



NAHASDA INTERMEDIATE
NOVEMBER 10-12-13, 2020
11:00 To 4:00 P.M. EST
Day 1 Part 2



Key Program Elements

Eligible Families

3 Mandated NAHASDA Eligibility Requirements

Gross income must be within HUD defined income limits (special exceptions apply)

Must be a Native American family (special exception applies)



Who is Eligible? Section 201 (b)

“...shall be limited to **low-income Indian families** on Indian reservations and other **Indian areas**.”

“The term ‘low-income family’ means a **family** whose **income** does not exceed **80 percent** of the **median income** for the area, as determined by the Secretary with adjustments for smaller and larger families...”

What is “Median” Income?

– (15) MEDIAN INCOME-

... means, with respect to an area that is an Indian area, the **greater** of--

(A) the median income for the Indian area, which the Secretary shall determine; **OR**

(B) the median income for the United States.

	2020 MFI			78,500				
	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
80%	\$ 43,960	\$ 50,240	\$ 56,520	\$ 62,800	\$ 67,824	\$ 72,848	\$ 77,872	\$ 82,896
100%	\$ 54,950	\$ 62,800	\$ 70,650	\$ 78,500	\$ 84,780	\$ 91,060	\$ 97,340	\$103,620

2020 HUD National Adjusted Median Income Limits

What is a “Family”?

- The term ‘family’ includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.



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Types of Eligible Families



- Low-Income

- Non-Low-Income

- Essential

- Law Enforcement Officers

Low-Income Indian Families

- Primary beneficiary of NAHASDA
- Family's annual income may not exceed 80 percent of median income of the greater of:
 - The county/borough area or
 - United States
- Adjustments for family size



When Must a Family be Low-Income

- At the time services are provided
 - Rental Housing Program – Lease signed with family
 - Homeownership Program – Mortgage signed with family
 - Rehab Program – Agreement signed with family
 - Rental Assistance Program – HAP Agreement signed with landlord

Non-Low-Income Indian Families

- Family's annual income **EXCEEDS** 80 percent of median income, either:

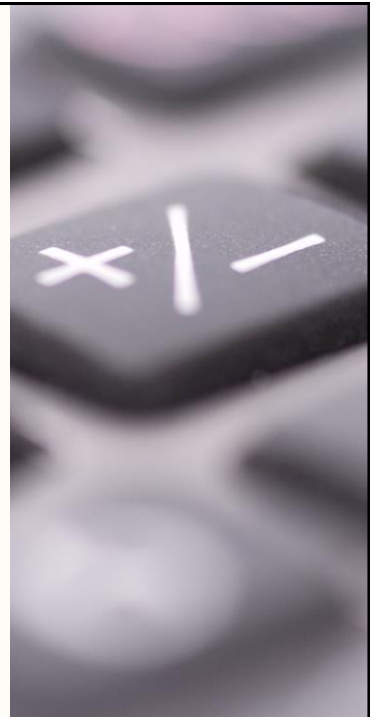
- County/Borough area or

- United States

- Adjustments for family size apply

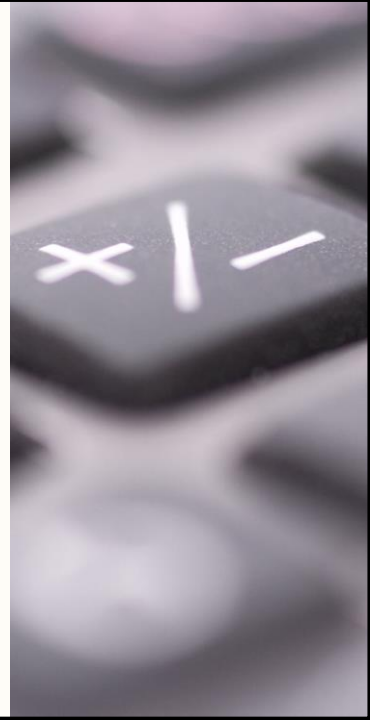
Non-Low-Income Indian Families

- Refer to the Appendix Guidance and review for non-low-Income. If under 10 % no HUD approval required
- If over 10%, HUD approval required
- If assistance provided to family over 100% of median income, HUD approval required in Advance...
- Must show housing need that cannot be reasonably met without IHBG assistance
- Appendix # 4 Assisting Non-Low Income PIH Notice 2014-02



