


Executive Director Training Day 2



October 27-28, 2020

11:00-4:00 PM EST

Lunch 1:00-2:00

1


Office of Native American Programs
 Office of Public & Indian Housing

This training is offered by the U.S. Department of Housing and Urban Development (HUD) and the Office of Native American Programs under a cooperative agreement with the National American Indian Housing Council.

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CLASS OBJECTIVES

This 2 Day Virtual Executive Director Training will provide a summary of the components of NAHASDA. Participants will have a clear understanding of IHA management and operations. It will help answer common questions regarding Recipient/Staff responsibilities and functions. It will also identify management options and administrative requirements for NAHASDA implementation. We will also discuss how to Navigate HUD resources. (Regulations and Guidance, 2 CFR Part 200).

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AGENDA DAY 2

10:45 -11:00 A.M.

ZOOM SIGN IN & ROOM ENTRY

11:00 - 4:00 P.M.

Conflict of Interest in Admissions & Contract Administration

Useful Life & Binding Commitments

Required Monitoring & Reports

Self-Monitoring, HUD Monitoring, & Audit,

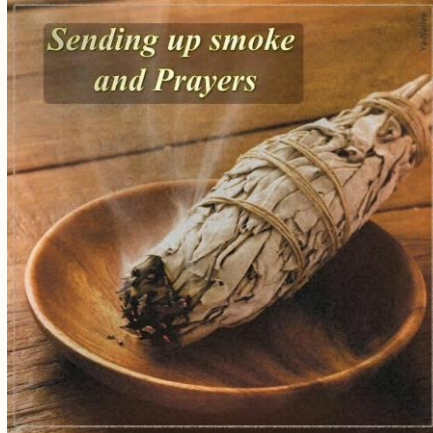
IHP, APR, Assorted Other Deadlines

1:00-2:00 PM

LUNCH BREAK

4

WELCOME & GOOD MORNING!



5

Cheryl A. Causley and Associates Housing Consulting & Management Services

cherylacausley@hotmail.com

(906) 440-1007

Skype:cherylacausley61



6



Getting to know The Instructor

Greetings my name is Cheryl

My Anishinaabe name is Red Bird Woman

I am Loon Clan and I come from Gnoozhekaaning (Place of The Pike), Bay Mills

Bay Mills is a Reservation located in the Upper Peninsula of Michigan, we are located at the top of the state and our waters border Canada

I served as my Tribes Director of Housing for over 28 years

I was honored to serve as the Chairwoman of the National American Indian Housing Council (NAIHC) for Four years and on the Board of Directors as Vice-Chair and Secretary for an additional 12 years

I also served as The Chairwoman of the Great Lakes Indian Housing Association for 7 Years

Conflict Of Interest in Admissions and the Administration of Contracts.



Copyright
Bu

9 What Is A Conflict Of Interest

When someone in a position of trust has competing professional and personal interests

When someone makes a decision in an official capacity and they stand to profit personally

When your interests have the potential to conflict with the best interest of the organization or those you represent

9

10 Conflict of Interest Requirements

Report a potential conflict of interest to ONAP

Disclose to the public the conflict of interest, the nature of the assistance to be provided the individual, and the specific basis for which there is no conflict.

10

11 Conflicts in Admissions

Ensure fair and equitable treatment for all

Determine if a conflict exists

Disclose to the public and report to HUD prior to providing assistance

HUD may make an exception

If family is low-income and qualifies, this is not a conflict, but disclosure is required

If conflict is only apparent or perceived, make disclosure and inform HUD

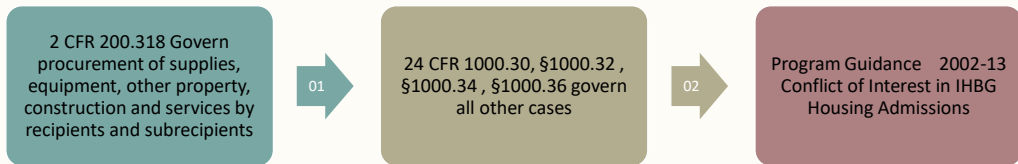
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Conflicts in Admissions

There may be several ways to make the public disclosure. One such way is to make the information available in the same manner that you would provide any other public information, such as posting it in a prominent place. Some programs include a “*public disclosures*” section on their monthly meeting agendas. HUD must be provided with a copy of the disclosure. If the recipient is a TDHE, the disclosure may be provided to the tribe as well.

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What REQUIREMENTS regarding conflict of interest are applicable?

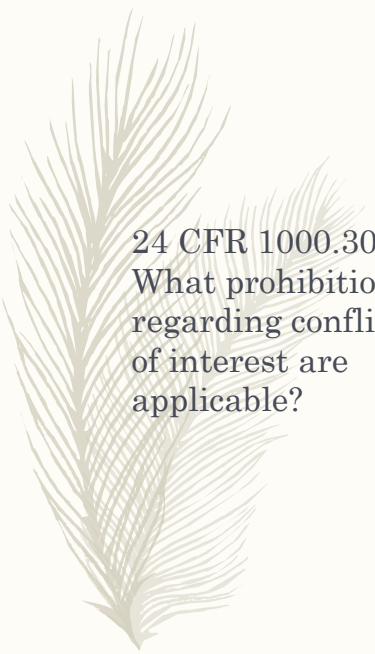


13

24 CFR 1000.30
What prohibitions regarding conflict of interest are applicable?

(a) Applicability. In the procurement of supplies, equipment, other property, construction and services by recipients and subrecipients, the conflict of interest provisions of 2 CFR 200.318 shall apply. In all cases not governed by 2 CFR 200.318, the following provisions of this section shall apply.

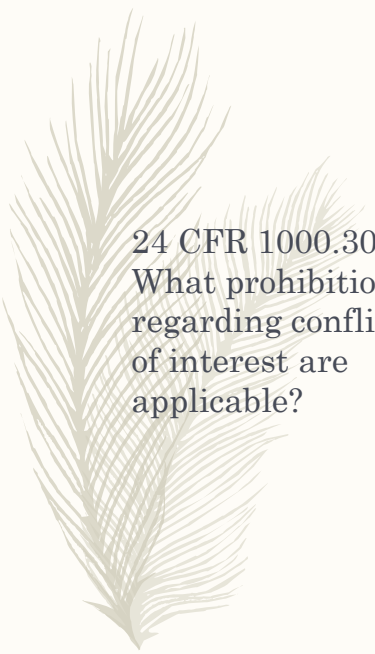
14



24 CFR 1000.30
What prohibitions
regarding conflict
of interest are
applicable?

(b) Conflicts prohibited. No person who participates in the decision-making process or who gains inside information with regard to NAHASDA assisted activities may obtain a personal or financial interest or benefit from such activities, except for the use of NAHASDA funds to pay salaries or other related administrative costs. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds thereunder, either for themselves or others with whom they have business or immediate family ties. Immediate family ties are determined by the Indian tribe or TDHE in its operating policies.

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24 CFR 1000.30
What prohibitions
regarding conflict
of interest are
applicable?

(c) The conflict of interest provision does not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the recipient's written policies for eligibility, admission and occupancy of families for housing assistance with IHBG funds, provided that there is no conflict of interest under applicable tribal or state law. The recipient must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The recipient shall provide the appropriate Area ONAP with a copy of the disclosure before the assistance is provided to the person.

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§1000.32 May exceptions be made to the conflict of interest provisions?

(a) Yes. HUD may make exceptions to the conflict of interest provisions set forth in §1000.30(b) on a case-by-case basis when it determines that such an exception would further the primary objective of NAHASDA and the effective and efficient implementation of the recipient's program, activity, or project.

(b) A public disclosure of the conflict must be made and a determination that the exception would not violate tribal laws on conflict of interest (or any applicable state laws) must also be made.

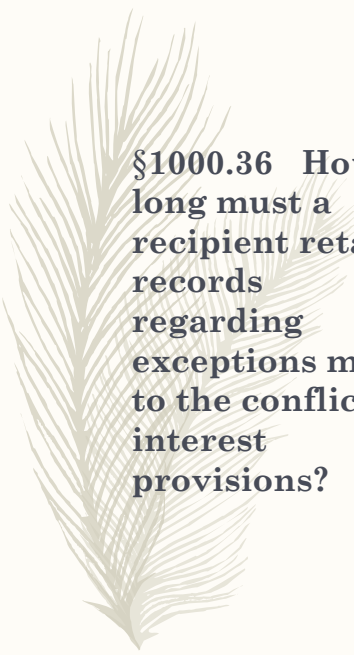
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§1000.34 What factors must be considered in making an exception to the conflict of interest provisions?

In determining whether to make an exception to the conflict of interest provisions, HUD must consider whether undue hardship will result, either to the recipient or to the person affected, when weighed against the public interest served by avoiding the prohibited conflict.




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§1000.36 How long must a recipient retain records regarding exceptions made to the conflict of interest provisions?

A recipient must maintain all such records for a period of at least 3 years after an exception is made.

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PROGRAM GUIDANCE



No. 2002-13
July 25, 2002

PROGRAM: Indian Housing Block Grant (IHBG)

FOR: All Tribal Government Leaders and Tribally Designated Housing Entities (TDHE)

FROM: Ted Key, Acting Deputy Assistant Secretary, PN

TOPIC: Conflict of Interest in IHBG Housing Admissions

Purpose: The purpose of this Guidance is to help IHBG recipients manage those situations where conflicts of interest arise within housing programs governed by the Native American Housing Assistance and Self-Determination Act (NAHASDA) and to ensure fair and equitable treatment for all eligible participants of those programs.

References: NAHASDA Sections: 201(b), 203(d), 207(b) and 408; 24 CFR 85.36(a)(3), 24 CFR 1000.30, 1000.32, 1000.34 and 1000.36

Background: On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs. Over half of the housing entities audited had no process to ensure adherence to the conflict of interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.

Application of Requirements: The conflict of interest provisions apply to anyone who participates in the IHBG recipient's decision-making process or who gains inside information with regard to the IHBG assisted activities. Such individuals would be, but are not necessarily limited to: housing staff, housing or tribal board members, members of their immediate families, and such individuals business associates.

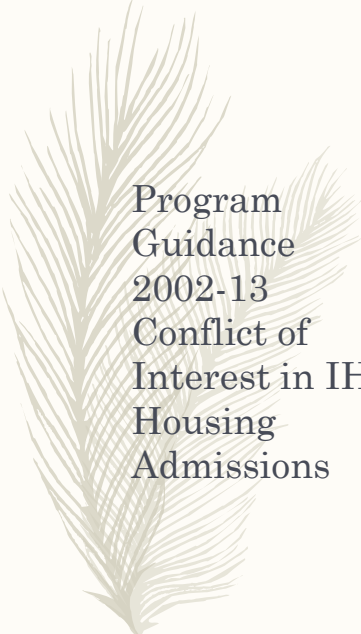
U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT
PUBLIC & INDIAN HOUSING

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Program
Guidance 2002-
13
Conflict of
Interest in
IHBG Housing
Admissions

On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs.

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Program
Guidance
2002-13
Conflict of
Interest in IHBG
Housing
Admissions

Over half of the housing entities audited had no process to ensure adherence to the conflict of interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.

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Program Guidance 2002-13 Conflict of Interest in IHBG Housing Admissions

Application of Requirements:

The conflict of interest provisions apply to anyone who participates in the IHBG recipient's decision-making process or who gains inside information with regard to the IHBG assisted activities. Such individuals would be, but are not necessarily limited to housing staff, housing or tribal board members, members of their immediate families, and such individual's business associates.

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Program Guidance 2002-13 Conflict of Interest in IHBG Housing Admissions

Application of Requirements:

The requirements prohibit any such individuals from benefiting from their position personally, financially or through the receipt of special benefits other than payment of their salary and/or appropriate administrative expenses. This does not prevent housing staff, board members, their family members and/or business associates from receiving housing benefits for which they qualify as low-income individuals.

