD Regional Offices and the 54 Field Offices. Additionally, FPM will facilitate the intermittent opening of field offices to accommodate the processing of Single-Family Housing's endorsement and Real Estate Owned (REO) critical activities, the closing of loans for multifamily housing, insured healthcare facilities, and others where the firm commitment was issued prior to the lapse of appropriations and any other excepted activities identified by the Secretary or Assistant Secretaries that must take place in field locations.

In an effort to support multi-family development loan closings, FPM will request that Davis Bacon Labor Standards staff be deployed on an intermittent basis in order to provide wage determinations to stakeholders during loan approval closings.

FPM will engage in activities associated with the Office of Disaster Management and National Security (ODMNS)'s request for coordination of disasters associated with active FEMA Mission Assignments (MA), as well as on-going response and recovery related to possible disasters.

Additionally, activities associated with the oversight of security and preservation of space and federal property will be coordinated jointly by FPM and Office of Administration. Special attention will be provided to offices considered especially vulnerable – those located in non-federal space.

**j) Office of the Chief Financial Officer (OCFO)**

OCFO will:

- Provide overall guidance to functioning areas and program offices, as well as reporting to senior management and stakeholders.
- Maintain minimum staff to maintain liaison with the Office of Management and Budget and the Committees on Appropriations in support of orderly shutdown and excepted activities, which may include technical drafting services.
- Provide overall execution guidance to program offices.
- Provide oversight and manage shared service providers as needed for excepted activities.
- Process potential allotment actions to prevent violations of the Antideficiency Act.
- Make appropriate payments where funds are available that are processed through OCFO for valid obligations.
- Provide system support and contractor oversight for systems needed to manage excepted activities.
- Provide travel assistance to employees who have to travel to support an excepted activity.
- Maintain Working Capital Fund excepted activities, including allotting funds, committing funds in PRISM, and reviewing invoices for shared services. WCF is no-year money.
- Coordinate with program offices, the Office of Inspector General, the Department of Justice, and various law enforcement officials, as needed, to avoid significant damage or prevention of audit and investigative work protecting property and eliminating threats to human life.

In addition to the activities listed above, the OCFO's Office of Appropriations Law Staff will also perform excepted activities necessary to discharge the President's constitutional duties and powers, to avoid violations of the Antideficiency Act, including:

- Advising HUD leadership and program management on appropriations law issues, including compliance with the Antideficiency Act; and
- Making determinations, in consultation with OGC and OMB, on whether a contemplated activity constitutes an excepted activity pursuant to the exceptions to the Antideficiency Act.

**k) Office of the Chief Information Officer (OCIO)**

OCIO will maintain a minimal number of staff and services necessary to support excepted activities, including cybersecurity, certain shared service-related activities, and IT support to ensure the continued availability of excepted program services. The Information Technology Fund is funded by both a direct appropriation and funds transferred from other accounts. The direct appropriations for the IT Fund include funds that will be available for two fiscal years. Activities funded by no-year or multi-year funds are authorized to continue in the event of a lapse in appropriations, as the lack of an annual appropriation does not affect availability of those multi-year and no-year funds appropriated under prior appropriations acts.

**l) Executive Offices (EO), including the Executive Secretariat (ExecSec), Office of Small and Disadvantaged Business Utilization (OSDBU), Office of Public Affairs (OPA) and the Office of Congressional and Intergovernmental Relations (CIR)**

EO will maintain a limited staff to provide oversight and direction for all excepted activities. This staff will provide essential support to the Secretary for an orderly termination of agency functions. The Secretary, and Deputy Secretary are exempt because they are Presidential appointees, confirmed by the Senate. (Individuals acting in exempted positions who have not been appointed by the President and confirmed by the Senate may only perform excepted duties, which include providing oversight and direction for all excepted activities within their scope of responsibility during the lapse in appropriations.)

A limited number of Executive Offices employees will assist HUD leadership with the oversight and direction of the Department's excepted activities. This includes limited staff within the Executive Secretariat (Exec Sec), Office of Small and Disadvantaged Business Utilization (OSDBU), Office of Public Affairs (OPA) and the Office of Congressional and Intergovernmental Relations (CIR) who provide internal and external communications that affect Agency's ability to protect the safety of human life, the protection of property, and the orderly termination of agency functions. During this period, the OPA will work with ExecSec and HUD administrative support offices staff as necessary to coordinate such communications. Moreover, OPA will:

- Provide helpful stand-alone information on [hud.gov](https://www.hud.gov) regarding “hot-topics” with direct web-links to items such as state unemployment compensation information, EAP financial and mental health counseling, IRS tax information, and Consumer Finance Protection Bureau, etc.
- Provide program information about operational status of any HUD programs continuing to operate during the lapse in appropriations on [hud.gov](https://www.hud.gov) and alternatives for the American public about services such as mortgage processing, civil rights protections with FHAP and FHIP agencies, lead hazard controls performed at the state or local levels of government, etc.
- When OMB has given the direction to begin preparing to restart operations, Public Affairs will also initiate and publicize the [postshutdown@hud.gov](mailto:postshutdown@hud.gov) mailbox to assist employees immediately following the lapse in appropriations.

Within CIR, a limited number of staff will be excepted to serve as points of contact for congressional and intergovernmental stakeholders regarding excepted activities. Section 8 of this document provides an outline of information that will be shared with external stakeholders. During this period, CIR will work with HUD leadership, ExecSec and administrative support offices as necessary to coordinate such communications.

Within ExecSec, a limited number of staff will support in the receipt and transmittal of communications from other agencies such as the Office of Personnel Management and the Office of Management and Budget. These entities tend to send communications to Heads of Agencies via the ExecSec listserv. ExecSec will also provide administrative/communications support to OPA and CIR.

OSDBU will support acquisition-related sections of the Small Business Act (15 U.S.C. 631 and 15 U.S.C. 644(k)) on excepted contract requirements. If necessary, intermittent employees may be identified to assist as required. OSDBU will provide support with activities such as:

- Providing assistance on any small business-related issues including payment-related problems, e.g. late payments or disputes on payment terms or provisions,
- Reviewing all required subcontracting plans on excepted contract requirements,
- Providing assistance to small business concerns awarded an excepted contract or subcontract in finding resources on compliance with contract regulations after the award,
- Assist with any small business-related Congressional inquiries for information or assistance, and,
- Consult with OCPO on any new excepted contract obligations that require input for compliance or liaison with other agencies, such as the Small Business Administration.

#### **m) Office of the Assistant Secretary for Administration (OASA)**

The OASA will:

- Provide overall guidance to functioning areas and program offices on human capital, procurement, and facilities excepted activities, including shutdown operations generally, and will report to senior leadership and stakeholders as appropriate.
- Maintain the minimum staff necessary to support orderly shutdown activities, other excepted activities, and orderly start-up activities, including initiating and maintaining the daily records of excepted and intermittently excepted employees.

### **Office of the Chief Human Capital Officer (OCHCO)**

OCHCO will undertake the following activities which are required for orderly termination of agency functions:

- Provide advice and guidance to facilitate the orderly shutdown of activities with respect to HUD staff, including disseminating notices of furlough, instructions about out-of-office messages for all HUD devices (office phone-line, email, and cell phone), handling of time and attendance systems, etc., including in a telework environment.
- Coordinate and disseminate information and policy during a lapse in appropriations, including information on the orderly termination and the resumption of operations.
- Prepare a lapse in appropriations communication for posting on hud.gov, in collaboration with the Office of Public Affairs, including the SF-8 and information to employees requesting unemployment compensation.
- Update the Department's toll-free line, 1-866-INFO HUD (1-866-463-6483)
- Ensure employee assistance program information is provided to the HUD workforce
- Process personnel and pay records in connection with a lapse in appropriations furlough actions, as appropriate.
- Provide guidance specific to employees who may not be subject to furlough due to their S&E expenses being paid from multi-year or no-year S&E accounts.
- Coordinate and provide time-keeping responsibilities and employee pay, benefits, and retirement administration.
- Provide directions and manage the Furlough Information System that is used to track intermittent and excepted employees.
- Provide daily lists of excepted and intermittent employees to HUD leadership, OCAO, and OCIO.
- Provide directions for tracking time and attendance in the furlough information system.
- Coordinate with HUD's shared service provider on excepted human capital transactions to ensure timely and effective processing of personnel actions, in accordance with approved excepted activities.
- Communicate with the Office of Personnel Management (OPM) pertaining to updates and key information impacting employees during the lapse in appropriations.
- Provide advice to HUD officials on whether a management action taken or contemplated during a lapse in appropriations triggers union representational rights under a collective bargaining agreement or 5 U.S.C. chapter 71, for which official time should be granted to employees to perform representational duties related to the action.

- Take necessary personnel actions to separate employees in accordance with applicable law and regulations of the OPM.
- Provide guidance to program offices on personnel activity relating to Details and Intergovernmental Act Assignments (IPAs).

### **Office of the Chief Procurement Officer (OCPO)**

OCPO will maintain minimal staff and services necessary to support excepted activities. Intermittent employees may be identified to assist as circumstances dictate. Only contracting officers may instruct vendors regarding changes to the contract terms and conditions during a lapse in appropriations. Also, the primary, alternate, or subordinate CORS names on a specific contract may provide direction to the contractor regarding performance of the contract.

Excepted Contracts: The following contracts and related actions may continue during a lapse of appropriations:

- a) Funded by other than annual appropriated funds: Contract actions funded by multi-year, no-year, or revolving funds, or advanced appropriation whose accounts have sufficient carry over balance and do not require government oversight or interaction for non-excepted activities.
- b) Expressly Authorized to Continue Even Without Funding: Functions authorized by law to proceed during an appropriations lapse including “those functions as to which express statutory authority to incur obligations in advance of appropriations has been granted.”
- c) Necessary for Safety of Human Life or Protection of Property: Any activity or function that is continued based on a determination that it qualifies for the protection of life or property exception must be limited only to the minimum functions necessary for the protection of life and property. As for any administrative, research or other support function related to an excepted activity, that function should also continue, but only to the extent that they are excepted to maintain the effectiveness of those activities or functions that are engaged in the protection of life or property.
- d) Already funded: The status of these actions will be re-evaluated when the funding is exhausted.
- e) Other excepted services: Any other services identified elsewhere in the Contingency Plan.

Actions Necessary Prior to a lapse in appropriations:

- a) Provide overall procurement guidance to functioning areas and program offices, as well as reporting to senior management and stakeholders on procurement and contracting expectations, rules of engagement, and authorities.
- b) OCPO, in conjunction with the HUD Government Purchase Card Agency Program Coordinator, will ensure that the limits on all purchase cards are dropped to \$0 or other nominal amount to prevent misuse by cardholders during a lapse in appropriations.

