



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

TO: Alex Goodenough, Office of Information and Regulatory Affairs

FROM: Ryan Law, Deputy Assistant Secretary
Office of Privacy, Transparency, and Records 

SUBJECT: Justification for Emergency Processing: Emergency Rental Assistance (ERA) Reallocation Forms

Pursuant to the Office of Management and Budget (OMB) procedures established at 5 C.F.R. § 1320.13, the Department of the Treasury (Treasury) requests emergency processing for an Emergency Rental Assistance program information collection request.

On December 27, 2020, the President signed the Consolidated Appropriations Act, 2021 (the “Act”). Division N, Title V, Section 501(a)(1) of the Act provides \$25 billion for the U.S. Department of the Treasury (Treasury) to make payments to States (defined to include the District of Columbia), U.S. Territories (Puerto Rico, U.S. Virgin Islands, Guam, Northern Mariana Islands, and American Samoa), Indian tribes or tribally designated housing entities, as applicable, the Department of Hawaiian Homelands, and certain local governments with more than 200,000 residents (collectively the “eligible grantees”) to provide financial assistance and housing stability services to eligible households.

Treasury is seeking approval for two forms required to implement the directive in Section 501(d) of the Act requiring Treasury to identify excess funds among payments made to eligible grantees and provide for their reallocation to areas of demonstrated need. The statute required Treasury to begin this process on September 30, 2021. Recognizing that grantees may determine their allocated funds exceed their jurisdictional needs, or that other grantees in the same state may be better positioned to administer the funds, Treasury’s reallocation guidance affords grantees a voluntary reallocation option. Treasury has developed a new template letter form that will allow grantees to initiate this process. Treasury has updated a previously approved form, the Request for Reallocated Funds, to ensure its compatibility with both the voluntary and general reallocation procedures described in the reallocation guidance.

In addition to ensuring greater administrative efficiency, Treasury anticipates that some grantees will initiate the voluntary reallocation process to avoid general (i.e. mandatory) reallocation. As the general reallocation process will commence in earnest on November 15 with the submission of required Obligated Funds Certifications and Program Improvement Plans, it is imperative these forms be made available to eligible grantees as soon as possible. Accordingly, Treasury requests emergency processing and approval prior to November 15, 2021 so that grantees have time for preparation before the operational transfer of reallocated funds begins shortly thereafter. Given the inability to seek public comment during such a short timeframe, Treasury requests a waiver from the requirement to publish notice in the Federal Register seeking public comment.