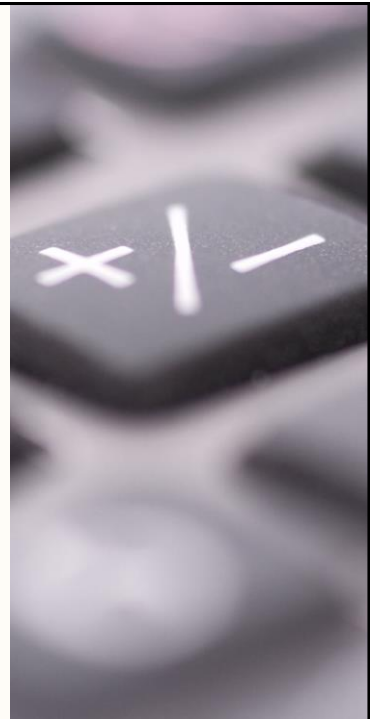
Non-Low-Income Indian Families

- Families admitted as non-low-income cannot receive the same benefits as low-income participants
- Rent or homebuyer payments for non-low-income families calculation = income of non-low-income divided by income of family at 80% x payment of family at 80%
- Other assistance cannot exceed income of family at 80%/income of non-low-income family x assistance to family at 80%



Non-Low-Income Indian Families

- Must have a housing need that cannot otherwise be met without IHBG assistance
 - When family resides in inadequate housing
 - When family resides in temporary housing or is homeless
 - When family pays more than 50 percent of income for housing (including utilities)





Moderate Income Checklist

I. Determination of Need	
<input type="checkbox"/>	A. Inadequate Housing
	Lacks Energy Efficiency
	Over Crowded
	Poor Plumbing
	Electrical Deficiencies
	Inadequate Drain field
	Structurally Unsound
	Pest Infested
	Fire Hazard
	Inadequate Heating and/or Cooling
	No Heating
	Inadequate Cooling
	Lack of Water Pressure
	No Insulation
	Single Wide Trailer
	Not Code Compliant
	No Child Safety Measures
	Incomplete Kitchen
	Incomplete Bathroom



Moderate Income Checklist

<input type="checkbox"/>	B. Temporary Housing
	Living with Relatives
	Motels/Hotels
	Transitional Shelter
<input type="checkbox"/>	C. Homeless
<input type="checkbox"/>	D. Cost Burden (Housing costs exceed 50% of AGI including utilities)
<input type="checkbox"/>	E. Inaccessibility to Financing
II. Determination that Housing Need cannot Reasonably Be Met	
	Rental Housing not available in area
	Affordability
	Income & Assets Insufficient
	Housing Stock Insufficient
	Conventional Mortgages not available on trust land
	State Housing Finance Programs not available
	Section 8 waiting list is too long
	Inadequate Housing Stock in Area
	Family Desires Residence on Reservation or in Village



Moderate Income Checklist

III. Documentation	
	Property Inspection
	Code Violation Letters
	Family Size and Unit Size
	Statement from a Temporary Housing Landlord
	Affidavit from Family
	Payroll Stubs
	Rent Receipt
	Rejection Letters
	Denial Letters



Essential family

- Essential families may receive assistance if the family's housing need cannot be met without IHBG assistance and the Recipient determines that the non-low-income family's presence is essential to the well-being of the Indian families living on the reservation or in the Indian area.



Law enforcement officers

- Section 201(b)(4) of NAHASDA specifically addresses the provision of housing or housing assistance for a law enforcement officer on an Indian reservation or Indian area. The officer must be employed full-time by the Federal, state, county, tribal, or other unit of local government and sworn to uphold and make arrests for violations of Federal, state, county, or tribal law. In addition, the program must determine that the presence of the law enforcement officer may deter crime.

Steps for Calculating Annual Income

Adopt Income Definition(s)

NAHASDA Inclusions

Federal Exclusions

Verify Income

Adopt Income Definition

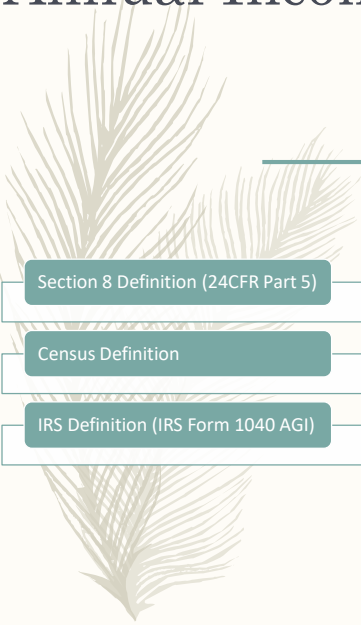


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SECTION 8	CENSUS	IRS
Earned income age 18 + Unearned income less than age 18	Income age 15+	Income all ages depending on amount and type
Requires special asset computation	Assets calculation included	Assets calculation included
Child support counted as income	Child support counted as income	Child support excluded as income
Inheritance counts as asset	Inheritance doesn't count	Inheritance doesn't count

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Annual Income – Definitions



Section 8 Definition (24CFR Part 5)

Census Definition

IRS Definition (IRS Form 1040 AGI)

Policy must state which definition(s) you are using; often stated as “will use definition most advantageous to the family”.



