

# NAHASDA INTERMEDIATE

## DAY 2

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November 12, 2020

11:00 To 4:00 P.M. EST.

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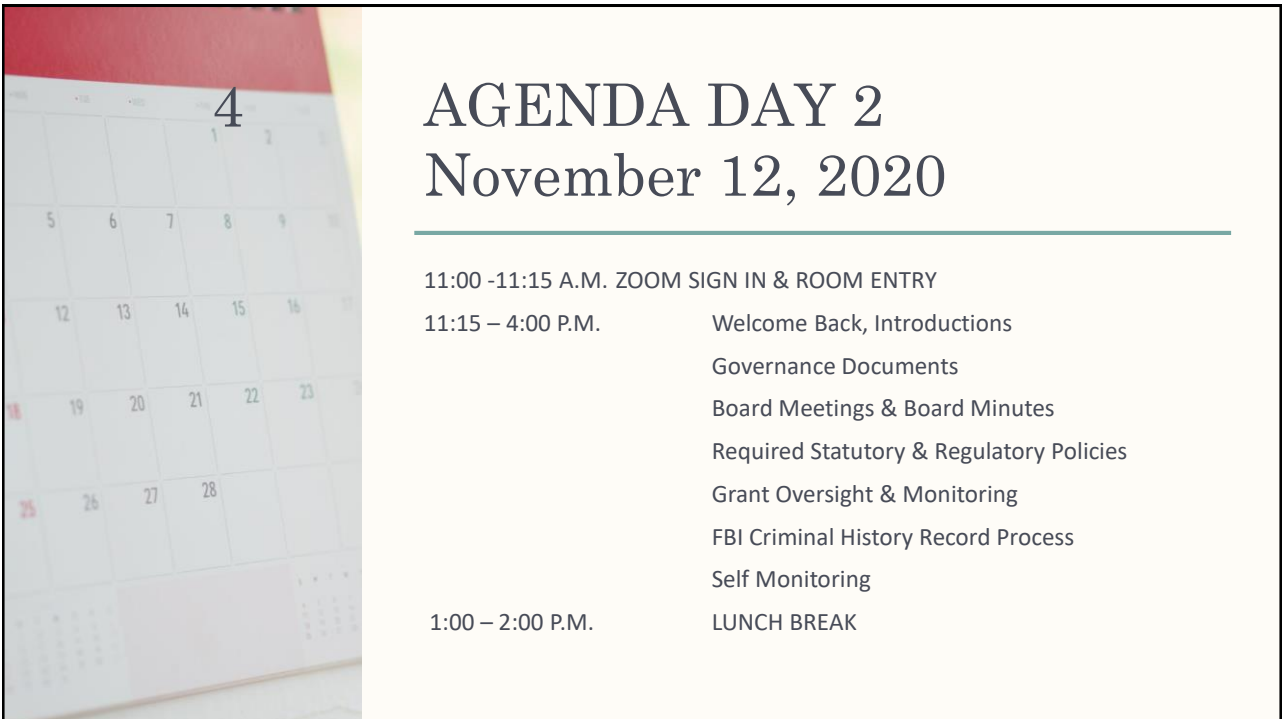
This training is offered by the U.S. Department of Housing and Urban Development (HUD) and the Office of Native American Programs under a cooperative agreement with the National American Indian Housing Council.

2



This webinar is being recorded.

3



## AGENDA DAY 2 November 12, 2020

11:00 -11:15 A.M. ZOOM SIGN IN & ROOM ENTRY

11:15 – 4:00 P.M.

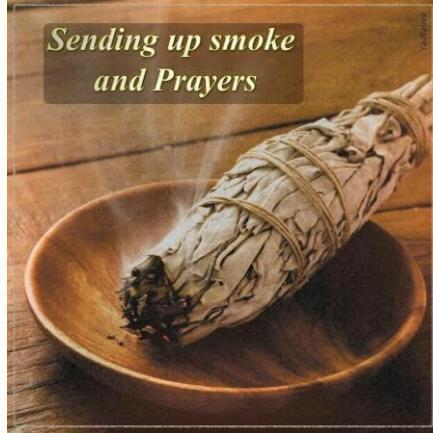
- Welcome Back, Introductions
- Governance Documents
- Board Meetings & Board Minutes
- Required Statutory & Regulatory Policies
- Grant Oversight & Monitoring
- FBI Criminal History Record Process
- Self Monitoring

1:00 – 2:00 P.M.