(See Exceptions to the Requirements In following slides.)

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Your Applications should ask..

Do you or any member of your household have a family or business relationship with an employee of the ATHA Housing Authority, Board of Commissioner of the Any Tribal Housing Authority, or a Tribal Council Member.

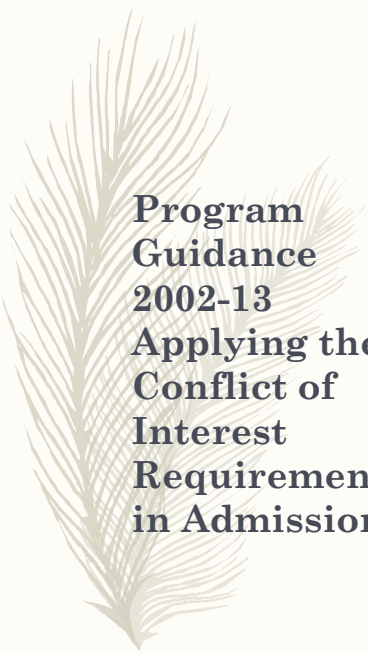
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Application Conflict Of Interest Disclosure

– **Conflict of Interest Disclosure.** The Any Tribal Housing Authority takes seriously any actual or potential conflicts of interest. As we wish to avoid even the appearance of a conflict, we ask all applicants to disclose any immediate family members, or other significant persons, which could potentially cause a conflict of interest. (ATHA Staff, Tribal Council, Housing Board Of Commissioners,) For this purpose, immediate family member includes, but is not limited to, spouse, children, parents and siblings. Please list any relationship here (please print):


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**Program
Guidance
2002-13
Applying the
Conflict of
Interest
Requirements
in Admission:**

In order to effectively comply with the conflict of interest requirements, recipients should have in place a set of procedures for determining when a conflict of interest exists and for reporting the conflict to HUD and disclosing it to the public as required by the regulations. Those procedures should include:

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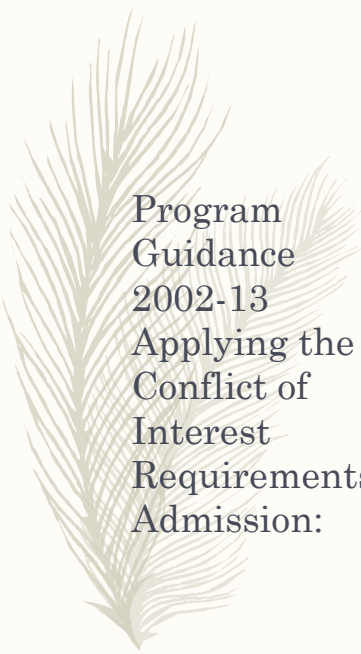


**Program Guidance 2002-13
Applying the Conflict of Interest Requirements in
Admission:**

A method of determining whether or not there is a potential conflict of interest with an applicant (e.g. does the housing application ask applicants to disclose any personal, family or business relationships with the housing entities decision makers? Does the housing entity maintain a list of persons having immediate family or business ties to its decision makers?);



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**Program
Guidance
2002-13
Applying the
Conflict of
Interest
Requirements in
Admission:**

And administrative steps for reporting a potential conflict of interest to the Area Office of Native American Programs (ONAP) and disclosing to the public the conflict of interest, the nature of the assistance to be provided the individual and the specific basis for which the selection of the individual was made.

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**Program
Guidance
2002-13
Exceptions to
the
Requirements:**

Exceptions may be made to the conflict of interest provisions. HUD approval must be obtained through the recipient's local Area ONAP before providing benefits to any individual as an exception to §1000.30(b). Exceptions will be considered on a case-by-case basis and when making the exception can be shown to further the primary objective of NAHASDA [See Section 201(a) of NAHASDA] and the effective and efficient implementation of the recipient's program, activity, or project.

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Program Guidance 2002-13 Exceptions to the Requirements:

Before any exception may be granted, a public disclosure of the conflict must also be made and a determination that the exception would not violate tribal or any applicable state laws on conflict of interest. All records relating to exceptions made to the conflict of interest provisions must be maintain for at least three years after the exception has been granted.

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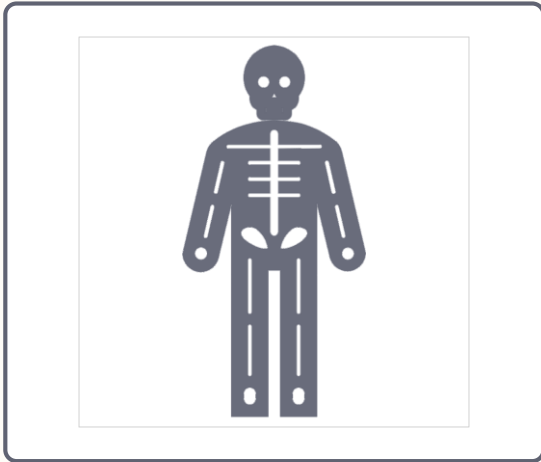


Program Guidance 2002-13 Exceptions to the Requirements:

Low-income individuals to whom the conflict of interest provisions would normally apply (e.g. housing staff and board members), but who qualify for assistance under the recipient's written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with the assistance for which they qualify [See §1000.30(c)].

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**Program Guidance 2002-13
Exceptions to the Requirements:**



However, the recipient must make a public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person. The recipient must also provide its Area ONAP with a copy of the disclosure before the assistance is provided to the person.

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Sample Public Disclosure Form

PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE's Conflict of Interest Policy:



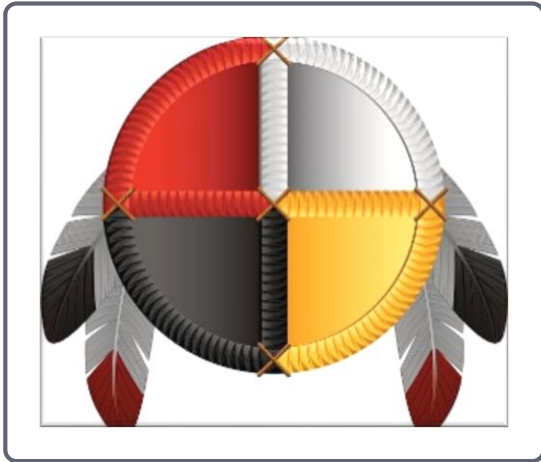
- **To:** Tribal Members of Any Tribal Housing Authority
- **Date:** Today's date
- **Re:** Potential Conflict of Interest

- **Staff:**
- **Board:**
- **Council:** Immediate family member of a Tribal Council Member

- The above has applied and has been determined eligible for services. The nature and basis of the assistance to be provided is as follows:
- Rental Assistance-Selection for Rental Unit

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Sample Public Disclosure Form



PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE's Conflict of Interest Policy:

Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of this posting, as indicated below. All conflict of interest comments must be in a sealed envelope, addressed to Any Tribal Housing Authority, "Conflict of Interest Comment", 1111 S 22nd Avenue, Any Tribal Place, BR549. Comments that are received will be reviewed at the next regularly scheduled ATHA Board meeting. The Board will not consider any comments received after the end of the comment period. **12/12/2020** On this day 5th of December 2020, at this time of **8:06 AM**.

This Notice was posted at: ATHA Office Lobby On this day _____ of _____, 2020, at this time of _____

This Notice was taken down by: _____

ATHA Sample ONAP COI Disclosure - Saved to this PC

Any Rez, Indian Nation
BR549

Sample ONAP Disclosure Form

Notification of Potential or Appearance of Conflict of Interest

To: Office of Native American Programs

From: Any Tribal Housing Authority

Date: Today's Date

Regarding the following applicant: Vice-Chairman's Hunkadunks Sister

Per 24 CFR 1000.30 and the Any Tribal Housing Authority's Conflict of Interest Policy, this is to notify your office that the applicant named above will be provided assistance through the Any Tribal Housing Authority program.

This person is considered a potential conflict of interest for the following reason:

- ___ Employee of Any Tribal Housing Authority
- ___ Member of the Board of Commissioners of the Any Tribal Housing Authority
- ___ Member of the Tribal Council of Any Rez, Indian Nation
- ___ Immediate family member of Any Tribal Housing Authority staff
- ___ Immediate family member of a Board of Commissioners member of the Any Tribal Housing Authority
- XX Immediate family member of a Tribal Council Member of the Any Rez, Indian Nation Tribe

Sample ONAP Disclosure Form Notification of Potential or Appearance of Conflict of Interest

To: Office of Native American Programs

From: Any Tribal Housing Authority

Date: Today's Date

Regarding the following applicant: Vice-Chairman's Hunkadunks Sister



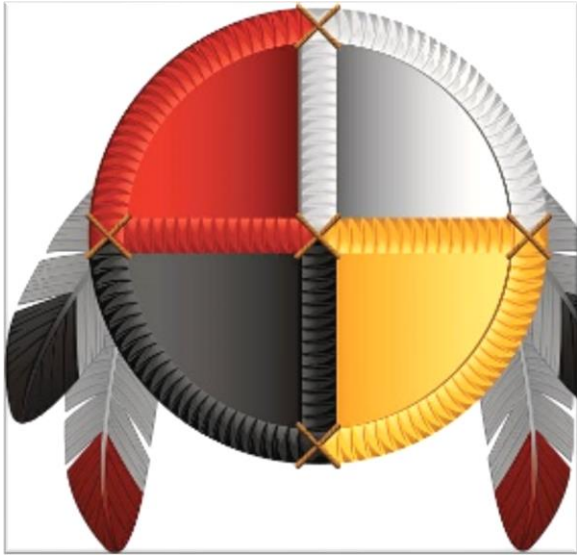
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Sample ONAP Disclosure Form Notification of Potential or Appearance of Conflict of Interest

- Per 24 CFR 1000.30 and the Any Tribal Housing Authority's Conflict of Interest Policy, this is to notify your office that the applicant named above will be provided assistance through the Any Tribal Housing Authority program:
- This person is considered a potential conflict of interest for the following reason:
- Employee of Any Tribal Housing Authority
- Member of the Board of Commissioners of the Any Tribal Housing Authority
- Member of the Tribal Council of Any Rez, Indian Nation
- Immediate family member of Any Tribal Housing Authority staff
- Immediate family member of a Board of Commissioners member of the Any Tribal Housing Authority
- Immediate family member of a Tribal Council Member of the Any Rez, Indian Nation Tribe



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Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

- Per the Department of Housing and Urban Development (HUD) NAHASDA regulations at 24 CFR §§1000.30 – 1000.36, Any Tribal Housing Authority (ATHA) must publicly disclose when an individual directly affiliated with the organization has qualified and been selected to receive assistance through the NAHASDA program.
- A Potential Conflict of Interest is being disclosed due to Housing Assistance being provided to immediate family members of Staff or Housing Commissioners or Tribal Council members of The ATHA Tribe, Vice-Chairman Scott Hunkadunks Applicant Suzy Hunkadunks (Sister) have applied for and met the requirements for participating in the Low Rent Program in Lakeside Apartments, Any Tribal Place. Participant will be provided assistance with Rental Assistance-Selection for Rental Unit #1234 .