- c) OCPO, in conjunction with Program Offices, will identify excepted activities and associated contracts. The Office of the General Counsel and the appropriations attorneys in the Office of Appropriations Law Staff, and CFO Budget will assist in making this determination. From this listing, managers must further identify contracts that, in whole or in part, support activities that are excepted from a lapse in appropriations. This will serve two major purposes for HUD contracting activities:
- i. To identify contracts for which Partial/Full Stop Work Orders or Partial/Full Terminations for the Convenience of the Government must be issued, and to allow Contracting Officers sufficient lead time to prepare modifications and any necessary justifications and other supporting documentation for contracts; and
  - ii. To allow OCPO to determine an effective distribution of warranted Contracting Officers to support an orderly shutdown and the management of contracts supporting excepted activities. Determining an effective level of management for contracts supporting excepted activities would include consideration of Contracting Officer Representative and program management support.
- d) OCPO, OCIO, and Program Offices will identify critical systems that must be maintained but may not be used during a lapse in appropriations but would be detrimental to the agency mission if not maintained.
- e) OCPO will ensure that its shared service provider, the Bureau of Fiscal Services, will keep PRISM and IPP available as needed and staff the appropriate Help Desks.
- f) OCPO will coordinate with its assisted acquisition shared service providers to ensure similar contractual actions will be completed based upon OCPO's and programmatic direction.
- g) OCPO offers the following "Contracts Decision Tree" for Departmental decision making with respect to contracts in the event of a lapse in appropriations:

***Is the contract fully funded using available appropriations or are other funds available to fund it (no year or multi-year)?***

1. If **YES**, will contract require government supervision?
  - If **NO**, contract can continue if contract is a sensible use of taxpayer funds.
  - If **YES** and an excepted individual will be available to oversee it in between excepted activities (and overseeing the contract does not interrupt, interfere with, or delay the individual's performance of an excepted function), the contract may continue during the period of the lapse, provided the period is brief.



2. If **NO**, is the contract necessary to support one of the following excepted functions?
  - A statute or other legal requirement expressly authorizes an agency to obligate funds in advance of appropriations; or
  - The function addresses emergency circumstances, such that the suspension of the function would imminently threaten the safety of human life or the protection of property; or
  - The function is necessary to the discharge of the President's constitutional duties and powers (e.g., Commander-in-Chief or conducting foreign relations).
    - If **NO**, contract cannot continue.
    - If **YES**, will contract require government oversight?
      - If **NO**, contract can continue.
      - If **YES**, there must be excepted individuals available to oversee it, so the contract may continue during the furlough.

### **Office of the Chief Administrative Officer (OCAO)**

OCAO will undertake the following activities to protect the safety of excepted employees and federal property in both headquarters and regional and field offices:

- Manage and maintain full operation of the headquarters (HQ) building facilities and parking.
- Maintain operation of the field facilities, including serving as liaison with GSA/private building owners on matters relating to building services, security and emergency preparation; maintaining and monitoring security systems, as needed; and providing logistical support for any other staff designated to work during a lapse in appropriations or furlough.
- Collaborate with FPM to prepare field offices for orderly shutdown, including signage, telecommunications greetings and coordination of access control measures in coordination with local building management.
- Maintain HQ building security. During a lapse in appropriations period the childcare center, credit union, and health care center will remain open. The fitness center and concessions will be closed, and shuttle services will be suspended.
- Maintain contracts to ensure all HUD buildings are operational, safe, and secure.
- Provide small team to support mail and distribution of critical items received during a lapse in appropriations.
- Provide minimal broadcast support to provide direct assistance to the Secretary and Public Affairs to support any messages that may need to be sent internally and to external media.
- Coordinate access to HUD buildings with security personnel during a lapse in appropriations. Only those who are on the daily authorized list of excepted employees and contractors will be admitted.

The contractors responsible for maintaining OCAO excepted work (e.g., building security, building facility, etc.) will continue to work.

OCAO's Office of Disaster Management and National Security (ODMNS) coordinates national security and disaster response and recovery operations for the Department. In the event of a lapse in appropriations, ODMNS will identify employees who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property. Excepted functions include:

- A core team to monitor national security and disaster situational awareness that is able to surge the rest of the Department's continuity of operations and disaster teams should they be required.
- Departmental Continuity of Operations Teams and Disaster Response and Recovery Teams are not excepted but will be recalled should a disaster strike or a security incident occur.

Physical protection of the Secretary as required under 42 U.S.C 3533, support the HUD Guard Force in maintaining safety in the building, and provide law enforcement support for circumstances that result in an imminent threat to safety and or property.

#### **n) Office of the Inspector General (OIG)**

This plan documents the steps the Office of Inspector General (OIG) for the U.S. Department of Housing and Urban Development (HUD) will implement upon notice by the Office of Management and Budget (OMB) of a lapse in its annual appropriation, including the expiration of a Continuing Resolution (CR), and the exhausting of any prior year appropriation remaining available. The Inspector General (IG) wants to ensure a capacity to fulfill its responsibilities under the Inspector General Act of 1978. The primary mission of the OIG is to investigate and oversee fraud, waste, and abuse in HUD programs and operations, to promote efficiency and effectiveness to respond to irregularities or violations of law or regulation in HUD programs and operations, especially as they might relate to protecting HUD funds.

The Inspector General (IG) is exempt because the IG is a Presidential appointee, confirmed by the Senate. The IG will perform official duties during a lapse in appropriations and will except the Deputy Inspector General and, as needed, a limited number of OIG employees to assist OIG leadership with the oversight and direction of the office's excepted activities. This may include individuals performing functions relating to protecting the safety of human life, the protection of property, and the orderly termination of office functions or engage furloughed employees to perform work on activities that are excepted. During a lapse in appropriations, the IG or the DIG may meet with all members of the public, congressional staff and members, State and local officials, and executive branch officials not subject to furlough.

The Deputy Inspector General is excepted in support of the IG fulfilling OIG responsibilities while there is a lapse in funding.

In the event of a lapse in appropriations, the IG or Deputy IG may except additional staff, as needed, who are necessary to address emergency situations where the failure to perform those functions would result in an imminent threat to the safety of human life or the protection of property.

The IG, Deputy IG, and excepted staff may engage in the following activities to fulfill the OIG's responsibilities necessary during a lapse in funding:

- Providing necessary legal support and advice to the IG and excepted staff about excepted activities, the lapse in appropriations, ongoing litigation, and other related legal services
- Conducting an orderly shutdown of non-excepted functions and ensure the safety of human life and the protection of property in operations conducted by OIG Headquarters and Regional Offices
- Coordinating and facilitating the operation of offices to accommodate any excepted activities which must take place in headquarters or field locations
- Providing information technology support to the IG, headquarters and field operations
- Ensuring the proper shut-down of OIG operations and the furlough of OIG employees not excepted from furlough, as well as to coordinate with OIG leadership on the recall of employees for the duration of a lapse in appropriations
- Investigating and conducting related activities for matters with the Department of Justice, other Federal agencies, State and local authorities and courts not impacted by the lapse in appropriations that require OIG involvement, including investigations where the target or targets could pose a threat to safety of human life and or property
- Performing audit, evaluation, and investigation work if necessary for ensuring the safety of human life and the protection of property
- Performing administrative investigations into misconduct and whistleblower retaliation
- Working on disaster related investigations, evaluations, and audits funded exclusively by no-year appropriations
- Providing general guidance to all employees on the nature and duration of the lapse in appropriations

#### Orderly Shutdown:

OIG expects most of the activity to support an orderly shutdown to commence with OMB's determination that a lapse in appropriation will occur. Supervisory staff will work with their AIGs to begin notification for all employees on first day of a lapse in appropriations. Employees will carry out orderly shutdown activities. The focus is for all OIG employees to identify any critical pending work and take all the actions possible to avoid or to minimize any impairment due to the furlough. The AIGs will provide Managers and Supervisors with a checklist for the orderly shutdown. Supervisors shall account for all employees' time and will relay any concerns regarding pending work through channels to their respective component leadership, who will inform the IG and Deputy IG of any critical issues.

This plan recognizes that some employees may be needed on an ad hoc or "on-call" basis after the initial shutdown of operations. Each individual will be notified of their responsibility to

answer a return to duty on an ad hoc or “on-call” basis. Any recall will be made in periods of hours, e.g., 4 hours, 9 hours, 18 hours.

#### **o) Closed Offices**

In the event of a lapse in appropriations, the following offices will be shut down and contractor work will be suspended:

- Center for Faith
- Office of Departmental Equal Employment Opportunity
- Office of Adjudicatory Services

### **4. Legal Issues**

#### **a) Presidential Appointment with Senate Confirmation (PAS) Duties**

Individuals appointed by the President, with Senate confirmation, are not subject to furlough and cannot be placed in a nonduty, non-pay status. This does not extend to individuals acting in or performing delegable duties of such PAS positions. The salaries of these Presidential appointees are obligations incurred by the year, without consideration of hours of duty required. However, PAS officials are also barred from receiving pay during a lapse in appropriations. These Presidential appointees will be paid after Congress passes and the President signs a new appropriation or continuing resolution.

The Secretary and PASs may perform official duties during a furlough as long as they do not expend appropriated funds which have lapsed or engage furloughed or excepted employees to perform work on activities that are not excepted. The Secretary and the PASs may not expend lapsed travel funding. During a lapse in appropriations, the Secretary, the Deputy Secretary, the General Counsel, the Assistant Secretaries, the Chief Financial Officer and the President of Ginnie Mae, as individuals appointed by the President with Senate confirmation, may meet with all members of the public, Congressional staff and members, state and local officials, and executive branch officials not subject to furlough.

#### **b) HUD Employees Paid from Special Salaries and Expenses Accounts**

Individuals whose salaries are regularly funded through special appropriations other than HUD’s traditional S&E appropriations, which some CPD Disaster employees who are on term appointments, and some OCFO employees funded through the Working Capital Fund, will follow specific guidance and direction from their program leadership, in consultation with HUD’s OCHCO and senior leadership, regarding their work status during a lapse in appropriations, which may be different from HUD’s other employees. So long as sufficient funding sources remain available from prior-year funds, this limited group of employees may not be subject to furlough and may perform all of their official duties, so long as they do not expend appropriated funds which have lapsed, including travel funds which have lapsed. No one should presume that their status falls within this limited special category without specific instruction from HUD leadership.

### c) HUD Employees on Duty Assignments

If HUD employees, who are funded through appropriations that have lapsed, are on temporary duty assignments (travel, rotations, details, training) away from their normal duty stations at the time of an appropriations lapse, they are encouraged to make arrangements to return home whenever reasonable and practicable. In each instance, the relevant GDAS or functional equivalent should make a determination of reasonableness and practicality based on the length of the assignment and the time required for return travel, compared to the anticipated length of the lapse, so as to minimize the burdens of doing so.

## 5. Critical Information Technology and Systems Infrastructure

### General Guidance

The OCIO activities that will be conducted under the exception category during a lapse in appropriations will include the technology, administrative and project management activities required to support all HUD identified excepted activities that are enabled through the use of information technology. Without the OCIO's provision of these activities during the lapse in appropriations, HUD programs will be unable to conduct excepted activities which could potentially have a negative impact on HUD's services.