LUNCH BREAK

4

# 5 WELCOME & GOOD MORNING!



5

# 6

Cheryl A. Causley and  
Associates Housing  
Consulting &  
Management Services

[cherylacausley@hotmail.com](mailto:cherylacausley@hotmail.com)

(906) 440-1007

Skype:cherylacausley61



6



## Getting to know The Instructor

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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 at the top 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

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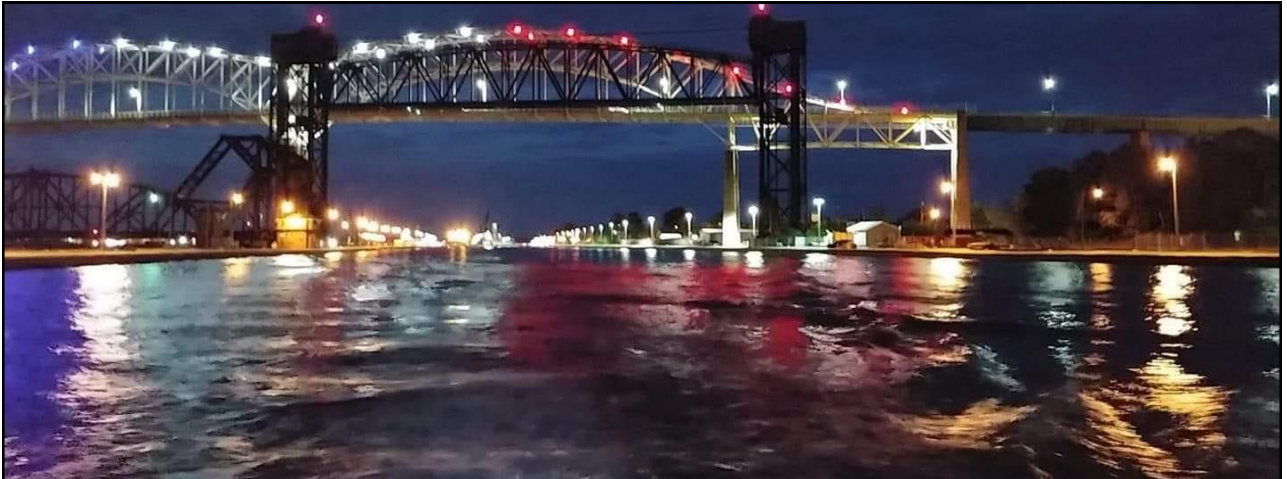


## Appendix Day 2

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- App # 6 Allowable Cost Table 2 CFR Part 200
- App # 7 Program Guidance 2019-05  
Instructions for Obtaining FBI  
Criminal History

8



## Governance Documents Board Meetings & Board Minutes

9



The following Governing Documents are Required and should be readily available:

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- Tribal Ordinance creating the HA
- If you are a TDHE- The Tribal Resolution designating the HA as the TDHE
- By-Laws for the Board or Commissioners
- Mission Statement
- Organizational Chart

10

## BY-LAWS

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The name of the organization - full, exact, and properly punctuated.

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The purpose of the organization - a single sentence or brief paragraph.

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Members of the Board - the number of members, how they are selected, and their rights and duties.

11

## BY-LAWS

Officers of the Board - their specific titles and how they are elected or appointed. Some Boards call their leader the "Chairman/woman" or the "President," although the former is most common. At a minimum, the Board should also have a Secretary, and may choose to have a Vice-Chair and a Treasurer.

12



## BY-LAWS

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Meetings - the fixed day on which regular meetings are held, authorization for who can call special meetings and the number of days' notice required, and the number that constitutes a quorum. (The time and place may also be specified for regular meetings but are generally considered standing rules.)