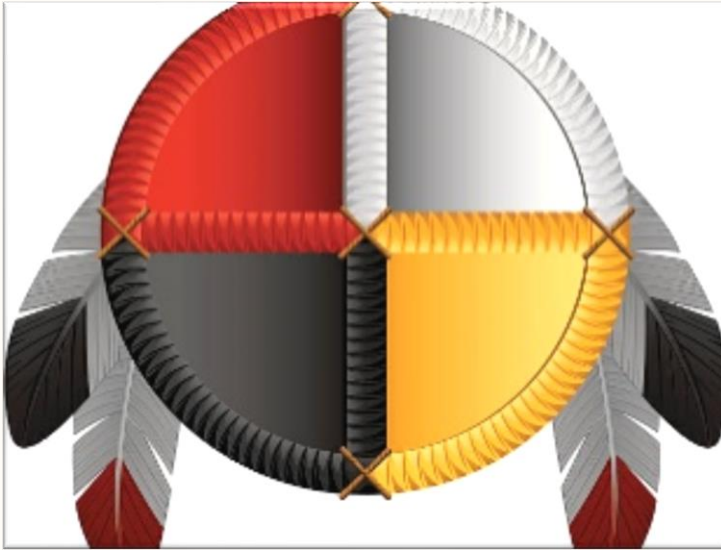
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Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

- The following applicants have met all requirements for participation:
- Applicant: Suzy Hunkadunks
Relationship to Board Member or ATHA: Sister of Vice Chairman Scott Hunkadunks
- Specific Basis for the selection:
 - American Indian or Alaskan Native
 - Low-income as determined by HUD
 - Primary residence
 - Applicant met all criteria and was next on waiting list

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Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

- Please be advised that all public comments must have been postmarked within 7 calendar days of the initial date of the attached posting, with dates as indicated below. All conflict of interest comments were required to be in a sealed envelope, addressed to Any Tribal Housing Authority, "Conflict of Interest Comment", 1111 S 22nd Avenue, Any Tribal Place, BR549
-
- Comments that are/were received will be reviewed at the next regularly scheduled ATHA Board meeting. The Board will not consider any comments received after the end of the comment period.

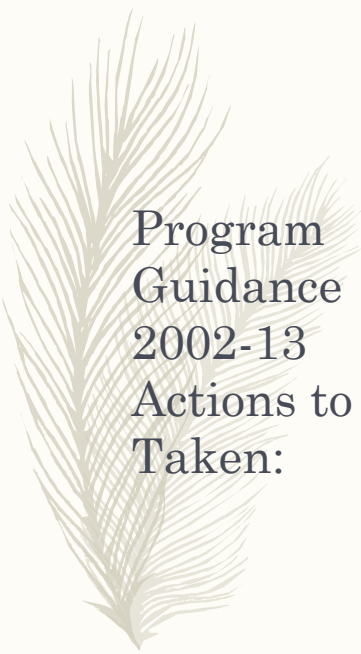
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Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

- On this day 5th of December 2020, at this time of 8:06 AM
- This Notice was posted at: ATHA Office Lobby
- One this day 12th of December 2020, at this time of 8:06 AM
- This Notice was taken down by: The Best Front Office Staff Ever...Jane DOE



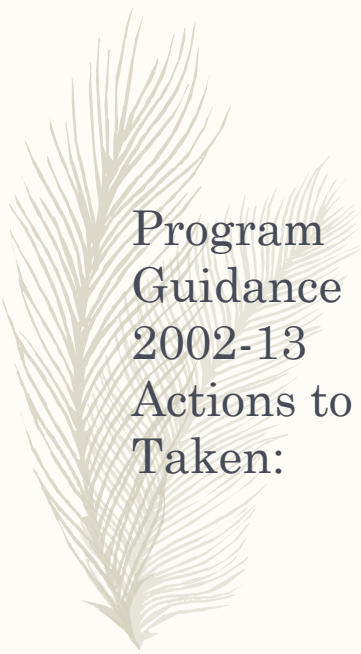
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**Program
Guidance
2002-13
Actions to be
Taken:**

All IHBG recipients should be sure that they have written and adopted all policies required by NAHASDA (i.e. eligibility, selection, admission, occupancy, rents charged, management and maintenance). These policies must be in accordance with NAHASDA and program regulations and enforced by a set of procedures that ensure that those policies are being adhered to in both the actions of the staff and the decisions of the Board.

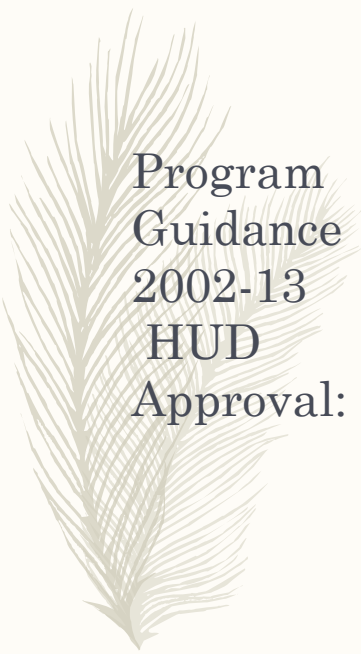
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**Program
Guidance
2002-13
Actions to be
Taken:**

They should also be reviewed to ensure that they do not contain provisions that inherently allow conflicts of interest. If the housing entity does not have the necessary policies, systems, and control procedures to comply with NAHASDA requirements, they should be written and adopted immediately. All policies should be made public and copies should be available to the public upon request.

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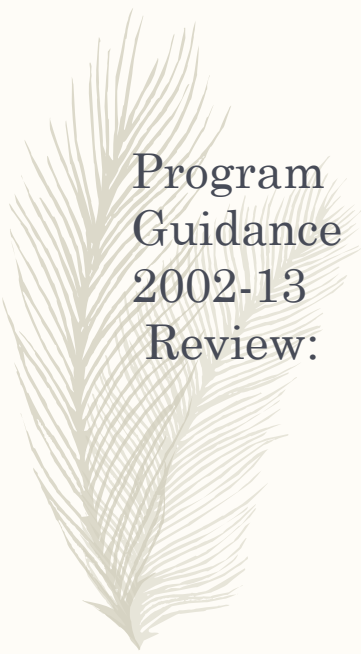
Program Guidance 2002-13 HUD Approval:

If the person receiving assistance is low-income and they qualify for eligibility, admission and occupancy, only public disclosure and HUD notification is required [See §1000.30(c)].

However, as stated above, HUD approval for an exemption is required when there is a potential conflict of interest that would be in violation of §1000.30(b).

An example of a situation requiring HUD approval for an exemption to the conflict of interest provision would be housing assistance to a TDHE Board member whose income is between 80% and 100% of median income.

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Program Guidance 2002-13 Review:

A recipient's compliance with conflict of interest requirements should be included in the tribe and/or TDHE's, self-monitoring program. HUD will also review conflict of interest policies, procedures, and performance during its regular monitoring of a recipient compliance with program requirements.

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Conflict Of Interest And Your Tribal Ordinance

– During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any project, unless prior to such acquisition, he disclosed his interest in writing to the Authority and such disclosure is entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. If any commissioner, office or employee of the Authority involuntarily acquires any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as a commissioner, officer of employee, the commissioner, officer or employee, in any such event, shall immediately disclose his interest in writing to the Authority; and such disclosure shall be entered upon the minutes of the Authority, and the commissioner, officer or employee shall not participate in any action by the Authority relating to the property or contract in which he has any such interest. Any violation of the foregoing provisions of this section shall constitute misconduct in office. This section shall not be applicable to the acquisition of any interest in obligations of the Authority issued in connection with any project, or to the execution of agreements by banking institutions for the deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services the rates for which are fixed or controlled by a governmental agency, or to membership on the Board as provided in Article IV, Section 1 (a) (4).

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2 CFR 200.318 (C) (1)

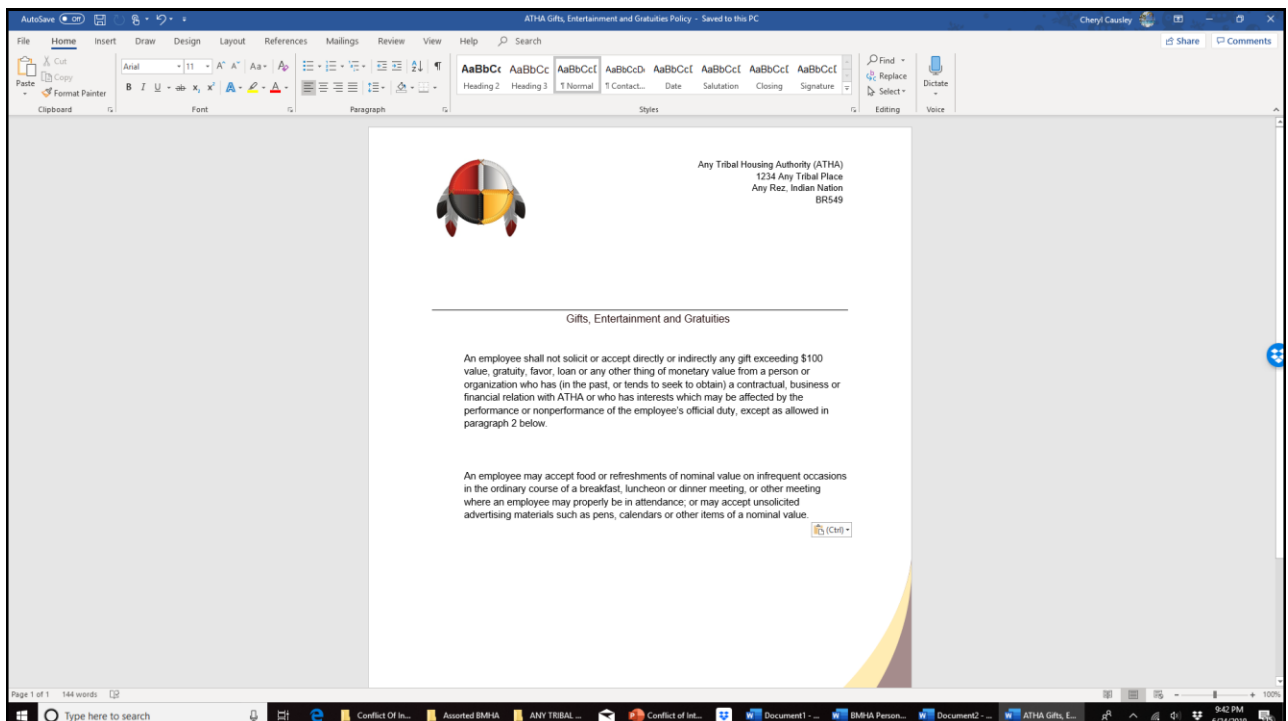
The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

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2 CFR 200.318 (C) (1)

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

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AutoSave • DP

ATHA Gifts, Entertainment and Gratuities Policy - Saved to this PC

Cheryl Cauley

File Home Insert Draw Design Layout References Mailings Review View Help Search

Font Paragraph Styles Editing Voice

Any Tribal Housing Authority (ATHA)
1234 Any Tribal Place
Any Rez, Indian Nation
BR549

Gifts, Entertainment and Gratuities

An employee shall not solicit or accept directly or indirectly any gift exceeding \$100 value, gratuity, favor, loan or any other thing of monetary value from a person or organization who has (in the past, or tends to seek to obtain) a contractual, business or financial relation with ATHA or who has interests which may be affected by the performance or nonperformance of the employee's official duty, except as allowed in paragraph 2 below.

An employee may accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting, or other meeting where an employee may properly be in attendance, or may accept unsolicited advertising materials such as pens, calendars or other items of a nominal value.

Page 1 of 1 144 words

Type here to search

Conflict Of In... Assorted BMHA ANY TRIBAL... Conflict of In... Document1 - ... BMBA Person... Document2 - ... ATHA Gifts, E... 9:42 PM 6/24/2019

50

Gifts, Entertainment and Gratuities

– An employee shall not solicit or accept directly or indirectly any gift exceeding \$50.00 value, gratuity, favor, loan or any other thing of monetary value from a person or organization who has (in the past, or tends to seek to obtain) a contractual, business or financial relation with ATHA or who has interests which may be affected by the performance or nonperformance of the employee's official duty, except as allowed in paragraph 2 below.



