

**WASHOE HOUSING AUTHORITY
HOMEOWNER ASSISTANCE FUND POLICY**

This project is being supported, in whole or in part, by federal award number [enter project FAIN] awarded to Washoe Housing Authority by the U.S. Department of Treasury.

Adopted: 08/19/2021
Modified: 11/20/2021

SECTION I. PURPOSE

- A.** This Homeowner Assistance Fund Policy (“Policy”) shall govern the Washoe Housing Authority (“WHA”) Homeowner Assistance Fund (“HAF Program”) and the expenditure and management of the Homeowner Assistance Funds (“HAF Program Funds”) received from the U.S. Treasury pursuant to Section 3206 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (Mar. 11, 2021).
- B.** The first case of COVID-19 was detected in the United States on January 21, 2021. The Secretary of the U.S. Department of Health and Human Services declared the public health emergency for COVID-19 on January 31, 2020. An emergency declaration was issued on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).
- C.** The COVID-19 pandemic poses an immediate and imminent threat to the health, safety, and well-being of Indian Tribes. The purpose of the HAF Program is to assist Tribal, Indian, and other households with mitigating financial hardships associated with the COVID-19 pandemic by providing funds to eligible entities for the purpose of preventing homeowner mortgage delinquencies, defaults, foreclosures, loss of utilities or home energy services, and displacements of homeowners experiencing financial hardship after January 21, 2020, through qualified expenses related to mortgages and housing.
- D.** Notwithstanding any provision set forth in any other WHA Policy, receipt of assistance from the HAF Program established under this Policy shall not make the Recipient or Recipient family ineligible for assistance under any of the regular WHA policies.
- E.** Nothing in this Policy shall be construed to invalidate any otherwise legitimate grounds for eviction.
- F.** Assistance to be provided under the HAF Program is subject to availability of funds. No applicant or household determined to be eligible is entitled to or has a property right to receive funding under the HAF Program. When funding for the HAF Program is fully-expended, the HAF Program will terminate. WHA may terminate this Program at any time.
- G.** This Policy is based, and the HAF Program will be carried out, in reliance upon the August 2, 2021, guidance document from the Department of Treasury (entitled “Homeowner Assistance Fund Guidance”), along with any future modification, clarification, or supplementation which Treasury may provide. This Policy and the administration of the HAF Program will be subject to change if and when additional guidance is provided.

SECTION II. DEFINITIONS

General: The following definitions shall apply to this HAF Program Policy.

- A. “100% of the area median income”** for a household means two times the income limit for very-low income families, for the relevant household size, as published by the Department of Housing and Urban Development (HUD) in accordance with 42 U.S.C. 1437a(b)(2) for purposes of the HAF Program. When determining area median income with respect to tribal members, WHA may rely on the methodology authorized by HUD for the Indian Housing Block Grant Program as it pertains to households residing in an Indian area comprising multiple counties (*see* HUD Office of Native American Programs, Program Guidance No. 2020-01, June 22, 2021).
- B. “100% of the median income for the United States”** means the median income of the United States, as published by HUD.
- C. “150% of the area median income”** for a household means three times the income limit for very-low income families, for the relevant household size, as published by HUD in accordance with 42 U.S.C. 1437a(b)(2) for purposes of the HAF Program. When determining area median income with respect to tribal members, WHA may rely on the methodology authorized by HUD for the Indian Housing Block Grant Program as it pertains to households residing in an Indian area comprising multiple counties (*see* HUD Office of Native American Programs, Program Guidance No. 2020-01, June 22, 2021).
- D. “Applicant”** means a homeowner who applies for financial assistance pursuant to this HAF Program Policy.
- E. “Conforming loan limit”** means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage by a 2-family residence, a mortgage secured by a 3-family residence, or a mortgage secured by a 4-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal Mortgage Association Charter Act (12 U.S.C. § 1717(b)(2) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. § 1454(a)(2)).
- F. “COVID-19”** refers to the viral disease caused by the novel coronavirus known as SARS-CoV-2.
- G. “Dwelling”** means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.
- H. “Eligibly entity”** means (1) a state, (2), the Department of Hawaiian Home Lands, (3) each Indian tribe (or, if applicable, the tribally designated housing entity of an Indian tribe) that was eligible for a grant under Title I of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. § 4111 *et seq.*) for fiscal year 2020, and (4) any Indian tribe that opted out of receiving a grant allocation under the Native American Housing Block Grants program formula in fiscal year 2020.