OCIO will maintain access to and use of the standard HUD-provided desktop/network applications and Help Desk Support operations for excepted employees. The following tables list the HUD Program identified IT systems and infrastructure required in order to support excepted functions and activities.

**a) Table 1: Excepted System List**

| P162 - HUD Integrated Human Resources and Training System            | HIHRTS       |
|----------------------------------------------------------------------|--------------|
| P262 – GovTA                                                         | GovTA        |
| Career Connector                                                     | USA Staffing |
| P162D - HIHRTS DataStore                                             | HIHRTS DS    |
|                                                                      |              |
| A21 - Loan Accounting System                                         | LAS          |
| A67 - Line of Credit Control System                                  | LOCCS        |
| A75 - HUD Central Accounting and Program System                      | HUDCAPS      |
| A75R - Financial Data Mart                                           | FDM          |
| P293 - New Core Interface Solution (NCIS)                            | NCIS         |
| P236 - Secure Payment System (Client Installed on User Workstations) | SPS          |

|                                                                                |             |
|--------------------------------------------------------------------------------|-------------|
| P299 – HUD Pay.gov Common Service                                              | HPCS        |
| ARC – Oracle Federal Financials                                                | OFF         |
| ARC – OneStream Financial Reporting System                                     | OneStream   |
| ARC – Oracle Business Intelligence                                             | OBI         |
| ARC – G-invoicing                                                              | G-Invoicing |
| ARC – OneARC                                                                   | OneARC      |
| ARC – Concur Travel                                                            | Concur      |
|                                                                                |             |
| A43 - SF Insurance System                                                      | SFIS        |
| A43C - SF Insurance Claims Subsystem                                           | CLAIMS      |
| A80D - Distributive Shares and Refund Subsystem                                | DSRS        |
| A80B - SF Premiums Collection Subsystem-Periodic                               | SFPCS-P     |
| A80R - SF Premiums Collection Subsystem-Upfront                                | SFPCS-U     |
| A80W -Single Family Neighborhood Watch                                         | SFNW        |
| F72 - Title I Insurance and Claims System                                      | TIIS        |
| U26A - Electronic Data Interchange                                             | EDI         |
| P013 - FHA Subsidiary Ledger                                                   | FHASL       |
| P256 - SF Help Desk (FHA-CRM under FHA Trans)                                  |             |
| F87 - Tenant Rental Assistance Certification Sys.                              | TRACS       |
| P - 271 Home Equity Reverse Mortgage Information Tech.                         | HERMIT      |
| A80S - Single Family Acquired Asset Mgmt. System                               | SAMS        |
| F17 - Computerized Homes Underwriting Mgmt System                              | CHUMS       |
| F51 - Institution Master File                                                  | IMF         |
| F17C - FHA Connection                                                          | FHAC        |
| F24 - Integrated Real Estate Management System                                 | iREMS       |
| Electronic Appraisal Delivery System                                           | EAD         |
| P292 - Loan Application Management System/Electronic Appraisal Delivery System | LAMS        |
| F24A - Portal and Loan Underwriting System                                     | PLUS        |
| P361 – Greenlight Underwriting and Case Management Tool                        | GRLT        |
| Multifamily End User Support System                                            | MFEUSS      |
| P085 - Comprehensive Servicing and Monitoring System                           | CSMS        |
| Resource Desk (managed by FPG)                                                 |             |
| P260 - Asset Management Disposition and Management                             | ADAMS       |
| P-233A - Transaccess: Case Binder Management Module                            | SFI TA:CBMM |
| A80H - SF Mortgage Asset Recovery Technology                                   | SMART       |
| F57 - Credit Alert Verification Reporting System                               | CAIVRS      |
| P323A - FHA Catalyst                                                           | FCAT        |
| P278 - Lender Electronic Assessment Portal                                     | LEAP        |
| P303 - Loan Review System                                                      | LRS         |
|                                                                                |             |
| P104 - Web Access Security Subsystem                                           | WASS        |
| P207 - Mainframe (IBM)                                                         | MIBM        |

|                                                                                |                 |
|--------------------------------------------------------------------------------|-----------------|
| P208 - Internet Server                                                         | InterS          |
| P209 - LAN File Server                                                         | LFS             |
| P210 - Intranet Server                                                         | IntraS          |
| P220 – HGS Multifamily On-Line Property Integrated Information Suite Data Mart | HM-OPIIS        |
| P223 - WAN File Server                                                         | WFS             |
| X01 - HUD Cloud Services                                                       | HUDCS           |
| D110 - Office 365                                                              | O365            |
| P347 - Sumo Logic                                                              | SUMO            |
| A73 – Inventory of Automated Systems                                           | IAS             |
| D11 - HUD SharePoint Server                                                    | SharePoint      |
| P199 - LAN Servers Patch Management                                            | LSPM            |
| P200 - LAN Servers Anti-Virus Management                                       | LSA-VM          |
| P318 – Enterprise SAS (Statistical Analysis System)                            | ENTSAS          |
| P326 - Amazon Web Services                                                     | WAN             |
| P255 MicroStrategy                                                             | MSTR            |
| P274 - HUD Web Center                                                          | HWC             |
| P285 - Business Systems Management                                             | BSM             |
| P295 - Customer Relationship Management                                        | CRM             |
| P305 - HUD CDM Solution Suite                                                  | CDM             |
| P240 - Integrated Pool Management System                                       | IPMS            |
| P314 - PowerBI Report Server                                                   | PowerBI Gateway |
| P331 – eCase                                                                   | eCase           |
| P302 - Enterprise Data Management                                              | EDM             |
| P281 - Digital Identity and Access Management                                  | DIAMS           |
| P323 - Salesforce Enterprise Application                                       | SEA             |
| P272 - Serena Dimensions CM                                                    | SDCM            |
|                                                                                |                 |
| Purchase Request Information System Management                                 | PRISM           |
|                                                                                |                 |
| P181 - Enterprise Income Verification                                          | EIV             |
| P113 - Inventory Management System                                             | IMS/PIC         |
| P224 - Voucher Management System                                               | VMS             |
| NEED – Enterprise Voucher Management System                                    | eVMS            |
| P092 - Financial Assessment SubSystem -Multifamily Housing                     | FASS-FHA        |
| P093 - Financial Assessment SubSystem -Public Housing                          | FASS-PH         |
| P109 - Physical Assessment SubSystem                                           | PASS            |
| P100 - Integrated Assessment SubSystem                                         | NASS            |
| P097- Management Assessment SubSystem                                          | MASS            |
| F98A - Technical Assistance Center                                             | TAC             |
| P091 - Customer Assessment SubSystem                                           | CASS            |
| P279 - Energy and Performance Information System                               | EPIC            |

|                                                           |            |
|-----------------------------------------------------------|------------|
|                                                           |            |
| NEED – Office of Native American Program Native Advantage | NTV        |
| NEED – CHUMS Lite                                         | CHUMS Lite |
| NEED – Grants Evaluation and Management System            | GEMS       |
| NEED – NSPIRE Application Suite                           | NSPIRE     |
| NEED – Salesforce Platform                                | SalesForce |
| P323 – FHA Catalyst                                       | FCAT       |
|                                                           |            |
| C04 - Integrated Disbursement and Information System      | IDIS       |
| C08QA - Recovery Grant Reporting                          | DRGR       |
| C38 - Electronic Special Needs Assistance Programs System | e-snaps    |
| D77D - CPD Maps                                           | CPD Maps   |
|                                                           |            |
| HUD Enforcement Management System                         | HEMS       |
|                                                           |            |
| Cision, Lexis Nexis                                       | OPA        |
| P068 - HUD Website                                        | HUD.gov    |
|                                                           |            |
| CIR Grants Notification Tool                              | CIRZip     |
|                                                           |            |
| P017 - Grants Interface Management System                 | GIMS       |
|                                                           |            |
| HUD Emergency Operations Notification Center              | MIR3       |
| <b>Office of Lead Hazard Control and Healthy Homes</b>    |            |
| Healthy Homes Grants Management System                    | HHGMS      |



**a) Excepted System List (Critical Supporting Systems)**

Based on a dependency analysis, the systems listed in Table 1 require the following supporting systems to operate.

| <b>Critical Supporting System</b>                                              | <b>Acronym</b> | <b>Supported Critical Mission Systems</b>            |
|--------------------------------------------------------------------------------|----------------|------------------------------------------------------|
| A15 - Geocoding Service Center                                                 | GSC            | LOCCS, FDM, SFIS, TRACS, SAMS, CHUMS, iREMS, IMS/PIC |
| D64A - Single Family Housing Enterprise Data Warehouse                         | SFHEDW         | FHA-SL                                               |
| F71 - Debt Collection and Asset Management System - Title I                    | DCAM-T1        | FHA-SL, CAIVRS                                       |
| F71A - Debt Collection and Asset Management System - Generic Debt              | DCAM-GD        | FHA-SL, CAIVRS                                       |
| P220 - HSG Multifamily On-Line Property Integrated Information Suite Data Mart | HM-OPIIS       | iREMS                                                |
| F24P - Active Partners Performance System                                      | APPS           | iREMS, PASS                                          |
| P057 - Multifamily Delinquency and Default Reporting System                    | MDDR           | iREMS                                                |
| C07A - CPD Grants Management Process                                           | GMP            | MSTR                                                 |
| P355 – MyGinnieMae                                                             | MGM            | IPMS                                                 |
| P315 - Personnel Security Integrated System for Tracking                       | PerSIST        | DIAMS                                                |
| P319 - Enterprise Voucher Management System                                    | EVMS           | VMS                                                  |
| P107 - Quality Assessment Sub-System                                           | QASS           | FASS-FHA                                             |

**b) Actions Necessary Prior to a Lapse in Appropriations**

These actions will ensure an orderly shutdown of the government:

- a) The Deputy CIO, in collaboration with the Program officials, will ensure that all excepted activities enabled through the use of technology in Table 1 are updated prior to the s lapse in appropriations. From this listing, managers must further identify and update the list of excepted employees listed in Table 2. Additionally, managers must identify OCIO managed contracts that need to be utilized during the lapse in appropriations in support of the excepted activities.
- b) The Deputy CIO will be required to identify all non-excepted activities supporting contracts and work with the Office of the Chief Procurement Officer to issue Stop Work Orders for contracts that are not necessary.
- c) The Deputy CIO for Infrastructure and Operations will identify all infrastructure components that will be utilized to support excepted functions during the lapse in appropriations.
- d) Shutdown Binders will be provided to all managers who will be working throughout the lapse in appropriations and the authoritative location for documentation will be identified and communicated.
- e) A teleconference bridge will be coordinated and a schedule for regular lapse in appropriations briefings will be defined and communicated.
- f) Finalize the OCIO lapse in appropriations Communication Plan.

**c) Lapse in Appropriations Activities**

- a) Following the official notification from the OMB or other official source within HUD of a lapse in funding and the need to shut down operations, the Deputy CIO will finalize and activate the plan for the orderly shutdown of non-excepted IT functions within the OCIO.