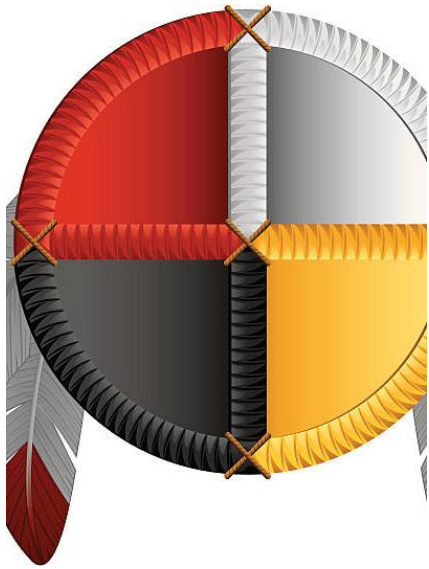
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Gifts, Entertainment and Gratuities

An employee may accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting, or other meeting where an employee may properly be in attendance; or may accept unsolicited advertising materials such as pens, calendars or other items of a nominal value.



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CODE OF CONDUCT

- Conflict of Interest
- The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from participating directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
 - An officer, employee, or agent involved in making the award;
 - His/her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister;
 - His/her partner; or,
 - An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

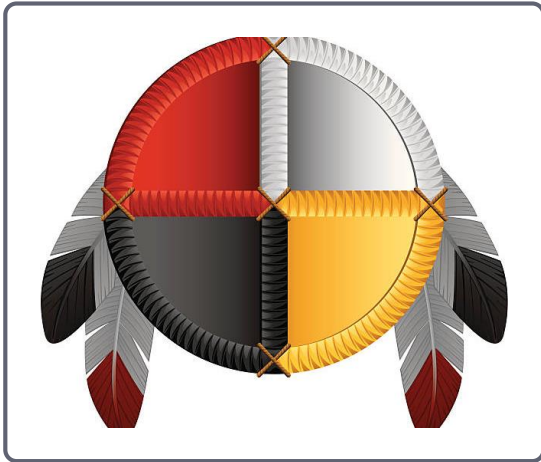
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Gifts, Gratuities, and Use of Confidential Information

- The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value (other than unsolicited items of nominal intrinsic value) from contractors, potential contractors, or parties to subcontracts, and the knowing use of confidential information for actual or anticipated personal gain.



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Violations

- Disciplinary action will be taken to remedy violations of this code and may include verbal or written warning, formal reprimand, suspension, or dismissal. The level of disciplinary action will depend on the severity of the violation, the individual's prior behavior, and the nature of the individual's position. Notice the Any Tribal Indian Housing Authority communicates the requirements of this code during orientation, at trainings, in the bylaws of the Board of Commissioners, and in its personnel and procurement policies.

57

Conflicts Prohibited: 2 CFR 200.211

Grantees and **subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged** in the award and administration of contracts. No employee, officer, or agent shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

58

58



A slide titled "Mitigation Measures" with a green underline. It lists four measures in light gray rounded rectangles, each with an icon: a green prohibition sign for "Recusal", a tree and person for "Code of Ethics", a bench and person for "Third-parties", and a padlock for "Disclosure".

-  Recusal – declare yourself disqualified to participate
-  Code of Ethics – policies that prohibit certain activities or conduct
-  Third-parties – independent, well-qualified individual outside the organization
-  Disclosure – sharing information not previously known

Mitigation Measures

59



A slide with a decorative border of green and blue feathers. On the left, a dark gray box contains the text "CODE OF ETHICS" in yellow. On the right, a photograph shows a brown feather with a colorful beaded tail.

CODE OF ETHICS



60

Create and Adopt a Board of Directors Code of Ethics




61

AutoSave • PDF ATHA Board Of Directors Code Of Ethics - Saved to this PC Cheryl Cauley

File Home Insert Draw Design Layout References Mailings Review View Help Search

Check Document Thesaurus Word Count Proofing Read Aloud Speech Check Accessibility Language Translate Language New Comment Delete Previous Next Show Comments Ink Comment Pens Eraser Track Changes Tracking Show Markup Reviewing Pane Accept Reject Next Compare Block Authors Restrict Editing Hide Ink Resume Assistant

 **The Any Tribal Housing Authority Board of Directors Code of Ethics**

Members of the ATHA Board Will ...

Listen carefully to teammates, and those served by ATHA.

- Respect the opinion of other board members.
- Respect and support the majority decisions of the board.
- Recognize that all authority is vested in the board when it meets in legal session and not with individual board members.
- Keep well-informed of developments that are relevant to issues that may come before the board.
- Participate actively in board meetings and actions.
- Call to the attention of the board any issues that will have an adverse effect on ATHA or those we serve.
- Attempt to interpret the needs of constituents to ATHA and interpret the action of ATHA to its constituents.
- Refer constituent or staff complaints to the proper level on the chain of command.
- Recognize that the board member's job is to ensure that ATHA is well managed, not to manage ATHA.
- Vote to hire the best possible person to manage ATHA.
- Represent all constituents of ATHA and not solely a particular geographic area or special interest group.
- Consider themselves each a "trustee" of ATHA and do their best to ensure that ATHA is well maintained, financially secure, growing and always operating in the best interests of constituents.
- Always work to learn about the board member's job and how to do it better.
- Declare any conflict of interests between their personal life and their position on the ATHA board and avoid voting on issues that appear to be a conflict of interest.

Members of the ATHA Board will not...

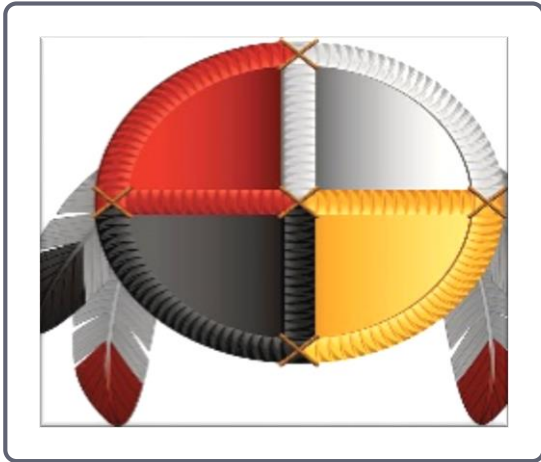
- Be critical, in or outside of the board meeting, of other board members or their opinions.
- Use ATHA or any part of ATHA for personal advantage or the personal advantage of friends or relatives.
- Discuss the confidential proceedings of the board outside the board meeting.
- Promise prior to a meeting how each will vote on any issue in the meeting.
- Interfere with duties of the executive director or undermine the executive director's authority.
- Be involved in self-dealing that provides personal gain.

Page 1 of 1 345 words

Type here to search

ANY TRIBAL HOUS... NAHASDA ESSENTIAL... ATHA Board Of Dir... 7:12 AM 6/21/2019

62



The Any Tribal Housing Authority Board of Directors Code of Ethics

- **Members of the ATHA Board Will**
- Listen carefully to teammates, and those served by ATHA

63

Members of the ATHA Board Will

Respect	Respect the opinion of other board members.
Respect and support	Respect and support the majority decisions of the board.
Recognize	Recognize that all authority is vested in the board when it meets in legal session and not with individual board members.
Keep	Keep well-informed of developments that are relevant to issues that may come before the board.
Participate	Participate actively in board meetings and actions.
Call	Call to the attention of the board any issues that will have an adverse effect on ATHA or those we serve.
Attempt	Attempt to interpret the needs of constituents to ATHA and interpret the action of ATHA to its constituents.







64

Members of the ATHA Board Will

Refer	Refer constituent or staff complaints to the proper level on the chain of command.
Recognize	Recognize that the board member's job is to ensure that ATHA is well managed, not to manage ATHA.
Vote	Vote to hire the best possible person to manage ATHA.
Represent	Represent all constituents of ATHA and not solely a particular geographic area or special interest group.
Consider	Consider themselves each a "trustee" of ATHA and do their best to ensure that ATHA is well maintained, financially secure, growing and always operating in the best interests of constituents.
Work	Always work to learn about the board member's job and how to do it better.
Declare	Declare any conflict of interests between their personal life and their position on the ATHA board and avoid voting on issues that appear to be a conflict of interest.

65

Members of the ATHA Board will not...

-  Be critical, in or outside of the board meeting, of other board members or their opinions.
-  Use ATHA or any part of ATHA for personal advantage or the personal advantage of friends or relatives.
-  Discuss the confidential proceedings of the board outside the board meeting.
-  Promise prior to a meeting how each will vote on any issue in the meeting.
-  Interfere with duties of the executive director or undermine the executive director's authority.
-  Be involved in self-dealing that provides personal gain.

66

Mitigation Measures



Recusal – declare yourself disqualified to participate



Code of Ethics – policies that prohibit certain activities or conduct



Third-parties – independent, well-qualified individual outside the organization




Disclosure – sharing information not previously known


67



Useful Life & Binding
Commitments

68






Office of
Native American
Programs
Office of Public & Indian Housing

No. 2020-02
September 9, 2020

PROGRAM GUIDANCE

PROGRAM: Indian Housing Block Grant (IHBG)

FOR: Tribal Government Leaders and Tribally Designated Housing Entities

FROM: 
Heidi Frechette, Deputy Assistant Secretary for Native American Programs, FN


TOPIC: Useful Life and Binding Commitments

Purpose: The intent of this guidance is to give IHBG recipients information about maintaining IHBG-assisted housing and non-housing projects for the useful life of the property. It will clarify (1) what will be considered "satisfactory to the Secretary"; and (2) what constitutes an acceptable binding commitment. This Program Guidance has been updated to include a [FHA Loan Rider to NAHASDA](#) and replaces Program Guidance 2014-09.

Background: Section 205(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), requires that housing units remain affordable for either (1) the remaining useful life of the property (as determined by the Secretary) or (2) for each other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purpose of NAHASDA. Useful life is the time period during which an assisted property must remain affordable.

NAHASDA gives the Secretary the authority to determine the housing units' useful life or other period of time during which the units must remain affordable. The IHBG regulation at 24 CFR § 1000.142, states that to the extent required in the Indian Housing Plan (IHP), each IHBG recipient shall describe its determination of the useful life of the assisted housing units in its developments in accordance with the local conditions of the Indian area of the recipient. By finding the IHP to be in compliance with the statute, the Department would be determining the useful life to be in accordance with NAHASDA.

69



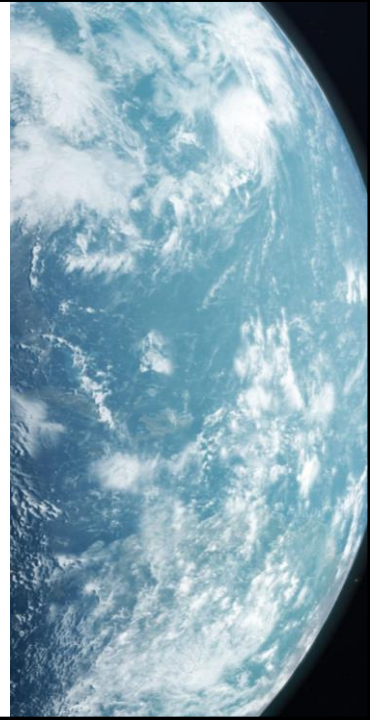
TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Purpose:** The intent of this guidance is to give IHBG recipients information about maintaining IHBG-assisted housing and non-housing projects for the useful life of the property. It will clarify (1) what will be considered "satisfactory to the Secretary"; and (2) what constitutes an acceptable binding commitment. This Program Guidance has been updated to include a [FHA Loan Rider to NAHASDA](#) and replaces Program Guidance 2014-09.