NAHASDA Inclusions |



Adjusted Gross Income

- Adjusted income is derived by subtracting any of the deductions (or allowances) that apply to the household from the household's annual (gross) income.
- Household's eligibility for deductions depends, in part, on the type of household.
- Not all households are eligible for all deductions

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Adjusted Gross Income

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Used to calculate monthly house payment



Type of Households

TYPE OF DEDUCTION PERMITTED	ELDERLY OR DISABLED	FAMILY
Elderly or disabled household	✓	
Dependent	✓	✓
Child Care	✓	✓
Medical Expenses	✓	
Disability Assistance Expenses	✓	✓

Do not Qualify as Dependents

- The head of the family, the spouse, and the co-head may never qualify as dependents.
- A foster child, an unborn child, a child who has not yet joined the family or a live-in attendant may never be counted as a dependent.



Federal Exclusions

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Statutory Deductions

- \$480.00 FOR:
 - Children under 18
 - Persons of disabilities over 18
 - Full-time students over 18
- \$400 for elderly or disabled family
- Medical and attendant expenses over 3% of income
- Other: childcare, earned income of minors, travel expenses, and tribally determined deductions

Statutory Deductions cont.

- Childcare expenses that enable family members to work or go to school
- Earned income of minors under 18
- Travel expenses, not to exceed \$25 per family per week
- Other exclusions provided in the local housing policies

These exclusions are applicable regardless of which method of calculating annual income is used.



Verify Income |

PROCESSING APPLICATIONS

Before the selection process can occur, admissions and occupancy staff should interview the applicant family and obtain current information about the applicant family's circumstances in order to prepare for the verification process.

Confirm and update all information provided on the application.

Explain program requirements, verification process, and penalties for providing false information.

Obtain current family income and household composition information and other data needed to certify eligibility and compute the applicant's rent or homebuyer payment.



VERIFICATION OF INFORMATION

In accordance with 24 CFR §1000.128, housing staff must verify that a family is income-eligible based on the family's anticipated annual income. Verifications must be retained in the resident's file as it will be reviewed during compliance monitoring.

Recipients are required to verify information relating to eligibility, assets, income, and deductions from income, admission preferences, and compliance with applicant selection criteria.

Because Recipients have flexibility in designing its programs, there may be program specific items that need to be verified.. Whatever the situation, each program must be governed by policies and procedures applicable to that assistance.



6.3 TYPES OF VERIFICATION

– To assure that the data upon which a determination of eligibility is to be based are full, true, and complete, the information submitted by each tenant is to be verified before any action or change can take effect. Complete and accurate verification records are to be maintained in the tenant's folder. Although there are three types of verifications that the Recipient can pursue, every attempt should be made to use third-party verification. If third-party verification is unsuccessful, the tenant file should be documented describing the efforts and result. All three methods are further explained.

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Third-Party Verification



Housing staff sends directly to the source and the documentation is returned directly to the housing office.

Third-party verifications should be obtained whenever possible. This type of verification comes directly from the income or information source. A third-party verification form should never be hand carried by the applicant to be filled out. The applicant will usually sign the top portion of the verification form confirming his or her permission to release the information. The form is then sent by the housing staff to the entity verifying the information and that entity returns the form directly to the housing office.

The completed verification form can be sent via e-mail, fax, or regular mail. **NOTE:** It is important that the method of return delivery clearly indicate that it is being provided directly from the information source. If an employer faxes a completed employment verification form to the housing office, then the fax number, date, and name of sender should appear on the top of the fax. If it is sent via e-mail, then the cover e-mail should be included with the completed verification form in the file to show the source of the income and the date and time it was received. Original verifications that are returned via regular mail should have housing's received stamp showing the date it was returned.

Sometimes the third-party verification form is not filled out by the entity completing the form. When this occurs, clarifications can be obtained via telephone follow up. The clarification must be on a separate form or memo as housing staff should **never** write in the areas of a verification form that are to be completed by the third party. The clarification record should indicate the name of the person contacted and the company, the date and time of the follow-up contact, the questions that were asked, and the information received. The housing staff person who made the follow-up call must also sign and date the clarification form.