- I. “Eligible Homeowner”** means a homeowner that meets the eligibility requires provided for in this Policy.
- J. “Financial hardship”** means a material reduction in income or material increase in living expenses associated with the coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.
- K. “Indian Tribe”** means a tribe that is a federally recognized tribe or a “State recognized tribe” as those terms are defined in NAHASDSA, 25 U.S.C. 4103(13).
- L. “Mortgage”** means any credit transaction (1) that is secured by a mortgage, deed of trust, or other consensual security interest on a principal residence of a borrower that is (a) a one- to four-unit Dwelling, or (b) a residential real property that includes a one- to four-unit Dwelling; and (2) the unpaid principal balance of which was, at the time of origination, not more than the conforming loan limit. For purposes of this definition, the conforming loan limit means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a two-family residence, a mortgage secured by a three-family residence, or a mortgage secured by a four-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)). A reverse mortgage, a loan secured by a manufactured home, or a contract for deed (also known as a land contract) may fall within this definition if it satisfies the criteria in this paragraph, in accordance with applicable state law.
- M. “NAHASDA”** means the Native American Housing Assistance and Self-Determination Act passed by the U.S. Congress in 1996.
- N. “Secretary”** means the Secretary of the U.S. Department of Treasury, except where otherwise indicated.
- O. “Socially Disadvantaged Individuals”** are those whose ability to purchase or own a home has been impaired due to diminished access to credit on reasonable terms as compared to others in comparable economic circumstances, based on disparities in homeownership rates in the WHA’s jurisdiction as documented by the U.S. Census. The impairment must stem from circumstances beyond their control. Indicators of impairment under this definition may include being a (1) member of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society; (2) resident of a majority-minority Census tract; (3) individual with limited English proficiency; (4) resident of a U.S. territory, Indian reservation, or Hawaiian Home Land, or (5) individual who lives in a persistent-poverty county, meaning any county that has had 20% or more of its population living in poverty over the past 30 years as measured by the three most recent decennial censuses. In addition, an individual may be determined to be a socially disadvantaged individual in accordance with a process developed by WHA for determining whether a homeowner is a socially disadvantaged

individual in accordance with applicable law, which may reasonably rely on self-attestations.

- P. “**Treasury**” means the U.S. Department of Treasury.
- Q. “**Tribal Member**” means a member of the Washoe Tribe of California and Nevada.
- R. “**Tribe**” means the Washoe Tribe of California and Nevada.
- S. “**WHA**” means the Washoe Housing Authority

SECTION III. HOMEOWNER ASSISTANCE OVERVIEW

A. WHA shall only use the HAF Program Funds to provide financial assistance to Eligible Homeowners to use for qualified expenses for the uses set forth herein and in accordance with the terms of this Policy.

1. **Application.** To participate in the HAF Program, a Homeowner must first submit a complete, written Application to WHA. This Application must include all information required by WHA, as described herein.
2. **Participation.** If an Applicant is approved for participation in the HAF Program, they must then submit information and supporting documentation each month for which they seek continued HAF Program Funds, unless such payments are to be provided for a three (3) month period, for which the Applicant must provide such information for the three (3) month period.

B. Qualified Expenses

1. HAF Program Funds may only be used for the following types of qualified expenses that are for the purpose of preventing homeowner mortgage delinquencies, homeowner mortgage defaults, homeowner mortgage foreclosures, homeowner loss of utilities or home energy services, and displacement of homeowners experiencing financial hardship, after January 21, 2020 (including a hardship that began before January 21, 2020, but continued after that date):
 - a. Mortgage payment assistance;
 - b. Financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default;
 - c. Payment assistance for:
 1. Homeowner’s utilities, including electric, gas, home energy (including firewood and home heating oil), water, and