**d) Resumption Activities**

- a) Following official notification that a lapse in appropriations is in the process of concluding and funding will soon be available for obligation, the Deputy CIO for Infrastructure and Operations will activate all infrastructure components that were shutdown prior to the lapse in appropriations due to their support of non-excepted activities. All IT solutions that were shutdown will be tested to ensure functionality prior to the arrival of the HUD workforce.

**6. Weaver Building Access and Security Plan**

During the lapse in appropriations, The Children's House childcare center, the HUD Credit Union, and the HUD Health Care Center will remain open. Both the Fitness Center and the Urban Café will be closed. Shuttle service will be suspended.

During normal working hours under lapse in appropriations conditions, access to the building will be limited based on the number of individuals expected to be in the building. Security guard staffing will be maintained to keep the building open and manage the facility for excepted staff. The need for contractor entry will be determined by OCPO using the guidance on pages 29-31 (Action Necessary Prior to Lapse in Appropriations); only authorized contractors will be permitted into the building. Security guard staffing will be reduced.

## **7. External stakeholder and federal/nonfederal elected communications plan**

The Office of Public Affairs/Public Engagement has collected the most frequently asked questions (FAQs) for each program office, which are included as the Appendix to this Plan and available on the HUD website. A list of stakeholders has also been compiled, by program, to enable distribution of these Programs will also compile email lists of stakeholders in advance of a lapse to support necessary communication.

Upon any lapse in appropriations, the FAQs for Stakeholders will be:

- 1) Posted on the HUD website.
- 2) Sent by CIR to all Hill contacts, with a message referring Committee and Member staff to contact CIR “excepted” staff with any urgent matters related to excepted agency functions.
- 3) Sent by OPA/PE to the Department’s list of stakeholders, with a request for stakeholders to forward the FAQs to their networks.
- 4) Sent by CIR to groups of nonfederal elected officials, asking them to send the FAQs to their memberships.

In addition, as part of their orderly shutdown duties on the first day of the lapse, staff within CIR will ensure key Committee staff are briefed on the coverage plan during the lapse in appropriations, including an identification of their assigned CIR “excepted” employee Point of Contact.

## **Appendices**

Appendix FAQs for Stakeholders



## Appendix



**United States Department of Housing and Urban Development**  
**Frequently Asked Questions (FAQs) in the event of a Lapse in Appropriations**

Like all federal agencies HUD is required to develop a plan in case there is a lapse in appropriations, often referred to as a lapse in appropriations. The [Contingency Plan](#) is a publicly available document.

**a) General Questions**

**Q:** *In the event of a lapse in appropriations, will staff in my local HUD field office or at HUD Headquarters be available to answer my questions or address concerns that I might have?*

**A:** HUD will have a limited number of employees to answer emergency questions by email or telephone during a lapse in appropriations. All HUD regional and field offices and HUD Headquarters will be closed, with some limited exceptions for a very narrow range of activities that are permitted during a lapse in appropriations. In most cases, if you call or email the field office or Headquarters staff, you will hear a voicemail or receive a return email indicating that the Government is closed. Please check the HUD website for emergency contact information if you are not able to reach your normal contacts.

**Q:** *Whom do I call concerning questions from local constituents who have emergency housing needs?*

**A:** Please contact your local State or City housing office for referrals to local providers.

**Q:** *Will previously scheduled meetings, monitoring and technical assistance visits, or training take place during a lapse in appropriations?*

**A:** No. Virtually all meetings, visits, and appearances will be cancelled. HUD employees will not be traveling during the lapse in appropriations unless for emergency purposes or excepted activities.

**Q:** *How will I know when the government's funding has been restored?*

**A:** The Office of Management and Budget (OMB) will make formal announcements when the government's funding has been restored. You will also be able to follow on the local and national news whether Congress has passed a continuing resolution or appropriations Act and the President has signed it into law.

**Q: *I have an on-going contract with HUD that has been funded. May I continue to work on the contract?***

**A:** HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.

**Q: *If I have a contract to provide on-site services, do I come to work?***

**A:** HUD's Office of the Chief Procurement Officer will provide direct, written guidance to each contractor's contract manager as to the status of their contract. You should contact your contract manager for instructions.

**Q: *How will the implementation of HUD's lapse in appropriations plan impact HUD's staff?***

**A:** If there is a lapse in appropriations, there will be two categories of employees: excepted and non-excepted. The vast majority of HUD employees are non-excepted, meaning that they are prohibited from working during a lapse in appropriations. A very small number of employees are considered excepted. In determining whether an employee is excepted, the agency follows strict OMB guidance. All excepted employees can carry out only those activities allowed under an exception to the Antideficiency Act, which are identified in HUD's Contingency Plan.

**Q: *What activities will continue?***

**A:** A limited number of the activities normally supported by the Federal government are "excepted" from shutting down during a lapse in appropriations. These activities meet a very strict legal standard for protecting life and property to continue. Some HUD programs will continue to operate during a lapse as a result. A full list of HUD programs and their designations under a lapse in appropriations can be found on the HUD website as part of HUD's Contingency Plan.

**Q: *Will I be able to find and apply for a HUD Funding Opportunity during the lapse in appropriations?***

**A:** The Grants.gov System will be open and operating during the lapse in appropriations. The Grants.gov Contact Center also will remain available and provide assistance to callers during their normal operating hours of 24 hours a day, 7 days a week except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at [Support@Grants.gov](mailto:Support@Grants.gov).

Applicants should refer to the HUD Funding Opportunity Announcement posted on Grants.gov for specific application deadline dates and times. Grants.gov registration and system technical questions can be addressed by the Grants.gov Contact Center Help Desk. Program specific questions, or questions about HUD specific requirements, should be directed to HUD staff listed in the funding notice. Please be aware that due to the lapse in appropriations, some HUD staff may not be available to address your questions until the Federal government returns to normal operations.

Applications submitted to Grants.gov during the lapse in appropriations will be processed as usual by the Grants.gov system and stored for agency retrieval. For specific information on registration, application submission, and timely receipt requirements, please read the instructions found in the program specific funding announcement posted to Grants.gov.

Agency systems may or may not retrieve the applications until after the Federal government returns to normal operations.

**Q:** *How would a lapse in appropriations affect the deadline dates for the submission of applications in response to HUD's Notices of Funding Opportunities (NOFOs)?*

**A:** Should a deadline for the submission of applications in response to a HUD NOFO fall during the lapse in appropriations, HUD may publish or post a notice extending the application deadline for the NOFO. The overall impact may result in delays in reviewing and awarding funds for these programs.

## **b) Office of Housing**

### **Office of Single-Family Housing/FHA**

In the event of a lapse in appropriations, most HUD/FHA staff will not be available to respond to case-specific questions. However, the FHA Resource Center will remain operational, staffed by contractors who are equipped to receive and respond to general questions. When the Resource Center receives questions that cannot be answered by contract staff, such answers may be delayed until the government reopens.

The following HUD/FHA Information Resources will be available during a lapse in appropriations:

- HUD/FHA Resource Center: Telephone (800) CALL-FHA 225-5342 or Email: **answers@hud.gov**
- HUD's primary internet site: [www.hud.gov](http://www.hud.gov)
- The Resource Center FAQ site: [www.hud.gov/answers](http://www.hud.gov/answers)

#### **➤ Industry FAQs under a Lapse in Appropriations**

Please be aware that HUD staff will not be available to respond to most incoming correspondence during a lapse in appropriations. The following are examples of such documents that will not be processed until the Government reopens: Review of FHA Test Cases, HRAP condominium approval packages, NAID requests, Partial Release and Well Waiver packages, etc.

The following HUD/FHA Information Resources will be available during a lapse in appropriations:

- HUD/FHA Resource Center: Telephone (800) CALL-FHA 225-5342 or Email: **answers@hud.gov**
- HUD's primary internet site: [www.hud.gov](http://www.hud.gov)

- The Resource Center FAQ site: [www.hud.gov/answers](http://www.hud.gov/answers)

➤ **Origination**

**Q: *Will the lapse in appropriations affect the processing or closing of FHA-insured loans?***

**A:** FHA will have limited staff during a lapse in appropriations and the processing or closing of FHA-insured loans may be delayed. The longer the lapse in appropriations lasts, the more serious the impact will be. All FHA underwriting and processing requirements would remain in force during the lapse of appropriated funds and no loan may be endorsed that does not fulfill those requirements.

**Q: *Will FHA insure any loans during the lapse in appropriations and does this also impact lenders with Lender Insurance (LI) authority?***

**A:** FHA-insured loans, with the exception of Home Equity Conversion Mortgages (HECM) and Title I loans, (Direct Endorsement or Lender Insurance) will be endorsed during a lapse in appropriations as long as FHA does not run out of commitment authority. There may be delays in endorsement times for FHA.

**Q: *Will FHA insure HECMs during the lapse in appropriations?***

**A:** No, FHA does not have the authority to insure additional HECMs during this period due to the statutory cap limiting the number of HECMs under the HECM Program.

**Q: *Will FHA insure Title I loans during the lapse in appropriations?***

**A:** No, FHA does not have the authority to insure Title I loans during this period.

**Q: *Will Condominium Project Approvals be processed?***

**A:** DELRAP approvals can continue to be processed, but HRAPS submissions will not be processed during a lapse in appropriations,

**Q: *Can lenders with Lender Insurance (LI) approval continue to insure loans during the lapse in appropriations?***

**A:** Yes, as long as FHA does not run out of commitment authority. If FHA runs out of commitment authority, the lenders' LI Approval will be temporarily suspended.

**Q: *Will lenders in test case status be able to have their loans reviewed and endorsed?***

**A:** No. FHA staff will not be available to review and endorse test cases.

➤ **Access to FHA Connection**

Lenders will be able to access FHA Connection, however, some functionalities may be unavailable. All FHA requirements remain in force during the lapse in appropriations regardless of system limitations.

**Q: *Can a lender obtain a new FHA case number?***

**A:** Yes. Lenders will be able to obtain an FHA case number from the FHA Connection.

**Q: *Will FHA TOTAL Scorecard be available for lenders?***



**A:** Yes. FHA TOTAL Scorecard will be available through Automated Underwriting Systems (AUS).

**Q:** *Will lender users be able to get password resets for FHA Connection?*

**A:** Lender user password resets are handled by their organization's FHAC Application Coordinators. The FHAC Application Coordinators for each lender will continue to have the ability to reset passwords and retrieve user IDs.

**Q:** *Will the Credit Alert Verification Reporting System (CAIVRS) be available during a lapse in appropriation?*

**A:** Yes. CAIVRS will be available however, the information provided may not be up to date. FHA policy requires lenders to determine that borrowers seeking FHA financing do not have delinquent federal debt, which includes but is not limited to checking CAIVRS, public records, and credit reports; and obtaining documentation of debt resolution in accordance with the Debt Collection Improvement Act.