70

TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Background:** Section 205(a)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), requires that housing units remain affordable for either (1) the remaining useful life of the property (as determined by the Secretary) or (2) for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purpose of NAHASDA. Useful life is the time period during which an assisted property must remain affordable.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

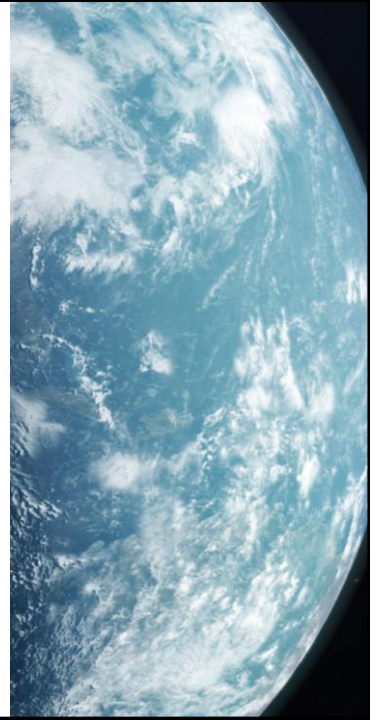
- NAHASDA gives the Secretary the authority to determine the housing units' useful life or other period of time during which the units must remain affordable. The IHBG regulation at 24 CFR § 1000.142, states that to the extent required in the Indian Housing Plan (IHP), each IHBG recipient shall describe its determination of the useful life of the assisted housing units in its developments in accordance with the local conditions of the Indian area of the recipient. By finding the IHP to be in compliance with the statute, the Department would be determining the useful life to be in accordance with NAHASDA.

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TOPIC: Useful Life and Binding Commitments No. 2020-02

September 9, 2020

- The NAHASDA statute and regulations also require that this affordability period be secured through binding commitments satisfactory to the Secretary. The purpose and intent of requiring binding commitments is to guarantee that the housing will remain affordable for its useful life (affordability period). The binding commitment requirement under NAHASDA not only applies to the parties, but it also applies to the property. The purpose and intent of requiring binding commitments is to guarantee that the housing will remain affordable for its useful life regardless of who may have entered into a contractual agreement or who may be in possession. The binding commitment required cannot be satisfied solely with a contract between the parties. Pursuant to 24 CFR § 1000.144, in order for it to be satisfactory to HUD, a written use restriction that is placed on the assisted property and must run with the land; hence, binding commitments must be recorded.



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TOPIC: Useful Life and Binding Commitments No. 2020-02

September 9, 2020

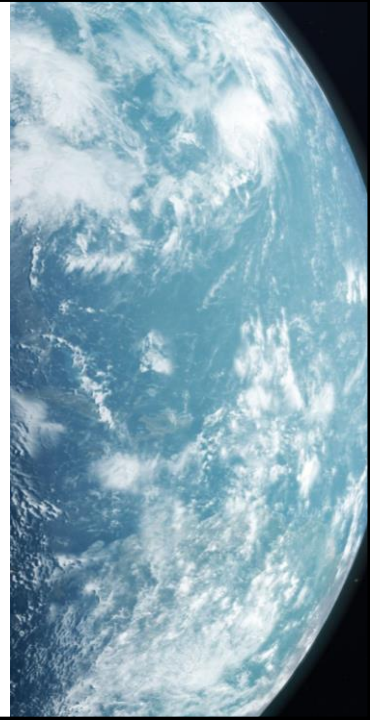

- **Affordability Period:** The first primary objective of NAHASDA, as stated in Section 201(a)(1), is: "...to develop, maintain, and operate affordable housing...for occupancy by low-income Indian families." Every time IHBG funds are spent on a property, an investment is made in low-income families in the community. The return on that investment is the period of continued future use during which the property will be available for use by low-income families. That period of future use is the affordability period or useful life for that property.
- Housing units that are constructed, developed, and/or rehabilitated using IHBG funds must establish a useful life to ensure the property will remain available to low-income families.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Determination of Affordability Period:** Generally, the affordability period is the period of time during which the property will be available for use by low-income families. It should be the remaining useful life of the property, as approved by HUD, or the longest feasible period of time consistent with sound economics and the purposes of NAHASDA, as approved by HUD.
- In determining a property’s affordability period or useful life, a recipient could use a tiered schedule similar to that used in the Department’s HOME program to determine the affordability period. This would specify a number of years during which the housing must remain affordable, dependent upon the amount of IHBG funds being invested in the property per occurrence. For example:

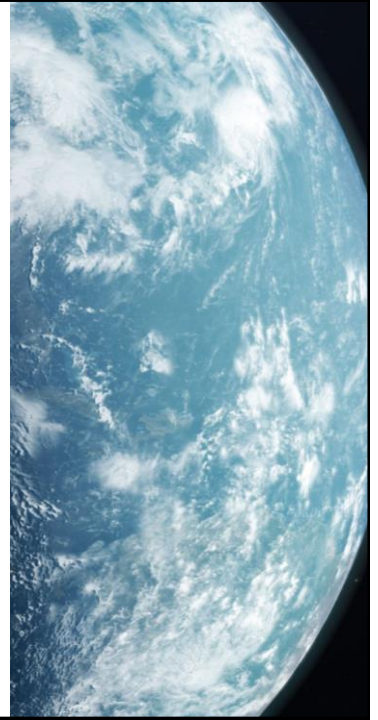
TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

IHBG Funds Invested Affordability Period*

Under \$5,000	6 months
\$5,000 to \$15,000	5 years
\$15,001 to \$40,000	10 years
Over \$40,000	15 years
New construction or acquisition of newly constructed housing	20 years

TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- NOTE: For relatively minor investments, the designated affordability period can be some nominal period of time, but NAHASDA requires that some period be designated, and that it be secured with a binding commitment. Additionally, if the reasonable affordability period is less than one year, a binding commitment is required; however, it is not necessary to record the written use restriction for purposes of complying with NAHASDA. It is good business practice,
- however, to record the written use restriction for purposes of giving notice to subsequent purchasers. The dollar ranges and/or the corresponding number of years may differ from those shown above depending upon local conditions. The recipient may choose to assign a longer affordability period in order to ensure the availability of a larger continuing affordable housing supply for low-income families.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

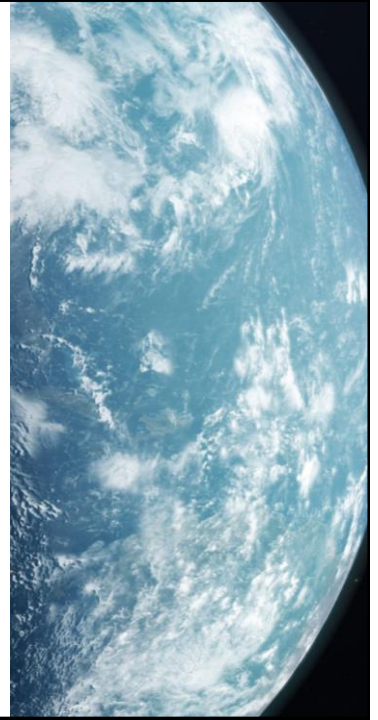
- If the recipient chooses to use some other method of assigning the affordability period, the IHP should describe how the method provides for an affordability period with appropriate consideration given to any unique local conditions. In setting a useful life, a specific number of years should be given for the affordability period, not a range of years (e.g., 30 to 40 years) or a general statement. The number of years should also be without ambiguous qualification (e.g. “about,” “approximate,” “if properly maintained,” “planned,” “expected,” “estimated,” etc.). Similarly, the designated affordability period should in no way be contingent upon the continuation of IHBG funding.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

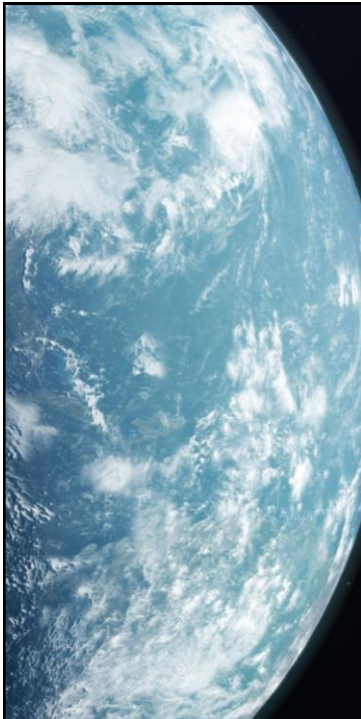
- **Reporting Useful Life:** A description of the recipient's plan or system for determining the useful life of the housing it assists with IHBG funds must be provided in the IHP. A record of the current, specific useful life for housing units assisted with IHBG funds should be maintained in the recipient's files and be available for review.
- **Types of Properties and Assistance Covered:** The useful life provisions apply to all housing units and non-housing units assisted with IHBG funds except for Mutual Help homes developed under the U.S. Housing Act of 1937 (see 24 CFR § 1000.145).



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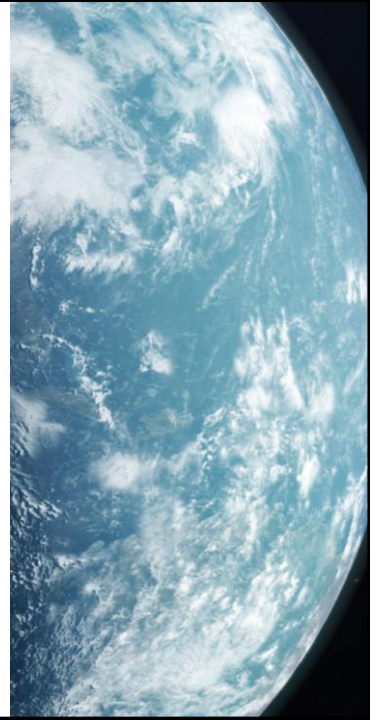
- **Housing Units:** The initial homebuyer, and any subsequent owners that purchase the property during the period of its useful life, need only qualify as low-income at the time of their purchase. In other words, if the initial owner seeks to sell the property while it still has a remaining useful life or affordability period assigned to it, the new buyer must qualify as an eligible family at the time of his or her purchase; however, the transfer of a homeownership unit to a family member or household member is not subject to a binding commitment for the remaining useful life of the property. Thus, if a homeownership unit has been transferred to a family member or household member, then the written use restriction will not terminate, even though it will not apply.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Housing Units:** However, any subsequent transfer by the family member or household member to a third party (not a family member or household member) is subject to any remaining useful life or affordability period under a recorded binding commitment. Should the home be sold during its useful life period to a new purchaser that does not qualify as a family member, household member, or an eligible family and funds are not repaid to the recipient's IHBG program in accordance with its useful life plan, the Secretary will take appropriate action against the IHBG recipient in accordance with section 401(a) of NAHASDA.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

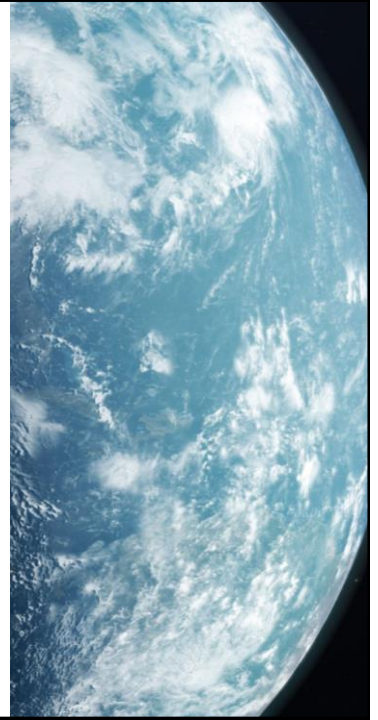
- **Housing Units:** Similarly, low-income owner/occupants of privately owned housing that receive IHBG funded assistance, whether in the form of a loan or a grant, for moderate or substantial rehabilitation, need only be low-income at the time the assistance is provided. However, there should be a binding commitment accompanying the assistance that guarantees an appropriate useful life or affordability period and provides for remedies for the breach of such useful life provision upon transfer of ownership during the assigned useful life. The useful life and binding commitment requirements apply to all housing units assisted with IHBG funds, including units developed through NAHASDA's Title VI Loan Guarantee program.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **2. Model Activities/Non-housing:** The useful life provisions apply to all model activities and non-housing projects constructed, developed, or acquired with IHBG funds to ensure the remaining useful life of the property will be maintained for affordable housing activities. Non-housing projects include community centers and model activities established to provide affordable housing activities.
- **Record of Use Restrictions:** Records must be kept for all use restrictions. Attached is a sample Record of Use Restrictions form that can be used by recipients to record both NAHASDA and other affordability or use restrictions. Restrictions can vary both in how they are imposed, and model reporting form is designed to be the registry of all of the various use restrictions that are placed on recipient properties.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