Possible third-party verification sources can be obtained from, but not limited to, the following:



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- Credit bureau
 - Internal Revenue Services for income verification
 - Federal matching programs for Social Security, income, public assistance
 - Social Services/TANF for income
 - Employer(s)
 - Financial institutions
 - Bureau of Indian Affairs
 - *Credit and trust income*
 - *Certificate of Indian Blood*
 - Educational institutions
 - Employment verification
 - GA benefit verification
 - Child support verification
 - VA benefits verification

Second-Party Verification

Second-Party Verification is to be used when third-party verification has proven unsuccessful. The admissions and occupancy policy must address when circumstances warrant second party verification. As an example, a Recipient may require three attempts prior to relying on second party verification. In any event documentation must be included in the file demonstrating that all efforts were made and the decision to resort to second-party verification. The following represents examples of second party documents:

Check stubs

Social Security award letters provided by the applicant

Copies of tax returns provided by the applicant

First-Party Verification

First-Party Verification is the least reliable method for verifying household information. You may use documents submitted by the applicant when:

Information does not require third-party verification, e.g., birth certificates and Social Security cards.

Third-party verification is impossible or delayed for a considerable period.

You may wish to accept an applicant's notarized statement or signed affidavit if:

- Such certifications are authorized, e.g., alien certification or asset disposal.
- Other preferred methods can't be obtained.
- Where family income is derived solely from cash transactions or through barter.
- To document lack of any income.

A copy of these documents should be kept in the applicant's file (later to be resident's file). The resident file should also include a memorandum issued by the appropriate housing employee when third-party verification is not available.

TIMING OF INCOME CERTIFICATIONS

All households that receive assistance must be income eligible at the time assistance is provided. This declaration of income eligibility is called the **certification**. Verification of income is the process by which certification of income eligibility is established. The Recipient has the option to establish a time limit for which verification is valid. For example, some programs allow a 60-day period before the verification process must begin again. The "date of assistance" may vary depending on the activity. For example, in the homebuyer activity, it is close of escrow; however, for housing rehabilitation, it would be at the time a promissory note is executed.

Establishing a deadline for formal eligibility determinations is a challenging part of the planning process. The certification, the formal determination of income eligibility, must be made shortly before a household receives assistance. Because eligibility determination involves verification of income, waiting too long can delay assistance. Conducting income certifications too early in the process, however, might mean that certifications become outdated and must be redone. As an example, a Recipient may allow verification within 60 days.

Key Program Elements

Eligible Affordable Housing Activities

NAHASDA: Eligible Affordable Housing Activities

Areas of Eligible Affordable Housing Activities are:

- 1) Indian Housing Assistance
- 2) Development
- 3) Housing Services
- 4) Housing Management Services
- 5) Crime Prevention & Safety Activities
- 6) Model Activities

NAHASDA: Eligible Affordable Housing Activities

1) Indian Housing Assistance:

- The provision of modernization, or operating assistance, for housing previously developed or operated in accordance with a contract between the Secretary of HUD and an IHA or TDHE.

NAHASDA: Eligible Affordable Housing Activities

2) Development:

The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include:

- Real property acquisition
- Site improvement
- Development of utilities & utility services
- Conversion
- Demolition
- Financing
- Administration & Planning
- Other related activities



NAHASDA: Eligible Affordable Housing Activities

3) Housing Services:

- Housing Counseling in connection with rental or homeownership assistance
- Establishment & Support of resident organizations & resident management corporations
- Energy Auditing
- Activities related to Self-Sufficiency & other services
- Services related to assisting owners, tenants, contractors, & other entities, participating or seeking to participate in other housing activities assisted



NAHASDA: Eligible Affordable Housing Activities

4) Housing Management Services:

- Preparation of work specifications
- Loan processing
- Inspections
- Tenant selection
- Management of tenant-based rental assistance
- Management of affordable housing projects



NAHASDA: Eligible Affordable Housing Activities

5) Crime Prevention & Safety Activities:

- safety, security & law enforcement measures including activities appropriate to protect residents of affordable housing from crime.

5) Model Activities:

- Housing activities under model programs that are designed to carry out the purposes of NAHASDA



Key Program Elements

Program Administration



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Administrative and Planning

- ❖ • A & P limited as follows:

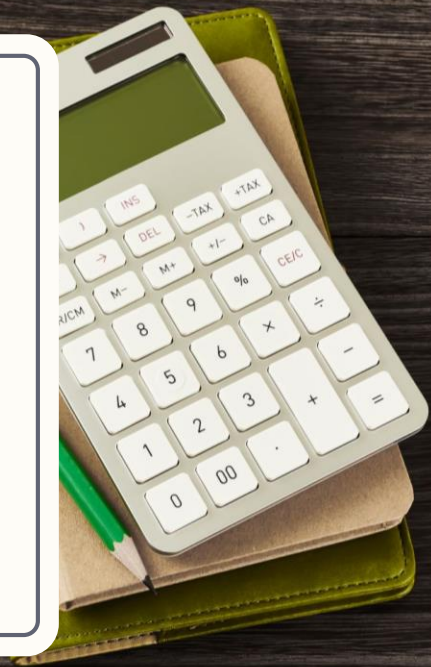
20% of annual grant allocation or Program Year expenditures, whichever is greater, for recipients receiving more than \$500,000

30% of grant allocation or Program Year expenditures, whichever is greater, for recipients receiving \$500,000 or less

- ❖ • HUD may approve higher percentage.