➤ **Mortgage Insurance Premiums**

**Q:** *Is FHA collecting the Upfront Mortgage Insurance Premiums (UFMIP) if a lender closes any loans during the lapse in appropriations?*

**A:** Yes. FHA will collect the UFMIP for any loans pending endorsement.

**Q:** *Is FHA collecting the monthly Mortgage Insurance Premiums (MIP)?*

**A:** Yes. Lenders are required to submit monthly MIPs to FHA during a lapse in appropriations.

➤ **Servicing**

**Q:** *Will FHA continue to pay partial claims to facilitate workout agreements to avoid additional foreclosures and increase in homelessness in my city, municipality or town?*

**A:** Yes.

**Q:** *Can lenders file a claim and convey a property if there is a lapse in appropriations?*

**A:** Yes. Lenders can file a claim and convey a property. The properties will be assigned to HUD's Management and Marketing contractors to maintain and sell. Claims meeting FHA's claim requirements will be paid.

**Q:** *Can lenders submit extension and variance requests through the EVARS System?*

**A:** Yes. Lenders will be able to continue to submit extension or variance requests through EVARS.

**Q:** *Can lenders continue to take on-line courses through EClass?*

**A:** Yes. EClass's web-based training will be available for use.

**Q:** *Are lenders required to file monthly default reports to FHA?*

A: Yes. FHA's system for collecting the monthly default reporting will be available during a lapse in appropriations.

➤ **Lender Approval/Monitoring**

**Q: *Are lenders required to submit routine compliance reporting to FHA-managed systems?***

A: Yes. FHA's lenders are required to submit routine compliance reporting to FHA-managed systems, which will be available during a lapse in appropriations.

**Q: *Are lenders required to file monthly default reports to FHA?***

A: Yes. FHA's system for collecting the monthly default reporting will be available during a lapse in appropriations.

**Q: *Are lenders required to submit audited financial statements to the Lender Electronic Assessment Portal (LEAP)?***

A: Yes. LEAP will be available during a lapse in appropriations. However, FHA will be unable to review and process any audited financial statements during a lapse in appropriations.

**Q: *Will FHA monitor lenders during the lapse in appropriations?***

A: No. FHA will not perform any Quality Assurance processes (loan and lender monitoring activities) during a lapse in appropriations.

**Q: *Can lenders submit applications to become an FHA approved lender through the LEAP?***

A: Yes. LEAP will be available during a lapse in appropriations. However, FHA will be unable to review and process lender applications.

**Q: *Will FHA recertify a lender's request to renew their FHA approval?***

A: No. FHA will not recertify any lender's status as an FHA approved lender during a lapse in appropriations.

**Q: *Will the Loan Review System (LRS) be available during a lapse in appropriations?***

A: Yes, Lenders will be able to access LRS to continue work on active reviews and response requests during a lapse in appropriations, but there will be limited capability for actions that require FHA staff intervention. Any cases under review by FHA will be put on hold.

**Q: *Will FHA continue to request binders for review in the Loan Review System (LRS) during a lapse in appropriations?***

A: Yes. Some automated LRS loan selection and binder request processes will continue during a lapse in appropriations. Lenders will not be penalized for overdue LRS binder requests that are attributed to the lapse in appropriations.

**Q** *Are lenders required to submit self-reports of loan level non-compliance?*

**A:** Yes, LRS will be available during a lapse in appropriations. However, FHA will be unable to review and process any self-reports during a lapse in appropriations

➤ **Consumer FAQs Under a Lapse in Appropriations**

Please be aware that HUD staff will not be available to respond to most incoming correspondence during a lapse in appropriations. The following are examples of such documents that will not be processed until the Government reopens: Submission of FHA Test Cases, HRAP condominium approval packages, NAID requests, Partial Release and Well Waiver packages, etc.

The following HUD/FHA Information Resources will be available during a lapse in appropriations:

- HUD/FHA Resource Center: Telephone (800) CALL-FHA 225-5342 or Email: **answers@hud.gov**
- HUD's primary internet site: [www.hud.gov](http://www.hud.gov)
- The Resource Center FAQ site: [www.hud.gov/answers](http://www.hud.gov/answers)

**Q:** *How will the lapse in appropriations affect the processing or closing of my FHA-insured loan?*

**A:** The lapse in appropriations may delay the processing or closing of your FHA-insured loan. Please contact your lender for the exact status of your FHA loan.

**Q:** *If I'm selling my home to a buyer utilizing FHA-insured financing, will I still be able to complete the sale?*

**A:** The lapse in appropriations may delay the processing of an FHA-insured loan. Please contact your realtor and/or lender for the exact status of the FHA loan.

**Q:** *What about homeowners with FHA-insured mortgages facing foreclosure?*

**A:** Most loss mitigation for homeowners facing foreclosure (including FHA loan modifications, FHA-HAMP, etc.) will continue.

**Q:** *Will borrowers receive Upfront Mortgage Insurance Premiums (UFMIP) refunds?*

**A:** Yes. Borrowers will be able to receive unearned UFMIP refunds as long as they meet the streamline process.

**Q:** *Will borrowers receive HECM payments from HUD during a lapse in appropriations?*

**A:** Yes. Borrowers will receive HECM payments.

**Q:** *Who can I contact about a health or safety issues with a HUD-owned property in my neighborhood?*

**A:** The staff at the FHA Resource Center (1-800-CALL-FHA) can provide contact information for contractors responsible for the maintenance of HUD-owned properties.

➤ **REO/HUD Home Sales**

**Q:** *Will HUD Homes be listed?*

**A:** Yes. HUD Homes will continue to be listed on [www.hudhomestore.gov](http://www.hudhomestore.gov).

**Q:** *Will I be able to place a bid on a HUD-owned property via the HUD Home Bid site during the lapse in appropriations?*

**A:** Yes. The bidding site ([www.hudhomestore.gov](http://www.hudhomestore.gov)) will be available and maintained during the lapse in appropriations.

**Q:** *Who can I notify about health or safety issues on a HUD-owned property?*

**A:** The staff at the FHA Resource Center can provide contact information for contractors responsible for the maintenance of HUD-owned properties.

**Q:** *Will HUD Broker Name Address Identifiers (NAIDs) applications be processed?*

**A:** No. NAID applications will not be processed during the lapse in appropriations.

**Office of Housing Counseling**

**Q:** *Will the Housing Counseling System (HC) be available to HUD-approved agencies?*

**A:** The Housing Counseling System (HCS) will not be available. Consequently, counseling agencies will be unable to update agency profile information, submit activity data, or otherwise utilize the functionality in HCS. Once HCS back online, FHA will require all counseling agencies to submit activity data for the lapse in appropriations period retroactively.

**Q:** *Will clients be able to utilize Housing Counseling search engines?*

**A:** The Housing Counseling web pages will not be updated. HUD's website housing counseling search functionality, and similarly HUD's toll-free number to search for counseling services, will still be available to households seeking counseling services. However, with HCS down, the data behind the search functionality will not be updated.

**Q:** *Will HUD-approved agencies be able to access HUD grant funds through the LOCCS System?*

**A:** While the LOCCS system should be functioning, there will be no HUD staff available to approve requests for disbursements. Consequently, no grant disbursements will occur during a lapse of appropriated funds.

**Office of Multifamily Housing**

➤ **Multifamily Production**

**Q:** *Will HUD close loans?*

**A:** Yes, but only on projects with Firm Commitments or Firm Approval Letters that have been issued prior to the lapse in appropriations.

**Q: Will construction draws be processed? What about FHA Multifamily insured loans under construction?**

**A:** The following policy will apply:

- MAP Lenders servicing construction loans may, at their and Owners' and General Contractors' risk, process interim construction or repair (in the case of Section 223(f) project) draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.
- For any projects that obtain local authority approval (i.e., a Certificate of Occupancy), the Construction Loan Administrator (i.e., the Lender) and Owner may proceed with allowing occupancy. HUD will review, and assuming appropriate, approve the permission to occupy on a post review basis at such time the government re-opens.

**Q. Will HUD perform or contract for construction inspections during the lapse in appropriations?**

**A.** Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.

MAP lenders servicing construction loans should endeavor to coordinate the review and processing of construction draws with the assigned construction inspector.

**Q. Will HUD permit MAP lenders servicing construction loans to release funds from the Operating Deficit and Working Capital Escrow accounts?**

**A.** During a lapse in appropriations, MAP and Risk Share Lenders servicing construction loans may at their, and the Owners' risk, release funds from the Operating Deficit Escrow and Working Capital accounts. HUD will perform a review of releases at such time as the government re-opens.

**Q: What if my Firm Commitment or Firm Approval Letter expires?**

**A:** Limited Staff will be available to process lender requests for amendments to the Firm Commitment, including extensions. Requests should be sent to the appropriate Regional or Headquarters Production Director for processing.

**Q: Will HUD continue to process commitments and issue Firms so that we are able to rate lock?**

**A:** No.

**Q: As a lender, can I still assign? Will the Department be processing claims?**

**A:** Yes, a lender may assign a loan; however, the processing of the claim may be delayed.

**Q: Will HUD continue to collect MIP?**

**A:** Yes.

**Q: Will REAC still be scheduling and doing inspections?**

**A:**

- Previously awarded inspections procured by HUD and funded by previous obligations will continue regardless of the reason for the inspection.
- All inspections where the servicing mortgagee bears the responsibility for procuring the inspection will continue.
- For inspections that are to be conducted by HUD employees:
  - Where there is reason to believe that there is a threat to life or property at that specific location, the inspection will continue.
  - Where there is no reason to believe that there is a threat to life or property at that specific location, the inspection will be cancelled.
  - When during a lapse in appropriation HUD becomes aware of a threat to life or property, HUD will schedule an inspection to be conducted by a HUD employee.

➤ **Asset Management and Assisted Housing**

**Q: Will HUD make payments under Section 8 contracts, section 236, or PRAC from prior obligations or where there is a permanent or indefinite authority or multi-year funding?**

**A:** HUD will make payments under previously obligated Section 8 contracts, Section 236 agreements, Interest Reduction Payment (IRP) contracts, Project Rental Assistance Contracts (PRAC), Section 811 Project Rental Assistance (PRA), PBCA contracts, and similar rental-assistance related contracts on an as needed basis to ensure ongoing viability of assets and preservation of affordable housing. The Department will work closely with OCFO to identify, when previously obligated Section 8, PRAC, and PBCA contract allocations may be insufficient to support ongoing program operations, if any permanent or indefinite authority is available or multi-year carryover funding remains that can be used to fund these assistance programs. If such funds are available, the necessary obligational actions will be taken to make such funds available for timely disbursement, including processing Section 8 and PRAC renewals for expiring contracts and processing amendment funds for non-expiring Section 8 contract renewals.

**Q: Will HUD staff continue to approve HUD-9250s for releases of residual receipts or Reserve for Replacement to offset monthly voucher requests for Section 8 housing assistance payments?**

**A:** Yes. Requests should be submitted to the Asset Management Division Director of the assigned HUD office to ensure they are seen and processed in a timely manner. A signed form HUD-9250 should be sent showing the request amount, balance in the account, and a certification that the funds will be paid back when subsidy is restored.