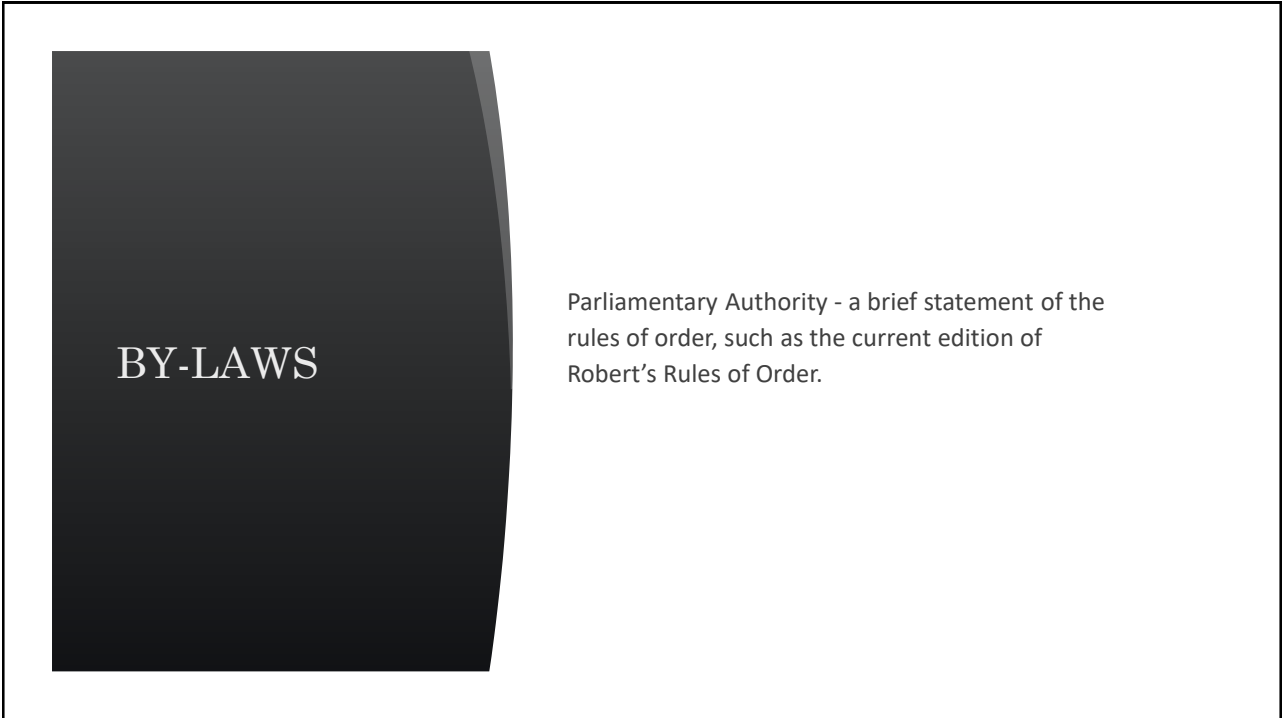
13



## BY-LAWS

Committees - the name of each standing committee, its composition, how members are selected, and their duties.