Administrative and Planning

- Funds may be used for:
- **Salaries and Benefits**
- **IHP Preparation**
- **Annual Performance Report Preparation**
- **Monitoring**
- **Admin Costs Related to Activities**
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Affordable Housing Activities and Administrative Expenses Program Guidance 2010-03

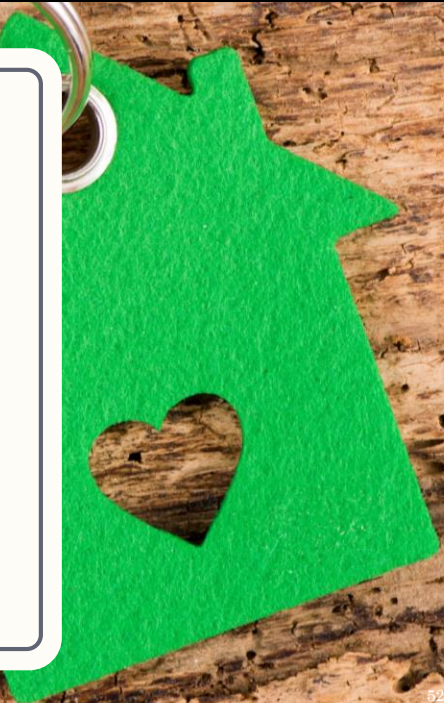
- ❖ **Guidance:** The document is intended to provide assistance to tribes and tribally designated housing entities (TDHE) when determining eligible affordable housing activities and eligible administrative expenses using Indian Housing Block Grant (IHBG) funds. Please note that this is not a complete list of eligible activities under NAHASDA.



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Key Program Elements

Financial Management



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What is Financial Management?

- ❖ Helps housing business to run smoothly
- ❖ Includes:
 - ❖ Effective cost management
 - ❖ Internal controls
 - ❖ Recordkeeping
 - ❖ Auditing

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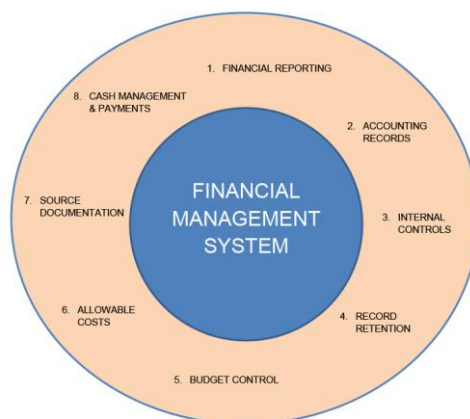
Benefits of A Sound Financial Management System

- Long term financial planning;
- Accurately organize grant activities;
- Effective and efficient use of the NAHASDA funds;
- Achieve program objectives and fulfill commitments of the IHP;
- Demonstrates accountability to the Tribe and HUD; and
- Gain confidence of HUD and potential funders.

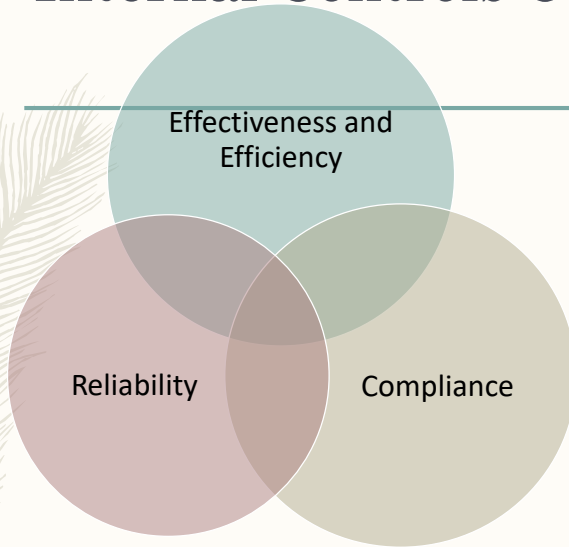
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Overview Of Financial Management System

- One size does not fit all – tailor to staffing and organizational structure
- Refer to 2 CFR 200 Post Federal Award 200.300-309 for financial management system standards
- Refer to NAHASDA 1000.26 Administrative Requirements for NAHASDA specific requirements



Internal Controls Objectives



Key Program Elements

Reporting &
Recordkeeping





Reporting Requirements

- ❖ 2 CFR 200.302(b)(3)
- ❖ The financial management systems must provide...accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §§200.327 (Financial Reporting) and 200.328 (Monitoring and Reporting Program Performance).