- wastewater;
2. Homeowner’s internet service, including broadband internet access service, as defined in 47 CFR 8.1(b) (or any successor regulation);¹
 3. Homeowner’s insurance, flood insurance, and mortgage insurance;
 4. Down payment assistance loans provided by nonprofit or government entities;
- d. Payment assistance for delinquent property taxes to prevent homeowner tax foreclosures;
 - e. Measures to prevent homeowner displacement, such as home repairs to maintain the habitability of a home, including the reasonable addition of habitable space to alleviate overcrowding, or assistance to enable households to receive clear title to their properties;
 - f. Counseling or educational efforts by housing counseling agencies approved by HUD or a tribal government, or legal services, targeted to households eligible to be served with funding from the HAF Program related to foreclosure prevention or displacement, in an aggregate amount up to 5% of the funding from the HAF Program received by the WHA;
 - g. Reimbursement of funds expended by WHA, by a state, local government, or entity described in clause (3) or (4) of the definition above of “eligible entity” during the period beginning on January 21, 2020, and ending on the date that the first funds are disbursed by WHA under the HAF Program, for a qualified expense (other than any qualified expense paid directly or indirectly by another federal funding source, or any qualified expenses described in clauses (f), (g), (h), or (j) of this definition) (form to be provided by Treasury); and
 - h. Planning, community engagement, needs assessment, and administrative expenses related to WHA’s disbursement of HAF

¹ As of the date August 2, 2021, the definition of “broadband internet access service” in 47 CFR 8.1(b) is “a mass market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service. This term also encompasses any service that the [Federal Communications] Commission finds to be providing a functional equivalent of the service described in the previous sentence or that is used to evade the protections set forth in this part.”

Program Funds for qualified expenses, in an aggregate amount not to exceed 15% of the funding from the HAF Program received by the WHA.

2. **Arrearages.** Arrearages of qualified expenses are eligible for purposes of HAF regardless of the date they were incurred, including if they arose before January 2020.
3. **Duplication of Assistance.** An Eligible Homeowner that occupies a Dwelling for which that Homeowner is receiving or has already received other federal assistance may receive HAF Program assistance, provided that HAF Program Funds are not applied to costs that have been or will be reimbursed under any other federal assistance. To the extent feasible, WHA will ensure that any financial assistance provided to an Eligible Homeowner pursuant to the HAF Program Funds is not duplicative of any other Federally funded rental assistance provided to such Homeowner.
 - a. If an Eligible Homeowner receives homeowner assistance other than through the HAF Program, the HAF Program Funds may only be used to pay for costs that are not paid for by the other homeowner assistance. When providing HAF Program Funds, WHA must review the Eligible Homeowner's income and sources of assistance to confirm that the HAF Program Funds do not duplicate any other assistance, including federal, state, and local assistance provided for the same costs.

SECTION IV. ELIGIBILITY

A. Eligibility Requirements. In order to be eligible to apply for the HAF Program, at the time the Applicant applies to the HAF Program, the Applicant must meet the following eligibility requirements:

1. The Applicant is a homeowner who has experienced a financial hardship after January 21, 2020 (including a hardship that began before January 21, 2020, but continued after that date), and have an income equal to or less than 150% of the area median income or 100% of the median income for the United States, whichever is greater.
2. The Applicant attests to the nature of the financial hardship experienced after January 21, 2020 (including a hardship that began before January 21, 2020, but continued after that date). The attestation must describe the nature of the financial hardship (for example, job loss, reduction in income, or increased costs due to healthcare or the need to care for a family member).
3. The HAF does not preclude WHA from providing assistance to members, or individuals otherwise eligible for HAF, who reside outside the tribal

government's geographic jurisdiction, but WHA must confirm that any such assistance can be provided consistently with the tribe's constitution and governing law. Title 29 is the governing law.