**Q: Will Section 8 waiver requests be processed?**

**A:** For the most part, no. However, for those properties which have received designations by HUD as troubled assets through its rating of insured and assisted assets, minimal staff will be available to provide necessary oversight to ensure that actions can be taken to resolve imminent threats of claim or abatement.

**Q:** *Will PBCAs continue to perform their duties?*

**A:** Yes, PBCA contracts will continue their services as long as appropriated funds remain available.

**Q:** *Will HUD continue to process tenant certifications and electronic voucher payment requests?*

**A:** Yes. Tenant Rental Assistance Certification System (TRACS) will be available to process vouchers, provided that appropriate funds have already been obligated.

**Q:** *Will HUD continue to process requests for contract renewals during the lapse in appropriations?*

**A:** HUD will continue to process contract renewals to the extent that there is budget authority available from prior appropriations or recaptures.

**Q:** *Will HUD continue to operate the Multifamily Housing End User Support Help Desk during the lapse in appropriations?*

**A:** Yes. The Multifamily Housing End User Support Help Desk will respond to questions from users for the following systems:

- *Portal and Loan Underwriting System*
- *Integrated Real Estate Management System*
- *Tenant Rental Assistance Certification System*
- *Specific questions related to Multifamily Housing Enterprise Income Verification procedures.*

**Q:** *Will Service Coordinator grants be processed during the lapse in appropriations?*

**A:** Funding staff will be available to ensure grants that have been obligated will be paid, but no new funding can be committed during the lapse in appropriations.

➤ **Multifamily FHA Insurance and General Asset Management**

**Q:** *Will the Financial Assessment Sub-System (FASS) accept audited financial statements?*

**A:** Financial statements may be submitted through FASS; however, if problems are experienced with a submission, the REAC Technical Assistance Center (TAC) will not be available to provide assistance.

**Q:** *Will HUD entertain requests for waivers or undertake other activities as part of routine asset management?*

**A:** For the most part, no. However, minimal staff will be available to review and approve urgent requests to resolve imminent threats to tenants' health and safety or to property. Requests should be clearly labeled as such and submitted to the appropriate Asset Management Division Director for processing.

**Q:** *Will HUD process emergency releases from reserves for critical repairs?*

**A:** Yes, on a limited basis. For requests for critical reserve releases for health and safety purposes, owners or agents should email the Asset Management Division Director for their assigned HUD office.

**Q:** *Will HUD process 9807 requests to pay off FHA-Insured loans during the lapse in appropriations?*

**A:** Yes. Requests should be submitted to [InsuranceTerminationRequests@hud.gov](mailto:InsuranceTerminationRequests@hud.gov).

**Q:** *Will HUD process Extensions of Elections to Assign during the lapse in appropriations ?*

**A:** Yes. Requests should be directed to the appropriate Asset Management Division Director for processing.

➤ **Office of Recapitalization**

**Q:** *Can I submit a Section 236 refinance/prepayment application?*

**A:** Yes, however there will not be staff to review the applications during the lapse in appropriations and the review would start when the lapse in appropriations is over.

**Mark-to-Market (M2M)**

**Q:** *Will PAEs continue to work on M2M transactions?*

**A:** Yes, PAEs will continue to do their normal functions up to and unless they reach a point where they normally require HUD approval, waiver, or authority to proceed.

**Rental Assistance Demonstration (RAD)**

**Q:** *Will PHAs still have the ability to submit RAD Applications during a lapse in appropriations ?*

**A:** Yes, Applications for RAD can be submitted through [RADApplications@hud.gov](mailto:RADApplications@hud.gov). However, there will not be staff to review any submissions received during the lapse in appropriations. Review of these applications would begin when the lapse in appropriations is over.

**Q:** *Will RAD processing by HUD staff continue during the lapse in appropriations?*

**A:** No, staff cannot process routine underwriting tasks during this time. However, some closing activities may continue (see below).

**Q:** *I have a RAD project that is scheduled to close, will I be able to close my RAD deal during the lapse in appropriations ?*



- A:** Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD), where a Rental Assistance Demonstration Conversion Commitment (RCC) (applicable to Component 1) or a Rental Assistance Demonstration Approval (applicable to Component 2) was issued, and the closing was scheduled prior to the lapse in appropriations will continue. In addition, where the failure to close or prepare to close would threaten the property and demands an immediate response (i.e., loss of tax credits), the closing will continue.

➤ **Section 202/811 Programs**

**Q:** *Will closings continue for Section 202/811 new construction projects?*

**A:** Yes, but only on projects with firm commitments that have been issued prior to the lapse in appropriations .

**Q:** *Can Section 202/811 projects that are currently under construction continue to access necessary funds and have inspections performed?*

**A:** HUD will process construction draws using intermittent staff to respond to issues relating to an imminent threat to life or property. HUD will rely on the sponsors' supervisory architects' certifications and will perform or contract for construction inspections on a post-review basis at such time the government re-opens.

**Q:** *Will there be technical assistance available to grant applicants?*

**A:** No.

**Q:** *Will HUD process Service Coordinator extensions?*

**A:** No.

**Q:** *Can I still submit my application to Grants.gov?*

**A:** Yes, Grants.gov will be accessible, however phone support in program offices will not be available.

**Q:** *Will I be able to find and apply for a HUD funding Opportunity during the lapse in appropriations?*

**A:** The Grants.gov System will be open and operating during the lapse in appropriations. The Grants.gov Contact Center also will remain available and provide assistance to callers during their normal operating hours of 24 hours a day, 7 days a week except Federal holidays. The Contact Center phone number is 800-518-GRANTS. The Contact Center can also be reached by email at [Support@Grants.gov](mailto:Support@Grants.gov). Due to the lapse in appropriations, some HUD staff may not be available to address your questions until the Federal government returns to normal operations.

Applications submitted to Grants.gov during the lapse in appropriations will be processed as usual by the Grants.gov system and stored for agency retrieval. For specific information on registration, application submission, and timely receipt requirements,

please read the instructions found in the program specific funding announcement posted to Grants.gov.

Agency systems may or may not retrieve the applications until after the Federal government returns to normal operations.

**Office of Healthcare Programs**

**Q:** *We have received a mortgage insurance commitment and are scheduled to go to closing. Can the loan closing occur as planned?*

**A:** Loan closings and related activities (including amendments to firm commitments where appropriate) will occur during the lapse in appropriations if an insurance commitment was issued prior to the lapse in appropriations .

**Q:** *Will construction draw requests, construction or environmental inspections, or change orders for healthcare projects continue during the lapse in appropriations?*

**A:** No, except that during a lapse in appropriations, Lenders servicing loans having a construction or repair component may, at their and Owners' and General Contractors' risk, process interim construction or repair draws. Limited construction inspection functions may continue where such functions are to be performed under a funded contract provided the contractor has sufficient capacity to proceed independently, or when necessary, under the oversight of an excepted employee. HUD will perform or contract for all other construction inspections on a post-review basis at such time the government re-opens.

**Q:** *How will the lapse in appropriations affect the review and underwriting of pre-applications and applications?*

**A:** All review and underwriting activities will cease.

**Q:** *Will HUD continue to process commitments and issue Firms so that we are able to rate lock?*

**A:** No.

**Q:** *Will HUD continue to collect MIP?*

**A:** Yes.

**Q:** *Will the Office of Healthcare Programs process emergency releases from reserve accounts?*

**A:** Yes, on a limited basis.

**c) Office of Public and Indian Housing****Resident Questions**

**Q:** *Will my public housing authority, Tribe, or Tribally Designated Housing Entity remain open during a lapse in appropriations?*

**A:** Public housing authorities (PHAs), Indian tribes, and tribally-designated housing entities (TDHEs) are not part of the Federal Government and, therefore, would not be required to close during a lapse in appropriations. However, since PHA, Indian tribe, and TDHE administrative and operational funding is provided by the Federal Government and may be impacted by the lapse in appropriations , some PHAs, Indian tribes, and TDHEs may need to reduce or change their normal operating hours. You should contact your local

PHA, Indian tribe, or TDHE for information related to the status of its operations and business.

**Q: *In the event of a lapse in appropriations, will I lose my rental assistance if I live in Public Housing, Indian Housing, or receive a Housing Choice Voucher?***

**A:** Depending on the length of the lapse in appropriations, some PHAs, Indian tribes, and TDHEs may not be able to maintain normal operations. You should contact your local PHA, Indian tribe, or TDHE for information related to the status of its operations and business hours.

**Q: *What happens in the event I am facing an eviction?***

**A:** You should contact your local PHA, Indian tribe, or TDHE for questions related to any pending evictions.

**Q: *Who may I contact if I have questions, concerns or complaints regarding Housing Choice Voucher programs, my PHA, Indian tribe, TDHE, landlord, unit condition, etc.?***

**A:** You should contact your PHA, Indian tribe, TDHE, or locality for assistance in responding to your particular needs or concerns.

**Questions from Public Housing Authorities, Indian tribes, TDHEs, and other Tribal Entities**

**Q: *In the event of a lapse in appropriations, will I be able to draw down funding for the Public Housing program, Indian Housing programs, and the Housing Choice Voucher program?***

**A:** **For the Public Housing program**, yes, you will be able to draw down funds from the Line of Credit Control System (LOCCS) that had been previously obligated to you, and which can be drawn down without further action or review by HUD employees. However, previously obligated funds that require HUD action or review before disbursement will not be available, except in those cases where there is an imminent threat to lives or property.

For Indian housing programs, you would be able to access funds in LOCCS that have been previously obligated to you. However, previously obligated funds that require HUD action or review before disbursement will generally not be available, except in those cases where there is an imminent threat to lives or property limited HUD staff will be made able to approve those requests.

For the Housing Choice Voucher program, payments will be disbursed to PHAs so long as available funds were previously obligated. See page 11 for limited exceptions. Previously obligated amounts in HUD-held reserves (HHR) may be requested or automatically disbursed to address emergency situations such as families at risk of termination.