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Recordkeeping Requirements

- ❖ 200.302(3): Maintain records that identify adequately the source and application of funds for IHBG funded activities.
- ❖ NAHASDA Part 1000.552 requires financial and programmatic records to be retained for 3 years from the end of the grantees program year or settlement date of any litigation, claim, or audit that was started before the expiration of the three-year period.



Recordkeeping Requirements

- ❖ Adopt a policy that includes:
 - ❖ Retention requirements for records (200.333)
 - ❖ How long you keep the records (1000.552)
- ❖ Method to transfer certain records to the federal agency, if required (200.334);
- ❖ Methods for collection, transmission and storage of information (200.336);
- ❖ Access to records; (200.337) – for HUD, the Inspector General's, the Comptroller General of the United States.
- ❖ Restrictions on public access to records (200.337) – for example, Personnel files.

Recordkeeping Requirements

- ❖ Accounting Records to Keep (examples)
 - Bank Reconciliation Files
 - Journal Entry Files
 - Financial Statement Files
 - Vendor Files
 - Personnel Files –
 - File 1- Application and other general information
 - File 2 - Confidential information (health, grievances)
 - File 3 - Payroll information



Recordkeeping Requirements

❖ Program Records to Keep (examples)

- • IHPs
- • Agreements
- • Policies
- • APR
- • Organizational docs
- • Tenant files



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Recordkeeping Requirements

❖ Procurement Files to Keep (examples)

- • Statement of work and/or work write-up
- • Independent cost estimate
- ❖ • Evidence of publication of solicitation with Indian Preference
 - • Solicitation mailing list
 - • Technical Evaluation Plan (RFP – competitive proposals only)
 - • Solicitation, amendments and approvals
 - • Bids or Proposals



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Overview of the NAHASDA Statute

- Title I Block Grant Requirements
- Title II Affordable Housing Activities
- Title III Allocation of Grant Amounts
- Title IV Compliance, Audits & Reports
- Title V Termination of Assistance Under Incorporated Programs
- Title VI Federal Guarantees for Financing
- Tribal Housing Activities
- Title VII Other Housing Assistance
- Title VIII Housing Assistance for Native Hawaiians

Native American Housing Assistance and
Self-Determination Act of 1996
(P.L. 104-330 as amended by P.L. 105-276, P.L. 106-568, P.L. 107-292, and P.L. 108-393)

The Statute is color coded by Amendments

- 1998 Amendments [P.L. 105-276] are in RED
- 2000 Amendments [P.L. 106-568] are in BLUE (IHBG) and [P.L. 106-569] in NAVY (Title VIII for Native Hawaiians)
- 2002 Amendments [P.L. 107-292] are in GREEN
- 2004 Amendment [P.L. 108-393] is in PURPLE
- 2005 Amendment [P.L. 109-136] is in PINK & 2005 Amendment [P.L. 109-58] is in BROWN
- 2008 Amendment [P.L. 110-411] is in ORANGE
- 2010 Amendment [P.L. 111-269] is in LIGHT BLUE

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

- (a) SHORT TITLE- This Act may be cited as the `Native American Housing Assistance and Self-Determination Act of 1996'.
- (b) TABLE OF CONTENTS- The table of contents for this Act is as follows:
 - Sec. 1. Short title.
 - Sec. 2. Congressional findings.
 - Sec. 3. Administration through Office of Native American Programs.
 - Sec. 4. Definitions.



TITLE I--BLOCK GRANTS AND GRANT REQUIREMENTS

- Sec. 101. Block grants.
- Sec. 102. Indian housing plans.
- Sec. 103. Review of plans.
- Sec. 104. Treatment of program income and labor standards.
- Sec. 105. Environmental review.
- Sec. 106. Regulations.
- Sec. 107. Effective date.
- Sec. 108. Authorization of appropriations.



TITLE II--AFFORDABLE HOUSING ACTIVITIES

- **Subtitle A—General Block Grant Program**
- Sec. 201. National objectives and eligible families.
- Sec. 202. Eligible affordable housing activities.
- Sec. 203. Program requirements.
- Sec. 204. Types of investments.
- Sec. 205. Low-income requirement and income targeting.
- ~~Sec. 206. Certification of compliance with subsidy layering requirements.~~
- **Sec. 206. Treatment of funds.**
- Sec. 207. Lease requirements and tenant selection.
- Sec. 208. Availability of records.
- ~~Sec. 209. Repayment.~~ **209. Noncompliance with affordable housing requirement.**
- Sec. 210. Continued use of amounts for affordable housing.