- B.** HAF Program Funds received by an Applicant must only be used for qualified expenses set forth in this Policy that are related to the Dwelling that is used as the homeowner's primary residence.
- C. Income Determination.** In determining the Income of a household for purposes of determining such household's eligibility for assistance from the HAF Program Funds, WHA may use HUD's definition of "annual income" in 24 C.F.R. § 5.609 or use adjusted gross income as defined for purposes of reporting on Internal Revenue Service (IRS) Form 1040 series for individual federal annual income tax purposes.
 - 1. Documentation of Income Determination:** Applicant must provide sufficient information to WHA to enable WHA to have a reasonable basis under the circumstances for purposes of determining if the income eligibility requirements in (A) above are met. Two approaches for income verification are permissible: (1) the household may provide a written attestation as to household income together with supporting documentation such as paystubs, W-2s or other wage statements, IRS Form 1099s, tax filings, depository institution statements demonstrating regular income, or an attestation from an employer; or (2) the household may provide a written attestation as to household income and WHA may use a reasonable fact-specific proxy for household income, such as reliance on data regarding average incomes in the household's geographic area. In implementing the HAF Program, WHA will avoid establishing documentation requirements that are likely to be barriers to participation for eligible households, including those with irregular incomes such as from a small business.
- D. Waiver or Exception to Documentation Requirement:** WHA may provide a waiver or exception to documentation of income requirement as reasonably necessary to accommodate extenuating circumstances, such as disabilities, practical challenges related to the pandemic, or a lack of technological access by homeowners; in these cases, WHA is still responsible for making the required documentation regarding household income and documenting that determination.

SECTION V. APPLICATIONS FOR HAF PROGRAM

- A. Participation Applications:** To participate in the HAF Program, an Applicant must first submit a complete, written Application on the forms provided by WHA, which are attached as Exhibits to this Policy. All information required to be on the forms must be completed, or the Application will be returned. Applications for the HAF Program must be submitted to the WHA by mailing or dropping off the Applications to the following address:

1588 Watasheamu Road, Gardnerville, NV 89460

Or submitting such Applications by email to: web@whauthority.com

The Application must include the following information and supporting documentation:

1. **Applicant and Household Information.** Homeowners must submit applicant and household information as included in the Application Form. This form is attached as an Exhibit.
 2. **Financial Hardship.** Homeowners must attest that they experienced financial hardship after January 21, 2020 (including a hardship that began before January 21, 2020, but continued after that date). The attestation must describe the nature of the financial hardship (for example, job loss, reduction in income, or increased costs due to healthcare or the need to care for a family member). This form is attached as an Exhibit.
 3. **Income.** Homeowners must have incomes equal to or less than 150% of the area median income or 100% of the median income for the United States, whichever is greater.
 4. **Release of Information.** This form is attached as an exhibit.
- B. Notification of Change of Eligibility.** Applicants are required to notify WHA in writing immediately whenever any determining factor of eligibility changes. This includes, but is not limited to:
1. No longer experiencing a Financial hardship; or
 2. Have an income that is equal to or greater than 150% of the area median income or 100% of the median income for the United States, whichever is greater.
- C. Falsification and Investigation.**
1. If it is discovered that an Applicant has falsified his or her Application, or otherwise abused the HAF Program, or if an Eligible Homeowner fails to notify WHA of changes to eligibility, the homeowner will be subject to penalties. Penalties will include ineligibility for continued participation in the HAF Program and repayment of the value of any benefit for which they were not eligible to receive. WHA shall have the right to seek such repayment through garnishment of the Tribal Member's per capita distribution or wages, if any.
 2. WHA shall retain the right to conduct a follow-up investigation into any self-

attestations submitted or regarding any other documentation, at its own discretion, if it determines that the reliability or accuracy of the information provided is in doubt.