- Q:** *How does the Federal government communicate with the public during a lapse in appropriations?*
- A:** When a lapse of appropriations occurs, you should go to the Office of Management and Budget's website at [www.whitehouse.gov/omb/](http://www.whitehouse.gov/omb/) for updates. The HUD website will not be regularly updated. Please also pay close attention to the media for information on the government reopening. If you are a federal employee, please monitor the Office of Personnel Management's website ([www.opm.gov](http://www.opm.gov)) for information about when federal employees should report back to work.
- Q:** *I've heard that there will be very limited staffing during a lapse in appropriations. How will we be able to contact staff in the Office of Public and Indian Housing and the Office of Native American Programs if I have an emergency? Will there be a centralized email, fax or phone number?*
- A:** Only excepted staff will be available to respond to emergency issues. There will be no staff to answer non-emergency questions. The contact information for PIH emergency operations during the lapse in appropriations will be posted on the HUD website.
- Q:** *Will previously scheduled meetings with PIH staff or appearances by PIH officials, in or outside of Washington, take place during the closure?*
- A:** In the event of a lapse in appropriations, all meetings and appearances related to non-excepted activities would be cancelled.
- Q:** *Will PIH staff be able to travel for the purposes of monitoring or to provide technical assistance to Public Housing Authorities, Indian tribes, and TDHEs?*
- A:** No. HUD staff would not be able to travel during the lapse in appropriations unless it is for emergency purposes or excepted activities.
- Q:** *Will I be able to utilize HUD secure systems (including VMS, IMS/PIC and FASS) to make submissions on behalf of my organization during lapse in appropriations?*
- A:** Yes. HUD secure systems will remain available; however, there will be no contractor or HUD-staff support for system-related issues (e.g., submission questions or approvals) during a lapse in appropriations.
- Q:** *Will announcements for funding under any PIH Notice of Funding Availability (NOFAs) be made during a government closure?*
- A:** No awards will be announced during lapse in appropriations.

#### **Questions from PHAs - Capital Fund and Mixed Finance/Development**

- Q:** *In the event of a natural disaster, will HUD be able to provide emergency/disaster funding to PHAs?*
- A:** For a disaster/emergency that has occurred before or during the lapse in appropriations, PHAs would be able to apply for funding for emergencies and non-Presidentially declared disasters. PIH may monitor the receipt of such applications and, for applications responding to a threat to safety of human life or the protection of property, process such applications but generally not through to the point of obligation of funds, since the

authority to obligate funds for such disaster/emergencies would have lapsed. The only exception to this would be an application for assistance related to a disaster/emergency that had occurred in a prior Fiscal Year and for which PIH had sufficient available carryover funding from that year; in that case, PIH would be authorized to obligate the available carryover funds.

For Presidentially declared disasters during a lapse, the Department recommends that FEMA be the first contact for PHAs, Indian tribes, and TDHEs.

**Q: *Will the Capital Funds for the new Fiscal Year be distributed?***

**A:** The formula and distribution are dependent upon final funding levels and will be processed after the passage of an appropriations bill.

**Q: *Will our housing authority be able to access LOCCS (Line of Credit Control System) during the lapse in appropriations?***

**A:** As noted above, you will be able to draw down funds from LOCCS (Line of Credit Control System) for the purpose of accessing funds for public housing (operating subsidies and capital funds) that have already been obligated in the system, and which can be drawn down without further action or review by HUD employees. The LOCCS system will be available to all PHAs during a lapse in appropriations for open grants. However, if a PHA has a grant on automatic review there will not be staff available to assist with the review and approval. Excepted staff will only be able to address emergency issues related to grants on automatic review. In addition, no new grants will be awarded during the period of the lapse in appropriations.

**Q: *We have a mixed finance transaction in process, and our Low-Income Housing Tax Credits will be expiring. Will we be able to get our transaction closed?***

**A:** In the case of a lapse of appropriated funds, HUD staff will only close Mixed-Finance housing transactions on an emergency basis, where a set closing date cannot be extended and failure to close by the set date would result in loss of financing, (e.g., Low-Income Housing Tax Credits, New Markets Tax Credits and/or other critical financing), which would threaten the viability/feasibility of the proposed housing development project. In all other circumstances, the PHA should work with its development partners and investors to determine other options during the shut-down.

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**Q: *What if we have an issue with our HOPE VI or Choice Neighborhood grant?***

**A:** The ability to provide approval for projects that are closing or to complete reviews will only be done on an emergency basis, and grantees need to make contingency plans in order to be able to handle any issues that come up during the lapse in appropriations.

**Questions from Choice Neighborhoods Grantees**

**Q:** *Will we be able to access the Line of Credit Control System (LOCCS) during the lapse in appropriations?*

**A:** As noted above, you will be able to draw down funds from LOCCS for the purpose of accessing funds for public housing (operating subsidies and capital funds) that have already been obligated in the system, and which can be drawn down without further action or review by HUD employees. The LOCCS system should be available to all Choice grantees during a lapse in appropriations for open grants. However, if the grant is on automatic review there will not be staff available to assist with the review and approval. Excepted staff will only be able to address emergency issues related to grants on automatic review. In addition, no new grants will be awarded during the lapse in appropriations.

**Q:** *We have a Choice Neighborhoods replacement project ready to close and our Low-Income Housing Tax Credits will be expiring. Will we be able to close?*

**A:** The Office of Public Housing Investments (OPHI) will only close transactions during a lapse in appropriations when necessary to preserve the viability of the project or to protect human lives. For any other project, the PHA should work with its development partners and investors to determine how to proceed.

**Q:** *Are the quarterly reports still due or should we wait until the lapse in appropriations is over?*

**A:** Quarterly reports should still be submitted as the data is reviewed by HUD's contractor.

**Questions from PHAs – Housing Choice Voucher Program**

**Q:** *Will PHAs receive Housing Assistance Payments (HAP) and administrative fees?*

**A:** HAP, administrative fees, EHV Program and Mainstream Vouchers funding that has been previously obligated will be disbursed at their normally scheduled time. See page 11 for limited exceptions. However, any funding action which requires HUD staff assistance (e.g., HAP and fee frontload requests, submissions of budget revisions for EHV Program, ModRehab, Mainstream Vouchers, SRO, etc.) will not be processed during the lapse in appropriations with limited exceptions for tenant protection vouchers (see question below). Obligated HAP funds (HUD-held reserves) are available for disbursement. Excepted personnel at FMC in Kansas City will be available to assist in those cases where there is an imminent threat to life or property including families at risk of termination of assistance.

**Q:** *Will HUD process funding requests for tenant protection vouchers for public housing demolition/disposition activities or Multifamily Housing Conversion Actions (e.g., owner prepayments and opt-outs) during a lapse in appropriations?*

**A:** During the period of the lapse in appropriations these applications will not be processed. However, tenant protection voucher requests will be processed in those cases where there is an imminent threat to lives or property.

**Q: Will HUD continue to process subsidy-layering reviews (SLR) during a lapse in appropriations?**

**A:** During the period of the lapse in appropriations HUD will be unable to process subsidy-layering reviews. However, SLRs will be processed in those cases where there is an imminent threat to lives or property.

**Q: Should PHAs continue to issue vouchers during a lapse in appropriations?**

**A:** PHAs are not required to cease issuing vouchers during a lapse in appropriations. PHAs should assess their financial ability to make payments on behalf of currently assisted households as well as those potentially to be served when considering their ability to issue vouchers.

**Q: Will MTW PHAs be able to access additional payments for non-HAP, MTW-eligible expenses during a lapse in appropriations?**

**A:** HUD staff will not process funding assignments for non-HAP, MTW-eligible activities during a lapse in appropriations, except where there is an imminent threat to lives or property. MTW PHAs, like all PHAs, would only be able to schedule payments that are already obligated in the system. In addition, exempt staff would not be able to respond to questions by phone or email, so technical assistance during a lapse in appropriations may also be affected.

#### **Office of Native American Programs**

**Q: How would a lapse in appropriations impact operations of the Office of Native American Programs (ONAP) Office of Loan Guarantee?**

**A:** The Office of Loan Guarantee (OLG) will be closed. Therefore, no case numbers, firm commitments or loan guarantee certificates will be issued for the Indian Housing Loan Guarantee Program (Section 184) and Native Hawaiian Housing Loan Guarantee Program (Section 184A), and no firm commitments or loan guarantees would be issued for the Indian Housing Block Grant Loan Guarantee (Title VI program). Furthermore, no claims would be paid during a lapse in appropriations.

However, HUD would take limited necessary actions to protect against imminent threat to life, safety, or property.

**Q: Will technical assistance and training for ONAP grantees still be provided during the government shut down?**

**A:** Yes. However, technical assistance and training would be limited to those requests that were already approved and obligated prior to a lapse in appropriations and that do not require HUD staff review and approval.

**Q: How will the government shut down affect individual Indian Housing Block Grant (IHBG) and Indian Community Development Block grant (ICDBG) awards?**

**A:** All previously obligated IHBG and ICDBG funds that have been made available in LOCCS will be available for draw down during the government shut down. Grant recipients should continue to use the same process for drawing down funds from LOCCS.



**Q: *When will Indian Housing Block Grant recipients receive their grant award, if the Grant Agreement was not returned prior to a lapse in appropriations?***

**A:** If the grantee did not return their signed grant agreement prior to a lapse in appropriations, grant funds will not be available in LOCCS until the grant agreement process is completed. All processing will cease during a lapse in appropriations.

**Q: *Is any funding available to Indian Housing Block Grant during the government shut down?***

**A:** Yes, IHBG and ICDBG funds recorded and made available in LOCCS prior to the government shut down will be available to grantees during a lapse in appropriations. Grantees should use the normal LOCCS process to draw down funds during a lapse in appropriations.

**Q: *Will the Indian Housing Block Grant (IHBG) Formula Customer Service Center continue to operate?***

**A:** The IHBG Formula Customer Service Center will operate during a lapse in appropriations. Requests can be sent via e-mail, facsimile, or voicemail; however, when actions by the Formula Customer Service Center require HUD action or review, responses to such requests may be delayed until a lapse in appropriations has ended.

**Q: *Will tribes/TDHEs be notified of their IHBG formula allocations during a lapse in appropriations ?***

**A:** No, tribes/TDHEs will not be notified of their IHBG formula allocations during a lapse in appropriations.

### **Rental Assistance Demonstration**

**Q: *Will PHAs still have the ability to submit Rental Assistance Demonstration (RAD) Applications during a lapse in appropriations?***

**A:** Yes, applications for RAD can be submitted through [RADApplications@hud.gov](mailto:RADApplications@hud.gov). However, there will not be staff to review during a lapse in appropriations, and the review would start when the lapse in appropriations is over.

**Q: *I have a RAD project that is scheduled to close, will I be able to close my RAD deal during a lapse in appropriations?***

**A:** Closings on rental assistance conversions scheduled as part of the Rental Assistance Demonstration (RAD) where a Rental Assistance Demonstration Conversion Commitment was issued, and the closing was scheduled prior to a lapse in appropriations will continue. In addition, where the failure to close or prepare to close would imminently threaten the property and demands an immediate response (e.g., loss of tax credits), the closing may continue during the lapse.

### **Real Estate Assessment Center**

**Physical Inspections**

**Q: *There is a physical inspection auction scheduled during a lapse in appropriations. Will it still happen and if not, how will we (the contractor/ inspectors/PHAs/POAs) be notified?***

**A:** If there is a lapse of appropriations, the auction will be postponed. The only exception to this rule is if holding a limited auction is necessary to schedule inspections for specific projects where a known health or safety risk exists. The Reverse Auction Program (RAP) contractors who are eligible to bid on auction properties will be notified via email.