TITLE II--AFFORDABLE HOUSING ACTIVITIES

- **Subtitle B—Self-Determination Housing Activities for Tribal Communities**
- Sec. 231. Purposes.
- Sec. 232. Program authority.
- Sec. 233. Use of amounts for housing activities.
- Sec. 234. Inapplicability of other provisions.
- Sec. 235. Review and report.



TITLE III--ALLOCATION OF GRANT AMOUNTS

- Sec. 301. Annual allocation.
- Sec. 302. Allocation formula.



TITLE IV--COMPLIANCE, AUDITS, AND REPORTS

- Sec. 401. Remedies for noncompliance.
- Sec. 402. Replacement of recipient.
- Sec. 403. Monitoring of compliance.
- Sec. 404. Performance reports.
- Sec. 405. Review and audit by Secretary.
- Sec. 406. GAO audits.
- Sec. 407. Reports to Congress.
- Sec. 408. Public availability of information.



TITLE V--TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

- Sec. 501. Repeal of provisions relating to Indian housing assistance under United States Housing Act of 1937.
- Sec. 502. Termination of Indian housing assistance under United States Housing Act of 1937.
- Sec. 503. Termination of new commitments for rental assistance.
- Sec. 504. Termination of Youthbuild program assistance.
- Sec. 505. Termination of HOME program assistance.
- Sec. 506. Termination of housing assistance for the homeless.
- Sec. 507. Savings provision.
- Sec. 508. Effective date.
- Sec. 509. Effect on HOME Investment Partnerships Act.



TITLE VI--FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES

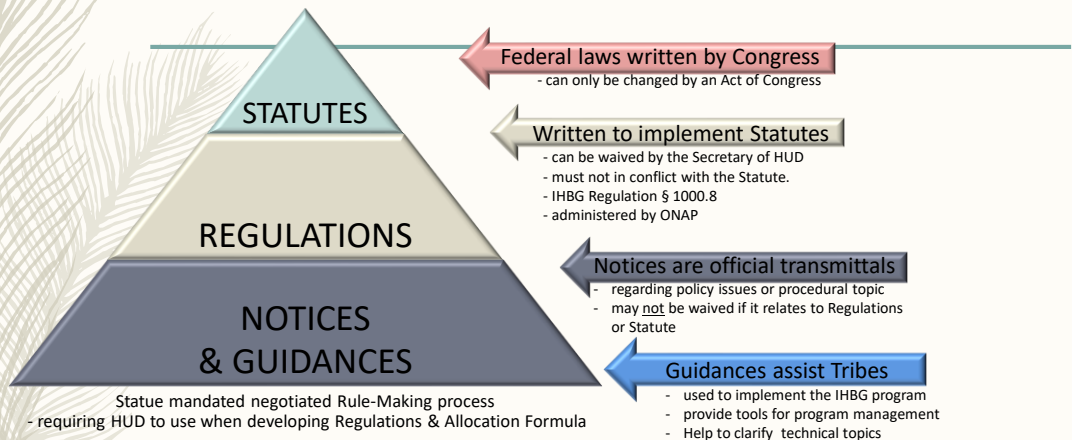
- Sec. 601. Authority and requirements.
- Sec. 602. Security and repayment.
- Sec. 603. Payment of interest.
- Sec. 604. Training and information.
- Sec. 605. Limitations on amount of guarantees.
- Sec. 606. Effective date.
- Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.



TITLE VII--OTHER HOUSING ASSISTANCE FOR NATIVE AMERICANS

- Sec. 701. Loan guarantees for Indian housing.
- Sec. 702. 50-year leasehold interest in trust or restricted lands for housing purposes.
- Sec. 703. Training and technical assistance.
- Sec. 704. Public and Assisted Housing Drug Elimination Act of 1990.
- Sec. 705. Effective date.

76 NAHASDA Administration Flow



24 CFR Part 1000 – Native American Housing Activities

6 Subparts of Regulations

Subpart A - NAHASDA's Primary Objectives:

- Legal authority of the regulation;
- Federal laws that impact NAHASDA;
- Conflict-of-interest IHBG program provisions that apply;
- Key terms used in the regulations.

Subpart B- Affordable Housing Activities:

- Regulations & Amendments to implement affordable housing activities;
- Eligible activities;
- Eligible beneficiaries;
- Cost and Payment Limits; and
- Existing housing stock.

Subpart C- Indian Housing Plan (IHP):

- Preparation, submission and review of a tribe's IHP.
- NAHASDA requires that a tribe submit an IHP prior to the receipt of IHBG funds.

Subpart D- Allocation Formula:

- Establishes the formula for allocating amounts available for a fiscal year.

Subpart E- Federal Guarantees for Financing of Tribal Housing Activities:

- Terms and conditions by which HUD will guarantee the obligations issued by a recipient for the purposes of financing eligible affordable housing activities.