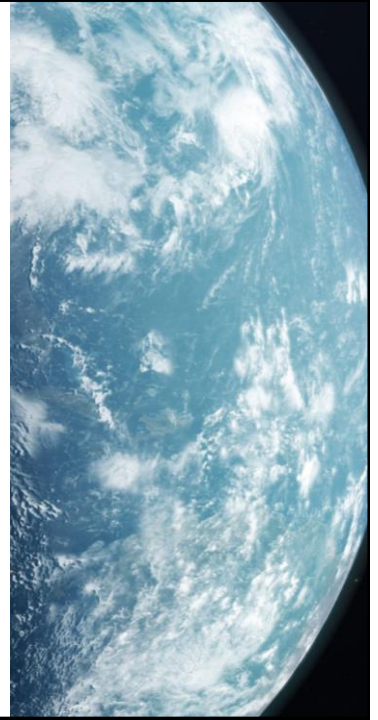
- **Acceptable Binding Commitments:** As mentioned earlier, NAHASDA requires that there be binding commitments satisfactory to the Secretary in place to ensure that a housing unit will remain affordable for its useful life. When IHBG funds are used, either in the form of a grant or a loan, to purchase, construct, or rehabilitate a residence, there must be a written agreement in place between the IHBG recipient and the individual who is being assisted with the IHBG funds. These written use agreements must include provisions for the IHBG recipient's useful life or affordability period restrictions as specified in its IHP.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Acceptable Binding Commitments:** The provisions must be imposed by recorded deed restrictions, covenants running with the land, or other mechanisms approved by HUD, except that the useful life restrictions may terminate upon foreclosure by a lender (or transfer in lieu of foreclosure), as long as the action is not for the purpose of avoiding low-income affordability restrictions. The written use agreement may contain a schedule outlining a payback of a decreasing balance of assistance or percentage equity over the useful life or affordability period that would have to be reimbursed to the recipient's program if a subsequent occupant does not meet the IHBG eligibility requirements.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- **Types of Binding Commitments:** There are a number of different ways to place both NAHASDA and other affordability or use restrictions on assisted properties. The six attached samples of Useful Life/Use Restriction Agreements (two for fee land, two for trust land, one for model activities/non-housing projects and one for FHA insured loans) can be used for this purpose. Any form used must be properly recorded with the appropriate land records offices. Additional use restrictions may be imposed on such properties as long as they do not contradict the NAHASDA useful life restrictions.

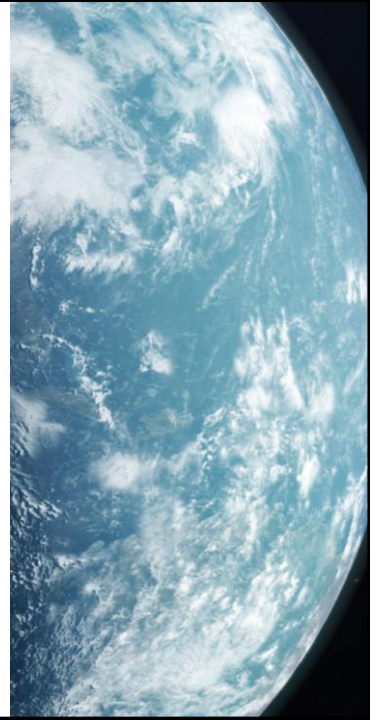


86

TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- Useful Life/Use Restriction Agreements for Use on Fee Land: When a restriction is placed on fee land, a covenant running with the land is imposed on the property to enforce the restriction:

- NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION USEFUL LIFE/USE RESTRICTION ([Indian Housing on Fee Land with Single Recovery Amount](#)). This covenant requires that the full amount of NAHASDA funds invested in the property be refunded in all cases of default.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- Useful Life/Use Restriction Agreements for Use on Fee Land: When a restriction is placed on fee land, a covenant running with the land is imposed on the property to enforce the restriction:

- NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION USEFUL LIFE/USE RESTRICTION ([Indian Housing on Fee Land with Prorated Recovery Amount](#)). This covenant requires that the amount of NAHASDA funds invested in the property be prorated over the life of the restriction. In the event of a default, only the current prorated amount must be refunded.

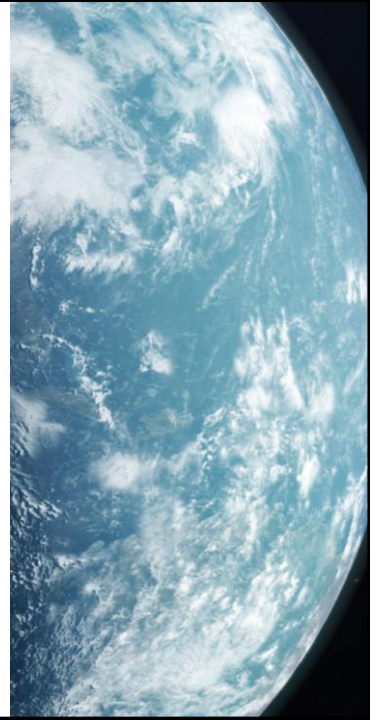


88


TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- Useful Life/Use Restriction Agreements for Use on Trust Land: When restrictions are placed on trust land, a lease amendment or addendum to the lease is used to enforce the restriction:

- NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION USEFUL LIFE/USE RESTRICTION LEASE ADDENDUM/AMENDMENT ([Trust Land with Single Recovery Amount](#)). This lease document requires in all cases of default that the full amount of NAHASDA funds invested in the property be refunded.



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TOPIC: Useful Life and Binding Commitments No. 2020-02 September 9, 2020

- Useful Life/Use Restriction Agreements for Use on Trust Land: When restrictions are placed on trust land, a lease amendment or addendum to the lease is used to enforce the restriction:

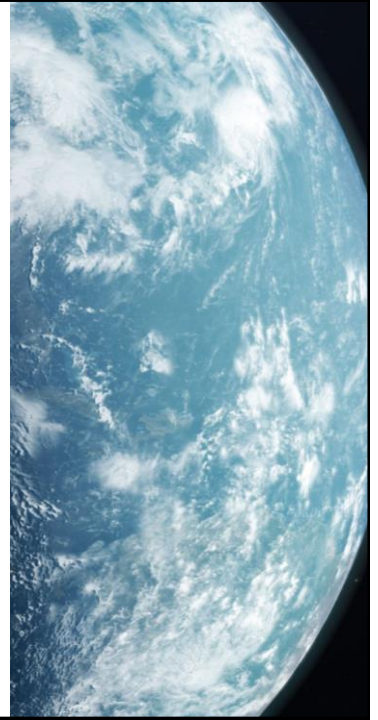
- NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION USEFUL LIFE/USE RESTRICTION LEASE ADDENDUM/AMENDMENT ([Trust Land with Prorated Recovery Amount](#)). This lease document requires that the amount of NAHASDA funds invested in the property be prorated over the life of the restriction. In the event of a default, only the current prorated amount must be refunded.

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TOPIC: Useful Life and Binding Commitments No. 2020-02

September 9, 2020

- [FHA Loan Rider to NAHASDA Useful Life/Use Restriction](#)
- Some grantees use their IHBG funds to provide down payment assistance to low-income Native American borrowers who receive a loan insured by FHA. Because of FHA requirements under 24 CFR 203.41 the sample useful life restrictions contain language that limits transfer of the property in the event of foreclosure. The FHA Loan Rider addresses the FHA requirements and should be used when NAHASDA funds are invested in the property.

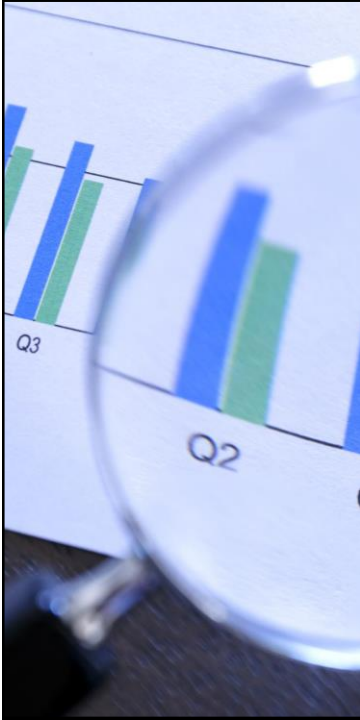


91



GRANT EVALUATION OVERSIGHT
AND MONITORING

92



GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

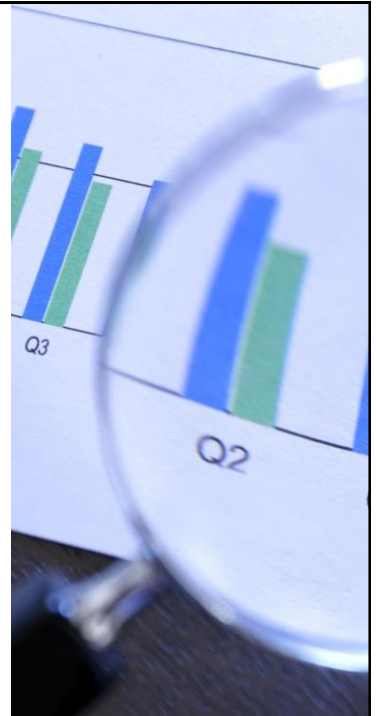
- Overview
- Through oversight and monitoring, the Office of Native American Programs (ONAP) Grants Evaluation Division:
 - ensures that programs are implemented in a timely manner in compliance with all applicable requirements;
 - identifies instances and trends that indicate superior, satisfactory, or deficient performance;
 - develops and implement actions to reinforce, improve, correct, or supplement recipient performance, as appropriate; and
 - identifies technical assistance needs and provide pro-active support.

93

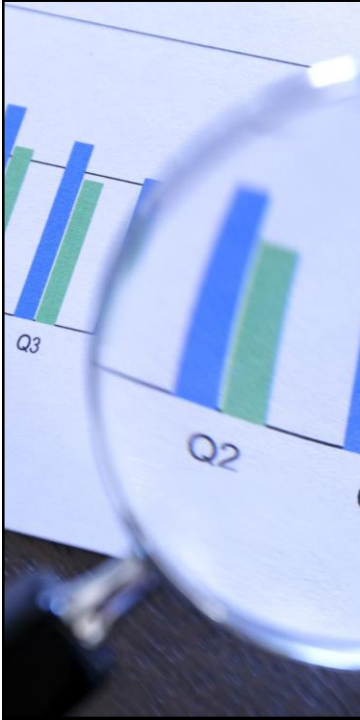
GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

Monitoring

- HUD reviews the performance of recipients to determine whether they:
 - have carried out their eligible activities in a timely manner,
 - have eligible activities and certifications in accordance with the individual program requirements and with other applicable laws, and
 - have a continuing capacity to carry out those activities in a timely manner.