D. Application Review

1. The WHA staff member receiving the Application shall sign and date the Application when it is received at the WHA offices.
2. **Preferences and Priorities.** Applications will be reviewed and processed as they are received. However, in anticipation of WHA receiving a substantial number of applications within a short period of time, with a finite amount of funding available, WHA shall review and process Applications for HAF Program Funds under this Policy according to the following order of preferences, and in accordance with the HAF Plan submitted to, and approved by, the Secretary.
 - a. Not less than 60% of amounts made available to WHA must be used for qualified expenses that assist Eligible Homeowners having incomes equal to or less than 100% of the area median income or equal to or less than 100% of the median income for the United States, whichever is greater, utilizing the following preferences:
 1. First preference will be given to socially disadvantaged Eligible Homeowners that have at least one family member (regardless of whether that member is an adult or head of household) who is a Tribal Member.
 2. Second preference will be given to socially disadvantaged Eligible Homeowners that have at least one family member (regardless of whether that member is an adult or head of household) who is a member of an Indian Tribe.
 3. Third, preference will be given to other Socially Disadvantaged Individuals.
 - b. The remaining 40% of amounts made available to WHA will be prioritized to Socially Disadvantaged Individuals utilizing the same preferences as set out in subsection (a), above.
3. **Approval of Application.** WHA will notify Applicants in writing, within fourteen (14) days of WHA's receipt of the Application, of WHA's decision of whether the Applicant has been approved to receive HAF Program Funds.
4. **Denial of Application.** If upon initial review, WHA determines that the Applicant is not eligible or the request is outside of this Policy, or there are no

longer any HAF Program Funds available, WHA will notify the Applicant in writing of this determination, the applicable policies which support the determination, and the process of appeal (if allowed).

- a. **Process of Appeal.** Any Applicant who is dissatisfied with a decision of WHA concerning eligibility of assistance, the level of benefit approved, or the type of services available, can appeal that decision under the regular WHA appeal procedures for denial of services.
- b. **No Appeal.** If the reason for the denial of the Application is that there are no longer any HAF Program Funds remaining, such denial is not subject to appeal.


SECTION VI. HAF PROGRAM PARTICIPATION

A. Submission of Documentation

1. Once an Applicant is approved for participation in the HAF Program, they must submit information and documentation on the qualified expenses for which they are seeking HAF Program Funds.
 - a. Applicants may initially submit the above information and documentation at the same time that they submit their initial program Application.

SECTION VII. HAF PROGRAM MANAGEMENT

A. HAF Plan.

1. To receive HAF funds beyond the initial 10% payment described below in Section VIII.B, WHA must develop and submit a plan for its use of HAF funding. These HAF plans will describe in detail the needs of homeowners within the relevant jurisdiction, the design of each program the eligible entity proposes to implement using HAF funds, performance goals, and information regarding the WHA's readiness to implement the programs. Treasury encourages WHA to post draft HAF plans for public comment and hold public  hearings. WHA will receive funds under the HAF only after Treasury approves a HAF plan.
2. Treasury has provided a template for the HAF plan, which includes the elements described in Treasury's HAF Guidance dated August 2, 2021 (Homeowner Needs and Engagement; Program Design; Performance Goals; Readiness; Budget). The HAF plan template provided by Treasury includes sample language and term sheet templates that WHA may use to develop its plan(s). Treasury encourages HAF participants to use these examples and templates to promote consistency across programs, minimize operational

complexity, and promote a common understanding of eligibility criteria. If deviating from these examples and templates, WHA should specifically explain how their approach would further the objectives of the HAF, including the targeting and prioritization requirements. Treasury has provided a streamline template to be submitted by WHA only if it is allocated less than \$5 million of HAF funds. Notwithstanding anything else in this paragraph, WHA will begin implementing the HAF Program upon adoption of this Policy, utilizing the initial 10% payment of HAF funds.

3. By September 30, 2021, WHA must submit to Treasury a completed HAF plan. Treasury will open a portal online for WHA to enter and submit its HAF plan.

B. Maintenance of and Access to Records.

1. WHA must create and maintain a set of files for this HAF Program separate from all other WHA programs. Any Eligible Homeowner who also participates in another WHA program must have a separate file maintained specifically for the HAF Program.
2. WHA may copy relevant documents from a Eligible Homeowner's existing file under a separate WHA program so that the Eligible Homeowner does not need submit the same documentation twice, provided that the copied documentation for the HAF Program is kept separately with all other HAF Program files.
3. WHA shall maintain records and financial documents sufficient to evidence compliance with Section 3206 of the American Rescue Plan Act of 2021 and applicable Guidance regarding the eligible uses of funds.
4. The U.S. Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of WHA in order to conduct audits or other investigations.
5. WHA shall maintain records for a period of five (5) years after all funds have been expended or returned to the Treasury.