Subpart F- Recipient Monitoring, Oversight, and Accountability:

- Monitoring of compliance, performance reports, HUD and tribal review, audits, and remedies for non-compliance.

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What is the difference between statutes, regulations, and HUD guidance

It's important to understand the difference between statutes, regulations, and HUD guidance, as these terms will be used throughout your involvement with ONAP. These terms are often confusing for new grantees. Statutes, regulations, HUD Notices and guidance bulletins are different from one another. Statutes are Federal laws written by Congress. HUD must implement its programs in accordance with statutory requirements. The only way a statute can be changed is by an Act of Congress. Thus, statutory requirements cannot be waived unless the statute specifically gives this power to the administering Federal agency.



What is the difference between statutes, regulations, and HUD guidance

- Regulations are written to implement statutes. Program regulations provide detail on the intent of the laws and specify the parameters of how the laws should be carried out. They can be waived by a Departmental Secretary, such as the Secretary of HUD, so long as this waiver is not in conflict with the statute.
- Regulations are administered by the Federal agency that is designated in the statute to oversee the program. Under NAHASDA, it is HUD, and more specifically ONAP, (The Office of Native American Programs) that is the designated Federal agency.



What is the difference between statutes, regulations, and HUD guidance

- HUD Notices are official transmittals to recipients regarding policy issues or procedural topics. The information in HUD Notices may be waived by ONAP's Deputy Assistant Secretary unless it conflicts with the regulations or statute. PIH Notices are specific to the programs and activities performed by PIH. (Office of Public and Indian Housing)
- Guidance Bulletins assist tribes in implementing HUD programs and provide tools for program management. They help clarify various technical topics. Though most guidance bulletins are advisory, some guidance bulletins further explain the regulations or the statute. Guidance bulletins that further explain the regulations can be waived by the Secretary of HUD, however guidance bulletins that further explain the statute cannot be waived.



What is the difference between statutes, regulations, and HUD guidance

- To the extent that guidance bulletins are advisory and designed to help tribes implement their programs, no waiver is needed.
- You can download Guidance Bulletins and PIH Notices from ONAP's website. All PIH Notices include the name and description of the notice, as well as the date it was issued and the date it will expire.
- The statute, regulations, notices, and guidance bulletins work together to provide the full picture of each grant recipient's opportunities and responsibilities.



Your Types of Required Policies

Can be separated like this also!

- **Statutory Required Policies**
- • Section 203 of NAHASDA (a) Rents
- • (1) Establishment
- - (d) Eligibility for Admission
- - (e) Management & Maintenance
- • Section 207 of NAHASDA
- - (b) Tenant & Homebuyer Selection



Your Types of Required Policies

Can be separated like this also!

- **Regulatory Required Policies**
- • 24 CFR 1000.14
- – Real Property Acquisition & Relocation Policy
- • 24 CFR 1000.26
- (a) Requires compliance with of the Uniform Guidance
- at 2 CFR 200.
- (a) Financial Management & Internal Controls Policy required
- by 200.302
- (b) Procurement Policy required by 200.318 (a)
- (c) Standards of Conduct & Conflict of Interest Policy required
- by 200.318 (c) & 1000.30
- (d) Travel Policy required by 200.474 (b)

Your Types of Required Policies

Can be separated like this also!

- **More Regulatory Policies**
- • 24 CFR 1000.42
- – HUD Section 3 – Job training, employment, & contracting
- opportunities for low-income individuals.
- • 24 CFR 1000.46
- – Drug Free Workplace
- • 24 CFR 1000.52
- – Indian Preference
- • 24 CFR 1000.158
- – Housing Cost & Design Standards
- • 24 CFR 1000.502
- – Self-Monitoring & Compliance Assessment

What is the difference between statutes, regulations, and HUD guidance

- The negotiated rulemaking committee charged with drafting the regulations decided not to re-state information that was already stated in the statute unless the statute was not clear.
- Thus, a program administrator must be able to refer to both the statute and the regulations simultaneously to have a complete understanding of how the program must be administered.
- For example, if you need to know more about the Indian Community Development Block Grant program, as known as ICDBG, you will refer to the Native American Housing Assistance and Self-Determination Act of 1996, which is the statute. You would also refer to 24 CFR Part 1003 Community Development Block Grant for Indian Tribes and Alaska Native Villages, which is the ICDBG Regulations.



What is the difference between statutes, regulations, and HUD guidance

- The guidance bulletins and notices can provide you with clarification on the statute and the regulations. For example, if you needed clarification on financial audit requirements for the ICDBG program, you could refer to PIH Notice 2006-20. This Notice provides specific guidance on financial audit requirements for ICDBG and other HUD programs available to Native American grant recipients.