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GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

- Monitoring
- HUD monitoring consists of on-site review and off-site (or remote) review of records, reports, and audits. On-site reviews are conducted at the grant recipients' offices and may include visits to housing sites. Grant recipients may be requested to provide additional information to the Area ONAP after completion of the on-site visit and before completion of HUD's review. Unusual situations aside, the Area ONAP will provide written notice and details of the monitoring visit at least 30 days in advance. A remote review consists of a thorough review of all information available in the Area ONAP's files concerning a grant recipient. The Area ONAP may request submission of information from the grant recipient to supplement information available in HUD's records prior to the completion of the review.
- Upon completion of either type of review, a draft report will be provided to the grant recipient for comment, per 24 CFR § 1000.528. Once the comment period has expired, HUD will issue a final report that addresses any comments received.

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Monitoring Plans for Recipients



The Tribe/TDHE is responsible for monitoring its IHBG fund activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Monitoring by the Tribe/TDHE must cover each program, function, or activity. Refer to 403(b) and 1000.502.

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Monitoring Plans for Recipients

- In addition to the general requirements of the Uniform Guidance, NAHASDA also requires that the Tribe/TDHE conduct self-monitoring at least annually. (Section 403(b), 1000.502, and the Uniform Guidance 200.328).



Monitoring Plans for Recipients

The Tribe/TDHE must conduct ongoing self-monitoring and report those self-monitoring assessment results in the APR.

So your self-monitoring must be completed prior to your APR submission.

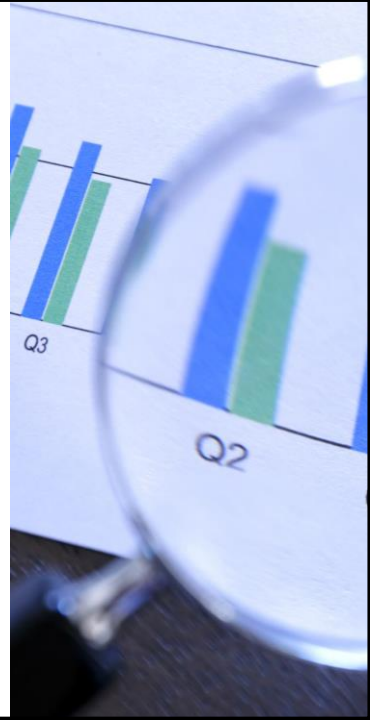


Monitoring Plans for Recipients

In addition to the general requirements of the Uniform Guidance, NAHASDA also requires that the Tribe/TDHE conduct self-monitoring at least annually. (Section 403(b), 1000.502, and the Uniform Guidance 200.328).

Monitoring Plans for Recipients

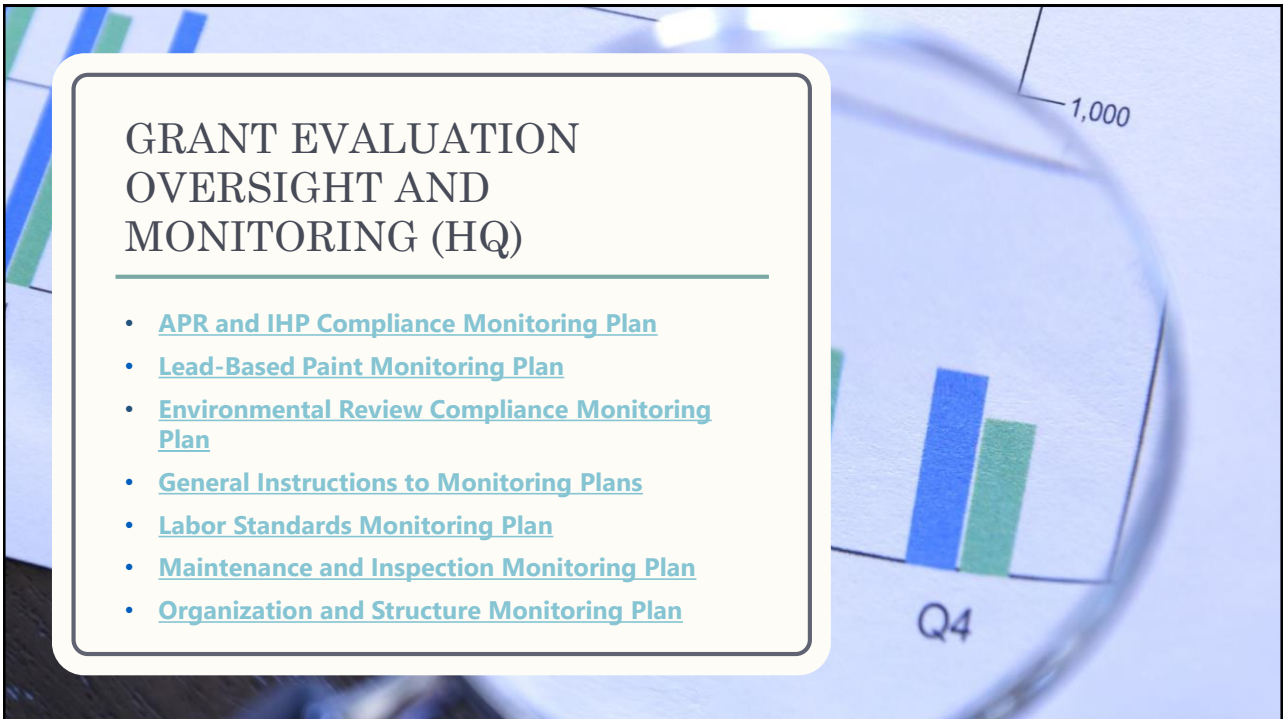
- ONAP provides IHBG recipients with sample monitoring plans that they may use when conducting self-monitoring, as required under NAHASDA. Use of these sample monitoring plans is optional; however, the plans are designed to provide tribes and tribally designated housing entities (TDHE) with an effective, structured approach to evaluate performance and determine compliance with program requirements. The sample monitoring plans can also be used to conduct similar reviews of the Indian Community Development Block Grant (ICDBG), Rural Housing and Economic Development/Rural Innovation Fund (RHED/RIF), and Resident Opportunity and Self-Sufficiency (ROSS) programs. The plans are “living” documents and may change over time. Always use the plans available at this location. See Program Guidance 2012-03 for more information.



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GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

- [APR and IHP Compliance Monitoring Plan](#)
- [Lead-Based Paint Monitoring Plan](#)
- [Environmental Review Compliance Monitoring Plan](#)
- [General Instructions to Monitoring Plans](#)
- [Labor Standards Monitoring Plan](#)
- [Maintenance and Inspection Monitoring Plan](#)
- [Organization and Structure Monitoring Plan](#)



100

GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

- [Other Programs \(ICDBG, ROSS & RHED/RIF\) Monitoring Plan](#)
- [Procurement and Contract Administration Monitoring Plan](#)
- [Relocation and Real Property Acquisition Monitoring Plan](#)
- [Section 504 Accessibility Monitoring Plan](#)
- [Self-Monitoring Plan](#)
- [Subrecipient Agreements Monitoring Plan](#)

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GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

- [Admissions and Occupancy Monitoring Plan](#)
- [Occupancy Review Form-Appendix 1](#)
- [Occupancy Tenant Files Review Forms-Appendix 2](#)
- [Financial and Fiscal Management Monitoring Plan](#)
- [Financial and Fiscal Management: Appendix 1 - Finance System Controls](#)
- [Financial and Fiscal Management: Appendix 2 - Cash Management](#)

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GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

- [Financial and Fiscal Management: Appendix 3 - Indirect Costs Cost Allocation](#)
- [Financial and Fiscal Management: Appendix 4 - Reserve Balances](#)
- [Financial and Fiscal Management: Appendix 5 - TDCs](#)
- [Financial and Fiscal Management: Appendix 6 - Program Income](#)
- [Financial and Fiscal Management: Appendix 7 - Investments](#)

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GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

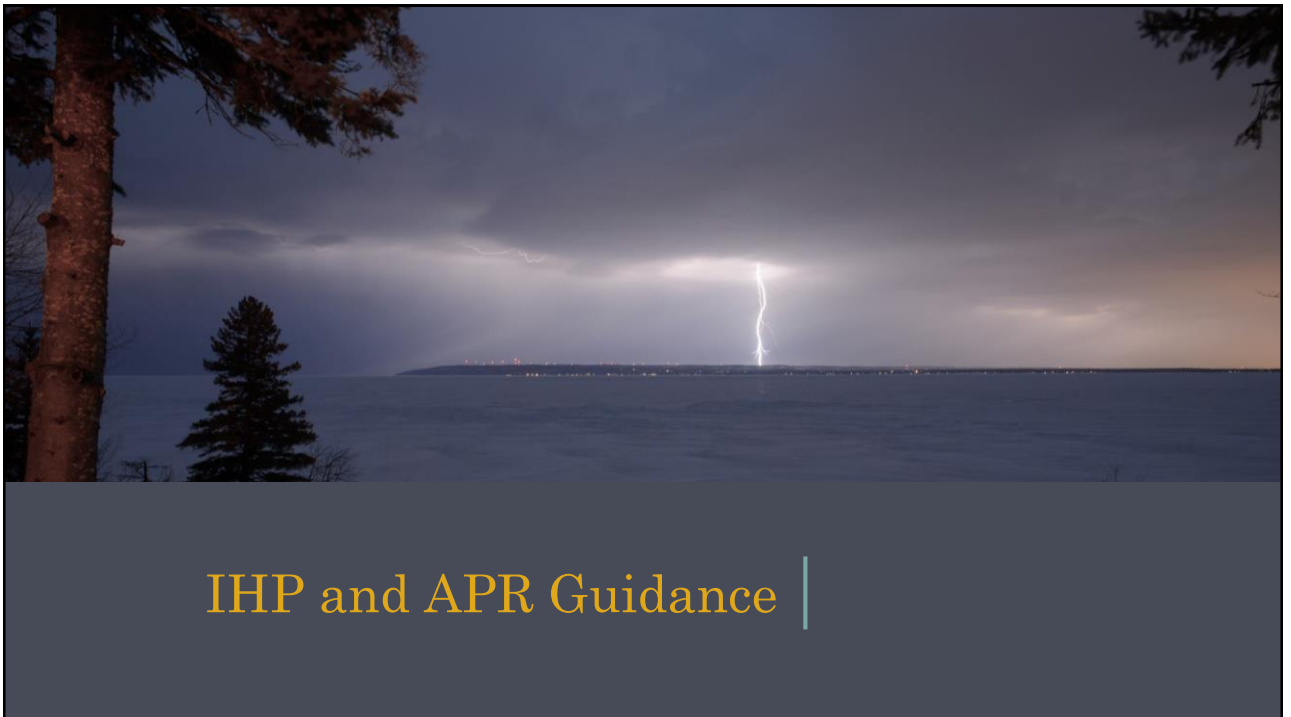
- [Financial and Fiscal Management: Appendix 8 - Insurance](#)
- [Title VI Monitoring Plan](#)
- [Tribal HUD VASH Monitoring Plan](#)

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Self-Monitoring Mutual Agreement

- In an effort to promote effective self-monitoring in accordance with Section 403(b) of NAHASDA and the IHBG regulations at 24 CFR § 1000.502(a), ONAP offers recipients the opportunity to enter into Self-Monitoring Mutual Agreements (SMMAs). SMMAs are for recipients that have well-established systems, are interested in improving their self-monitoring efforts, and accept the terms of the SMMA. The benefit of entering into such an SMMA is ONAP's pledge to conduct on-site monitoring of the recipient less frequently. For more information, see Program Guidances 2007-08 and 2007-01 (ONAP).

