

DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220



TO: Oough, Office of Information and Regulatory Affairs

FROM: ryan Law, Deputy Assistant Secretary for Privacy, Transparency & Records

SUBJECT: Justification for Emergency Processing: Emergency Rental Assistance (ERA2) Reallocation Portal

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 (ERA2) program information collection request.

On March 11, 2021, the President signed the American Rescue Plan Act of 2021 (the “Act”), Pub. L. No. 117-2. Title III, Subtitle B, Section 3201 of the Act provides \$21.55 billion for the 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), 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 and cover the costs for other affordable rental housing and eviction prevention activities for eligible households.

Under the ERA2 program, Treasury pays each grantee portions of its initial ERA2 allocation in tranches as the grantee obligates funds already received. Section 3201(e) provides that “[b]eginning March 31, 2022, the Secretary shall reallocate funds allocated to eligible grantees ... but not yet paid ... according to a procedure established by the Secretary.” Treasury seeks approval of its reallocation portal, which will collect from grantees the information necessary to carry out the reallocation procedure. The information collection through the portal is vitally important to ensure Treasury can carry out the statutorily directed reallocation of ERA2 funds.

Certain eligible grantees have exhausted, or will soon exhaust, their initial ERA2 allocations, while other grantees are unlikely to use all of the funds allocated to them. In order for Treasury to provide ERA2 resources to grantees experiencing the greatest need and ability to disburse assistance, and to avoid disruptions in the delivery of assistance to eligible households, Treasury requests emergency processing of its ERA2 Reallocation Guidance.

Pursuant to the ERA2 statute, Treasury has initiated elements of the reallocation procedure that rely on information already reported, but completion of the reallocation process will require the remaining information to be collecting through the reallocation portal. In light of the emergency nature of the ERA2 program and an upcoming second round of reallocation to begin at the end of June, Treasury hopes to complete its first round of ERA2 reallocation, in the coming weeks. 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.