C. Reporting Requirements

1. WHA agrees to comply with any reporting obligations established by Treasury related to the HAF Program. WHA acknowledges that any such information required to be reported may be publicly disclosed.
2. WHA will submit quarterly reports to Treasury that include financial data, targeting data, and other information, incompliance with upcoming Treasury

Guidance. WHA will be subject to the reporting requirements under 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to WHA. WHA will also submit an annual program report to Treasury regarding the impact of the HAF Program.

D. Compliance with Applicable Laws and Regulations. In carrying out the activities funded by the HAF Program Funds, WHA will comply with the following laws and regulations.

1. Section 3206 of the American Rescue Plan Act of 2021 relating to the HAF Program and any guidance on the HAF Program issued by Treasury.
2. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as the Secretary may determine are inapplicable to the HAF Program Funds and subject to such exceptions as may be otherwise provided by the Secretary. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to the HAF Program Funds.
3. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
4. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
5. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180 (including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and the Treasury’s implementing regulation at 31 C.F.R. Part 19.
6. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
7. Government-wide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
8. New Restrictions on Lobbying, 31 C.F.R. Part 21.
9. Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, which prohibit discrimination on the basis of race, color, national origin, sex, familial status, or disability, with the understanding, codified in regulation at 24 CFR 1000.12(d), that Tribes and TDHEs carrying out housing activities

satisfy these requirements by their compliance with the Indian Civil Rights Act, 25 U.S.C. §§ 1301-1304 (ICRA), and with the further understanding that, as codified in 25 U.S.C. §§ 4114(b) and 4131(b), Tribes and TDHEs are permitted to use Indian and Tribal-specific preference in providing housing services, as well as in contracting and hiring.

10. The non-discrimination requirements as applied under Section 504 of the Rehabilitation Act of 1973 and the Department of Housing and Urban Development implementing regulations at 24 CFR part 8.
11. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and the Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance.

E. Conflict of Interest. WHA agrees that it will maintain in effect a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) covering each activity funded under this award. WHA shall disclose in writing to Treasury any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

F. False Statements. WHA understands that false statements or claims made in connection with the HAF Program award is a violation of federal criminal law and may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

SECTION VIII. USE AND MANAGEMENT OF FUNDS

A. Use of Funds. WHA understands and agrees that the HAF Program Funds may only be used for the purposes set forth in Section 3206 of the American Rescue Plan Act of 2021 and the Guidance for the Homeowner Assistance Fund issued by Treasury on August 2, 2021, as amended from time to time, and any other guidance issued by Treasury regarding the HAF.

1. To the extent that WHA uses HAF funds to supplement other loss-mitigation efforts, Treasury encourages WHA to avoid using HAF funds in a manner that replaces other loss-mitigation resources that would otherwise be available. The HAF Plan template, described above, will enable WHA to indicate whether it is requesting reimbursements under Section 3.B.1.i of the Qualified Expenses described above.

B. Initial Payments. Treasury will make initial payments from the HAF Program available to eligible entities that were approved to participate in the HAF Program, in an amount equal to 10% of the total amount allocated to the eligible entity. In order to receive this initial payment, the WHA was required to (1) enter into the financial assistance agreement with Treasury described above, and (2) commit to use the funds only for qualified expenses other than clause B(1)(i) of the "Qualified Expenses" section above.

Treasury made payments to the WHA or agency of the eligible entity identified on the eligible entity's notice of funds request. No more than 50% of the initial payment may be used for planning, community engagement, needs assessment, and administrative expenses described in clause B(1)(j) of the "Qualified Expenses" section above. An eligible entity that elects not to receive this initial payment may receive its allocated funds after Treasury approves its HAF plan. Treasury encourages HAF participants to use these initial payments to create or fund pilot programs to serve targeted populations, and to focus on programs that are most likely to deliver resources most quickly to targeted populations, such as mortgage reinstatement programs.

C. Reallocation of Program Funds. WHA must seek prior approval from Treasury to reallocate funding from a program as described in the approved HAF plan to be used for a different purpose if any of the following is true:

- a. the aggregate reallocations from any qualified expense category equals or exceeds 10% of the amount allocated to that qualified expense category in the HAF plan approved by Treasury;
- b. WHA is proposing to allocate funding to a new qualified expense category or is creating a new program or terminating a previously approved program; or
- c. the reallocation redirects 1% or more of WHA's total HAF allocation from program costs to administrative costs.