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IHP and APR Guidance |

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IHP and APR Guidance

- TIMING AND FORMAT OF SUBMISSIONS in order to receive an IHBG, a recipient must submit a One-Year IHP, as required by NAHASDA § 101(b)(1). Recipient programs that are fully or partially funded by IHBG, IHBG program income, Title VI funds, Title VI program income, or 1937 Housing Act funds must be included in the IHP. For the remainder of this guidance, the term “IHBG resources” refers to IHBG funds, IHBG program income, Title VI funds, Title VI program income, and 1937 Housing Act funds. The recipient is required to submit the IHP to HUD at least 75 days prior to the start of its 12-month program year, as required by NAHASDA § 102(a)(1)(A). When filling out the IHP, the recipient should leave blank the gray sections that represent the APR.

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IHP and APR Guidance

- Each recipient submits one IHP each year that covers the activities it plans to undertake during its upcoming 12-month program year, including any uncompleted activities carried over from a prior year plan. The IHP must be submitted no later than 75 days before the beginning of the recipient’s program year. If the deadline date falls on a Saturday or Sunday, the submission date must be the following Monday. The IHP also can be faxed or sent electronically to the Area ONAP. Title I, § 101(b)(2) of NAHASDA provides authority for HUD to waive the submission requirements of § 101(b)(1) for up to 90 days. Requests for waivers of the deadline for IHP submission should be submitted to the recipient’s Area ONAP. The waiver request can be submitted at any time before or after the IHP submission deadline; however, an extension may only be granted for up to 90 days after the original deadline.

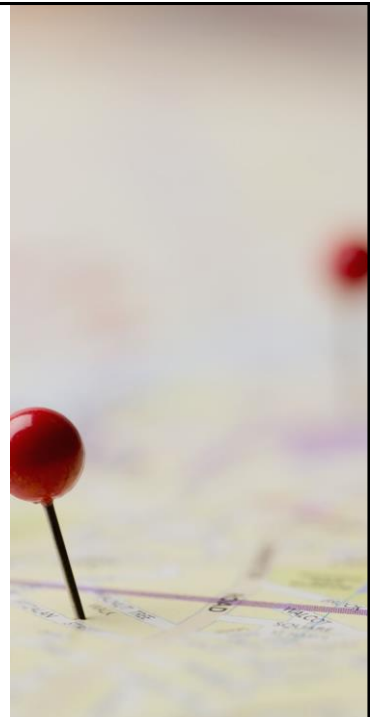
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IHP and APR Guidance

- The Federal Fiscal Year (FFY) is always October 1 to September 30 and is always in advance of the calendar year. For example, FFY 2018 starts on October 1, 2017, and ends on September 30, 2018. •
- The recipient’s program year for 2018 could start on October 1, 2017; January 1, 2018; April 1, 2018; or July 1, 2018. The due date of the IHP will depend on the recipient’s chosen program year (PY). Examples for FFYs 2019 are provided next

IHP and APR Guidance



FFY 2019	Recipient PY	IHP Due Date (75 calendar days prior to start of PY)
Oct. 1, 2018 – Sept. 30, 2019	October 1 – September 30	July 18, 2018
	January 1 – December 31	October 18, 2018
	April 1 – March 31	January 16, 2019
	July 1 – June 30	April 17, 2019




IHP and APR Guidance

- In some years, the U.S. Congress does not appropriate funds until well into the FFY. For example, even though the FFY starts on October 1, it is not uncommon to have the IHBG appropriation occur in January. Thus, the recipient may not know its final IHBG grant amount until January. To address these instances, HUD runs a draft of the IHBG formula using the anticipated level of funding and sends this information to the recipient using the Formula Response Form.

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IHP and APR Guidance

- If the final appropriation is unknown at the time the IHP is due, the recipient may base its IHP budget on this estimated IHBG amount or the previous year's IHBG amount. When the final appropriation is known, the recipient should update the IHP in its files to include the final amount. For any recipient whose IHP has already been found in compliance, once the final budget appropriation is available, the Area ONAP will automatically process the grant agreement and send it to the recipient.
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IHP and APR Guidance

- If the recipient adds a new activity or reduces its support for 1937 Act housing, it must submit an IHP amendment using the form provided in Section 16 of the IHP prior to the recipient's program year end. If the recipient does not add a new activity or reduce its support for 1937 Act housing, then any other changes can be reflected in the APR submission.

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IHP and APR Guidance

- If appropriations are delayed and a recipient has expended its IHBG funds from prior years, the recipient can access interim funding after a Notice has been published by HUD, provided it has submitted an IHP, and HUD has determined the IHP to be in compliance. To take advantage of this flexibility, the recipient's authorizing official must submit a written request to HUD.
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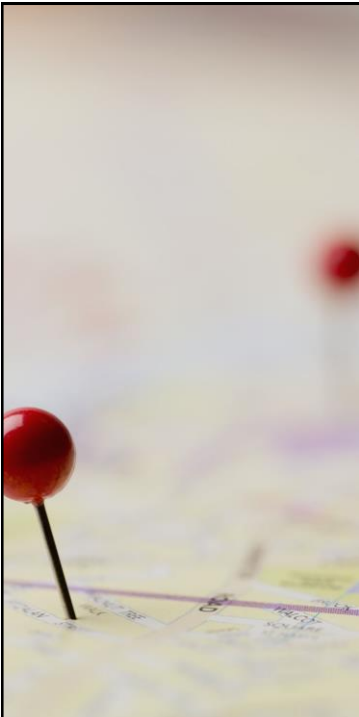
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Contents of IHP/APR

- 1.Cover page
- 2.Housing Needs Description
- 3.Program Activity Descriptions
- 4.Maintaining 1937 Act Units, Demolition and Disposition (if any)
- 5.Budgets (Sources and Uses)
- 6.Other Submission Items
- 7.IHP Certification of Compliance
- 8.IHP Tribal Certifications
- 9.Self-Monitoring (APR)
- 10.Inspections (APR)
- 11.Audits (APR)
- 12.Public Availability
- 13.Jobs Supported by NAHASDA
- 14.IHP Waiver Requests
- 15.IHP Amendments
-

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IHP and APR Guidance

- The APR is due to the Area ONAP no later than 90 calendar days after the end of the recipient's program year, as required by 24 CFR § 1000.514. The APR must describe the activities and expenses from the previous 12-month program year. The APR is designed to track to the IHP sections so that the recipient can easily report on the progress of IHP eligible activities.

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IHP and APR Guidance

FFY 2019	Recipient PY	APR Due Date (90 calendar days after the end of PY)
Oct. 1, 2018 – Sept. 30, 2019	October 1 – September 30	December 29, 2019
	January 1 – December 31	March 31, 2020
	April 1 – March 31	June 29, 2020
	July 1 – June 30	September 28, 2020

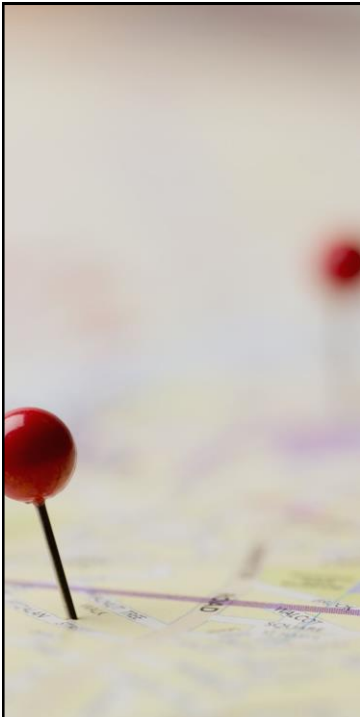
The due date of the APR will depend on the recipient's chosen PY. Examples for FFY 2019 are provided .



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IHP and APR Guidance

- The recipient is required to submit its IHP and APR data using the completed IHP and APR form (form HUD-52737). However, the recipient is welcome to expand beyond the IHP and APR form and submit additional data. This data may be presented in the form of text, charts, tables, maps, etc. The recipient may choose to submit this additional data to HUD or use it solely for its own local purposes.



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AUDIT REQUIREMENTS

1. A Tribe/TDHE that expends \$750,000 threshold) or more in federal funds in the fiscal year must have a single audit or program-specific audit in accordance with the provisions of Subpart F of 2 CFR 200. The single audit must be conducted in accordance with 200.514 Scope of audit.



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AUDIT REQUIREMENTS

COMPLETE YOUR AUDIT AND SUBMIT ON TIME

When the single audit is completed, the reporting package, including the auditor's reports, and the data collection form must be submitted by the Tribe/TDHE (auditee) to the [Federal Audit Clearinghouse](#), which is publicly available online. (1000.546)

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AUDIT REQUIREMENTS

Submission dates should be within the earlier of:

Thirty (30) days after receipt of the auditor's reports; or

Nine (9) months after the end of the audit period,

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FEDERAL FINANCIAL REPORT SF-425

SF-425 submittals are required per 24 CFR 1000.26 and Program Guidance 2014-07. The Federal financial reports are due 30 days after the end of the quarter, except that the 4th quarterly report is due 90 days after the end of the 4th quarter.

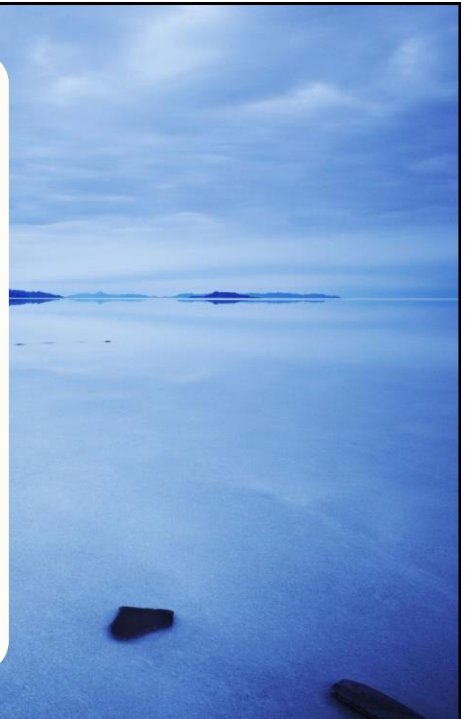


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FEDERAL FINANCIAL REPORT SF-425

Program Year	Q1 Due Date	Q2 Due Date	Q3 Due Date	Q4 Due Date
Oct 1 – Sept 30	Jan 30	April 30	July 30	Dec 29
Jan 1 – Dec 31	April 30	July 30	Oct 30	Mar 31
Apr 1 – March 31	July 30	Oct 30	Jan 30	Jun 29
July 1 – June 30	Oct 30	Jan 30	April 30	Sept 29

Reporting Due Dates



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FEDERAL FINANCIAL REPORT SF-425

The fourth quarterly report is the final report for a recipient's 12-month program year. The quarterly reports are due as indicated in the chart above and are based on the recipient's specific program year.

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APPENDIX

- APP 1 NAHASDA STATUTE
- APP 2 REGULATIONS 24 CFR PART 1000
- APP 3 SUPER CIRCULAR 2 CFR PART 200
- APP 4 PG 2002-13 CONFLICT OF INTEREST IN HOUSING ADMISSIONS
- APP 5 EXAMPLE ETHICS POLICY
- APP 6 ATHA CODE OF CONDUCT/CONFLICT OF INTEREST
- APP 7 PG 2020-02 USEFUL LIFE AND BINDING COMMITMENTS

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APPENDIX

- APP 8-1 RECORD OF USE RESTRICTIONS
- APP 9-2 Indian Housing on Fee Land with Single Recovery Amount
- APP 10-3 Indian Housing on Fee Land with Pro-rated Recovery Amount
- APP 11-4 Trust Land with Single Recovery Amount
- APP 12-5 Trust Land with Pro-rated Recovery Amount
- APP 13-6 Indian Non-Housing on Fee Land with Single Recovery Amount
- APP 14-7 FHA Loan Rider to NAHASDA Useful Life/Use Restriction



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Principal

If you should need anything Else!