




DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

TO: Alex Goodenough, Office of Information and Regulatory Affairs

FROM: Ryan Law, Deputy Assistant Secretary for 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 three new 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. Treasury’s recently published reallocation guidance requires grantees to report by November 15, 2021 the amount of funds from their initial awards that are obligated and therefore insulated from reallocation. In addition, eligible grantees who have not met certain spending thresholds will be required to provide an improvement plan by November 15, 2021 as a condition to avoiding or reducing an immediate excess funds designation. Treasury has authorized high-performing grantees to begin submitting requests for reallocated funds on October 15, 2021. Treasury has developed three forms for these purposes—a Certification of Obligation; Request for Reallocated Funds; and Program Improvement Plan.

It is essential for these forms to be made available to eligible grantees as soon as possible to ensure adequate time for preparation and submission prior to November 15, as well as to ensure Treasury’s ability to accurately track and respond to the demand for reallocated funds. Accordingly, Treasury requests emergency processing and approval on October 21, 2021 to be able to be able to publish and provide the forms by October 22. 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.