**Q: *If an inspection is confirmed and scheduled, may the inspector conduct the inspection during a lapse in appropriations?***

**A:** Yes and no. Where contracts have been obligated prior to the lapse in appropriations, contracted inspectors will conduct the inspection during a lapse in appropriations. However, HUD employees will not be able to conduct inspections during a lapse in appropriations unless there is a known threat to life or property at that specific location.

**Q: *Will inspection results, which have been uploaded into Real Estate Assessment Center (REAC) near the date of a lapse in appropriations, be released?***

**A:** No. There will be no staff available to review the inspections nor decide on their release during a lapse in appropriations.

**Q: *Can I upload inspections during a lapse in appropriations?***

**A:** Yes, but they will not be reviewed and therefore cannot be released as discussed above. Also there will be no technical support available during a lapse in appropriations if upload problems are encountered.

**Q: *Will the Reverse Auction Program (RAP) contractors be able to bill HUD for their RAP inspections?***

**A:** Yes, contractors will be able to bill up to the line of credit which will be current as of the date of a lapse in appropriations.

**Q: *Will Inspector Administration (IA) continue to report performance or conduct issues to contract inspectors during a lapse in appropriations?***

**A:** IA will not communicate any performance or conduct issues to inspectors during the period of a lapse in appropriations.

**Q: *Will Inspector Administration (IA) receive, investigate, and respond to alleged complaints against inspectors***

**A:** IA will not receive, investigate, or respond to any complaints during a lapse in appropriations.

**Q: *Can I still submit an appeal if the government is closed?***

**A:** Yes, you should still submit your request for a technical review (TR) within the deadlines specified in the regulation; however, none will be reviewed until after the government reopens. Therefore, a response to an appeal will most likely be delayed.

**Q:** *If my PHA or property is scheduled to undergo a physical inspection during a lapse in appropriations, will the inspection still be conducted?*

**A:** Yes and no. Where contracts have been obligated prior to the lapse in appropriations, contracted inspectors will conduct the inspection during a lapse in appropriations. However, HUD employees will not be able to conduct inspections during a lapse in appropriations unless there is a known threat to life or property at that specific location. For any canceled inspections, the HUD inspector will contact your PHA/property again and re-negotiate a mutually agreeable date for the rescheduled physical inspection to take place after the lapse in appropriations is resolved.

**Technical Assistance Center (TAC)**

**Q:** *Will someone with the REAC Technical Assistance Center (TAC) be available to take calls, answer questions, and provide customer service?*

**A:** Yes. The TAC will be operational and available to receive and answer questions. Responses that require HUD staff review or approval will be delayed until the lapse in appropriations has ended.

**Public Housing Assessment System (PHAS)**

**Q:** *Will PHAS scores be released?*

**A:** No, PHAS scores will not be released until after the government reopens.

**Q:** *Will PHAS appeals be accepted and reviewed?*

**A:** You should still submit your appeal on time in accordance with regulation; however, appeals will not be reviewed, and you will not receive a response until after the Government reopens.

**Financial Submissions (FASS-PH and FASS-MF)**

**Q:** *Can PHAs submit their financial information during a lapse in appropriations?*

**A:** Since the financial system will still be operational during a lapse in appropriations, PHAs will still be able to submit their financial information; however, no one will be available to review the submission until the Government reopens.

**Q:** *Will Public Housing financial late presumptive failures (LPF) be levied for PHAs that fail to submit timely?*

**A:** No. LPFs will not be levied for late submissions during a lapse in appropriations; however, any PHA that is due to submit, but does not submit by the due date must submit immediately after the Government reopens.

**Q:** *Will multifamily properties be able to submit their financial data?*

**A:** Yes. However, no one will be available to review the submissions during a lapse in appropriations. Any property that is due to submit but does not submit by the due date must submit immediately after the Government reopens.

**Q:** *If I encounter a REAC financial system problem while attempting to submit my financial information, will someone be available to assist me at the REAC Technical Assistance Center (TAC)?*

**A:** The REAC Technical Assistance Center will be available to assist during a lapse in appropriations.

**d) Fair Housing and Equal Opportunity (FHEO)****Fair Housing Initiatives Program:**

**Q:** *When will I be able to receive funds?*

**A:** Funds will be available for FHIP grantees for all work conducted prior to a lapse in appropriations, where the GTR has already approved payment before the lapse occurs. For work completed or payment requests submitted during the lapse in appropriations, HUD staff will not be available to review work or approve payment requests during the lapse. Such requests will be reviewed when the government reopens.

**Fair Housing Assistance Program:**

- Q:** *Will I be paid for fair housing complaints processed during a lapse in appropriations.*  
**A:** Subject to the status of appropriation and in accordance with relevant guidance, the Department will reimburse FHAP agencies for investigations conducted during a lapse in appropriations.
- Q:** *Will I be able to use HEMS?*  
**A:** Yes. HEMS will continue to be operational during a lapse in appropriations. However, the Department will be unable to provide any technical support for the operation of HEMS.
- Q:** *Will I be able to draw down funds?*  
**A:** Since drawing down funds requires approval from HUD staff, FHAP agencies will be unable to draw down FHAP funds from LOCCS during the lapse in appropriations.
- Q:** *Will complaints be dual filed during the government lapse in appropriations?*  
**A:** Yes. Complaints originated by the FHAP agencies should be referred to HUD for dual filing after the government resumes service. Complaints received by HUD during a lapse in appropriations will be referred and dual filed once the government resumes service.

**Fair Housing Complaints:**

- Q:** *Can I still file a housing discrimination complaint when there is a lapse in appropriations?*  
**A:** You will be able to submit file housing discrimination complaints during a lapse in appropriations; however, your complaint will not be assessed until the government reopens. If timeliness is in question, complaints will be considered filed as of the date received by the Department.

To file a complaint, you may:

- Complete HUD's on-line [Complaint Form](#) (Allegations submitted with the online complaint form will not be assessed until the government reopens.); or
- Mail a complaint into HUD (Allegations submitted by mail will not be assessed until the government reopens). Please include the following information:
  1. Your name, address, and telephone numbers where you can be reached;
  2. The name and address of the persons, businesses, or organizations you believe discriminated against you;
  3. If there is a specific property involved, you should provide the property's address and physical description, such as apartment, condominium, house, or vacant lot; and
  4. A brief description of how you were discriminated against in an activity related to housing. You should include in this description the date when the discrimination happened and why you believe the discrimination occurred because of race, color, religion, national origin, sex, disability, or familial status (i.e., the presence of children under the age of 18 in a

household or the presence of a person who is pregnant or in the process of securing legal custody of a person under the age of 18).

- Leave a voicemail on the FHEO Housing Discrimination phone line (1-800-669-9777,) Please refer to the information requested above. Messages left by phone will not be assessed until the government reopens; or
- Contact a [state or local fair housing enforcement agency](#);
- Contact a private fair housing group in your community for assistance in addressing housing discrimination.

**Q:** *What is the status of my case?*

**A:** Because the government is closed, no action can currently be taken on any investigation or conciliation conducted by the Department of Housing and Urban Development. When the government reopens, we will resume action on your case. If your case is with a state or local fair housing agency, its investigation will continue.

### **Speaking Engagements**

**Q:** *I had an event planned with a representative from FHEO. Will they be able to speak at my event?*

**A:** So long as the Government is closed, FHEO representatives will not be available to appear at any events. If the Government resumes business within 72 hours prior to your event, FHEO will determine whether the representative is able to attend your event.

While we hope to be able to attend all the events we had previously agreed to, we understand how critical these events are to mission of your organizations, and that you may need to find an alternate speaker.

#### **e) Office of General Counsel**

**Q:** *I am involved in a proceeding before HUD's Office of Hearings and Appeals. Will a lapse in appropriations impact this?*

**A:** Yes. The attorney representing the Government will file a stay of the proceedings due to the lapse in appropriations. If you are a party to the proceedings, you may file a response either opposing or supporting the stay. If the presiding judge grants the stay, the proceedings will be held in abeyance during a lapse in appropriations period and resume after the government reopens.

#### **f) Office of Policy Development & Research**

**Q:** *Will new content be posted on HUD User or the HUD Exchange during a lapse in appropriations?*

**A:** No, in the event of a lapse in appropriations, no new content would be posted.

**g) Office of the Chief Financial Officer**

**Q:** *Will system support be in place to assure continuity of payments for obligations incurred?*

**A:** Yes. Limited HUD staff will be supported by application support contractors working at non-government locations to keep payment systems operational.

**Q:** *Will payments continue to be made for existing obligations?*

**A:** Yes. There will be a limited staff to support such activities.

**Q:** *Will the travel office be open for emergency situations?*

**A:** Yes, the travel office will be staffed to assist with travel for emergency purposes or excepted activities.

**Q:** *If funding was provided under the prior CR does that funding remain available?*

**A:** Funding provided under the prior CR is only available if the funds had already been obligated prior to the lapsing of the CR. The authority to use any of the unobligated CR funds is unavailable during a lapse.

**h) Office of Lead Hazard Control and Healthy Homes**

**Q:** *If I have questions during a lapse in appropriations about a lead hazard control or healthy home grant, who can answer my questions?*

**A:** During a lapse in appropriations, the Office of Lead Hazard Control and Healthy Homes will have minimal staff on hand to answer questions. You may email Matt Ammon at Matthew.E.Ammon@hud.gov.

**i) Ginnie Mae**

**Q:** *Will Ginnie Mae continue to operate during a lapse in appropriations?*

**A:** Yes, Ginnie Mae will continue to operate if there is a lapse in appropriations. Ginnie Mae's role in the secondary mortgage market is vital to the market's stability and liquidity and to maintaining overall economic security. Therefore, Ginnie Mae employees will continue excepted business operations under an emergency exception. Ginnie Mae will have limited staff available to manage business operations and answer questions. Ginnie Mae contractors are paid from Ginnie Mae reserves under a permanent indefinite appropriation, so there will not be a break in contractor services on excepted functions.

**Q:** *Will I be able to get commitment authority during a lapse in appropriations?*

**A:** Ginnie Mae does have multi-year commitment authority which will be available upon approval by OMB, which is anticipated to be in place prior to the shutdown.

**Q:** *Can I issue securities during a lapse in appropriations?*

**A:** Yes, Ginnie Mae will continue to process pools and guarantee securities.

**Q:** *Will I still receive monthly principal and interest payments?*

**A:** Yes, issuers will continue to make pass-through payments to investors during a lapse in appropriations.

**Q:** *If there is a need for Ginnie Mae to pay out on its guaranty during a lapse in appropriations, can Ginnie Mae do so?*

**A:** Yes, even if there is a lapse in appropriations Ginnie Mae will honor its guaranty.

**Q:** *If I need to process a pool, where can I get information about Ginnie Mae's procedures?*

**A:** For questions about Ginnie Mae policies and procedures, you can consult the Ginnie Mae MBS guide on its website at [ginniemae.gov](http://ginniemae.gov), or contact Ginnie Mae's pool processing agent, the Bank of New York, Ginnie Mae Helpdesk at 1-(833-GNMA-HELP).