D. Financial Management of HAF Program Funds

1. The HAF Program Funds received by WHA must be held and maintained in a bank account depository separate from all other WHA funds.
2. The depository in which the HAF Program Funds are deposited must be a financial institution that is approved by Treasury and that is sufficiently insured by the Federal Deposit Insurance Corporation ("FDIC") or National Credit Union Share Insurance Fund ("NCUSIF").
3. The HAF Program Funds should be accounted for separately from other WHA funds.
4. **Collateralization of HAF Program Funds.** All deposits of HAF Program Funds that are in excess of the FDIC insured amount must be continuously and fully secured. This may be accomplished by the pledging or setting aside of collateral of identifiable U.S. Government securities. Such securities shall be owned by the depository, and the manner of collateralization shall provide WHA with a continuing perfected security interest for the full term of the deposit in the collateral in accordance with applicable laws and Federal regulations. Such collateral shall, at all times, have a market value at least

equal to the amount of the deposits so secured.

E. Counseling or Educational Costs

1. WHA may not use more than 5% of the total amount of HAF Program Funds for counseling or educational efforts by housing counseling agencies approved by HUD or a tribal government, or legal services, targeted to households eligible to be served with funding from the HAF Program related to foreclosure prevention or displacement.

F. Administrative Costs

1. WHA may not use more than 15% of the total amount of HAF Program Funds for planning, community engagement, needs assessment, and administrative expenses related to WHA's disbursement of the HAF Program Funds for qualified expenses, in an aggregate amount.

G. Expenditure of HAF Program Funds

1. Pursuant to Section 3206(c)(2), at least 60 percent of the total amount of HAF Program Funds received by WHA shall be used for qualified expenses that assist homeowners having incomes equal to or less than 100% of the area median income for their household size or equal to or less than 100% of the median income for the United States, as determined by the Secretary of Housing and Urban Development, whichever is greater.
2. Any amount not made available to homeowners that meet this income-targeting requirement must be prioritized for assistance to socially disadvantaged individuals, with funds remaining after such prioritization being made available to other Eligible Homeowners.

H. Cost Sharing. Cost sharing or matching funds are not required to be provided by WHA.

I. Sanctions. In the event of WHA's noncompliance with applicable law or HAF Program requirements or guidance, Treasury may impose additional conditions on the receipt of additional HAF Program Funds by WHA, terminate further payments from the HAF Program, seek the repayment of previous HAF payments, or take other available remedies.

J. Debts Owed the Federal Government.

1. Any funds paid to WHA (1) in excess of the amount to which WHA is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused constitute a debt to the federal government.
2. Any debts determined to be owed the federal government must be paid

promptly by WHA. A debt is delinquent if it has not been paid by the date specified in the Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. The Treasury will refer any debt that is more than 180 days delinquent to the Treasury's Bureau of the Fiscal Service for debt collection services.

3. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the Treasury.
4. Funds for payment of a debt must not come from other federally sponsored programs.

K. Reallocation of Funds By Treasury. Funds allocated by Treasury to WHA that are not subsequently requested by and disbursed to WHA may be reallocated by Treasury to other eligible entities, in accordance with the HAF statute.

L. Period of Performance. The period of performance for the award of HAF funds begins on the date the WHA's Financial Assistance Agreement was executed and ends on September 30, 2026. WHA shall not incur any obligations to be paid with the funding from this award after such period of performance ends.

M. Additional Federal Requirements.

1. Protections for Whistleblowers.
 - a. In accordance with 41 U.S.C. § 4712, WHA may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
 - b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;

iii. The Government Accountability Office;

iv. A Treasury employee responsible for contract or grant oversight or management;

v. An authorized official of the Department of Justice or other law enforcement agency;

vi. A court or grand jury; and/or vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

c. WHA shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

2. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), WHA should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and WHA should establish workplace safety policies to decrease accidents caused by distracted drivers.
3. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997), WHA should and should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.