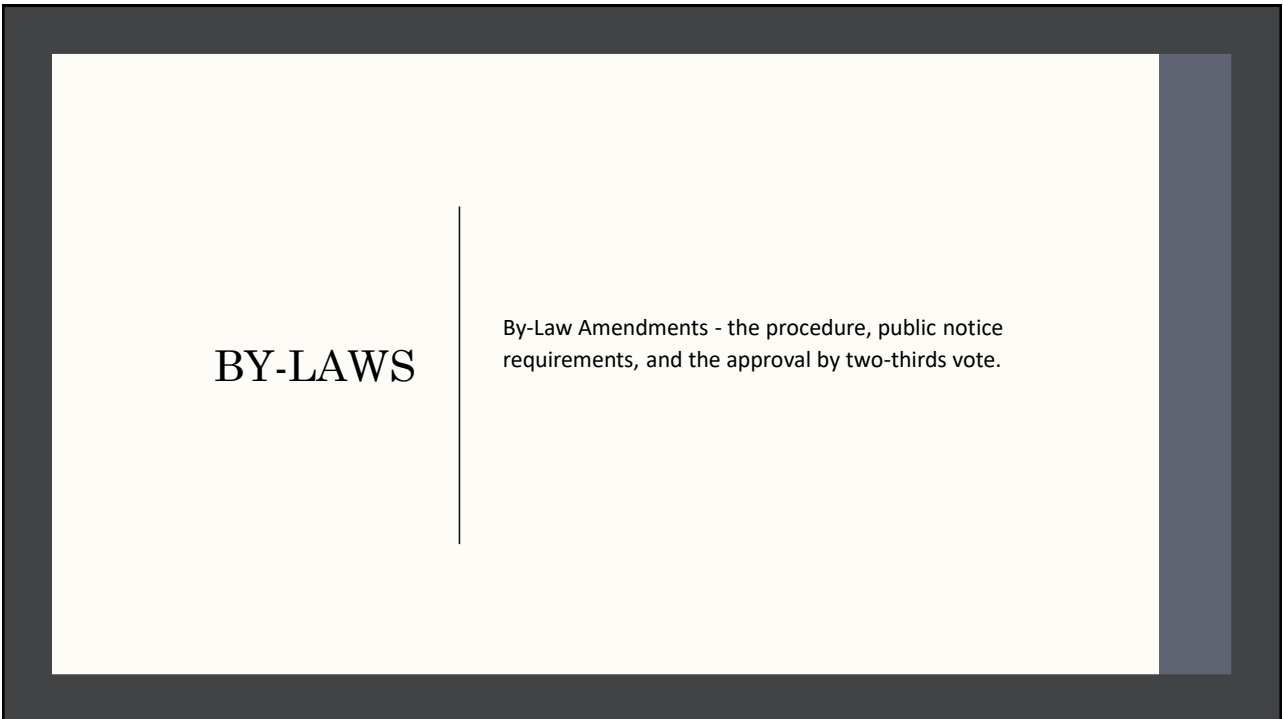
14



BY-LAWS

Parliamentary Authority - a brief statement of the rules of order, such as the current edition of Robert's Rules of Order.

15



BY-LAWS

By-Law Amendments - the procedure, public notice requirements, and the approval by two-thirds vote.

16



## DUTIES OF OFFICERS

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The Chairperson should be chosen based upon their qualifications to lead a group. They should be familiar with your by-laws, rules, and parliamentary procedures because the Chair:

- Presides at the meeting
- Opens the meeting on time
- Announces business to come before the Board
- Recognizes members to speak
- Maintains a quorum of the members

17



States and puts to vote all questions or motions and requests a roll



Maintains order and enforces rules



Expedites business



Adjourns the meeting



Signs documents, as required

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## The Chairperson

18

## The Chairperson

The by-laws should address the voting rights of the Chair. It is often the case that the Chair votes only in the event of a tie. As the presiding officer, the Chair should not make motions or second those made by other members of the Board. In order to avoid unduly influencing a vote, the chair often votes last.

19

## The Vice-Chair

In the absence of the Chairperson, the Vice-Chair assumes the responsibilities of the Chair. It is important to choose a Vice-Chair who can perform the duties listed above in the event that the Chair is absent or has vacated the office. Your by-laws may include other duties for the Vice-Chair.

20

## The Secretary

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The Secretary's primary role is to record the minutes of the meeting and present them to the Board for approval at the following regular meeting. The Secretary may also be a custodian of records (minutes, resolutions, and reports), be responsible for preparing and providing notices for meetings, and for preparing the meeting agenda. The Secretary will also sign certain documents.

21

## The Treasurer

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The Treasurer presents financial reports and may be required to co-sign checks.

22

## The Secretary & The Treasurer

The duties of the Secretary and Treasurer are typically assigned to housing staff.

23

Do you have  
your  
Grievance  
Procedure  
clearly laid  
out?

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I dont know what happened, but  
this eagle is about to ask to speak  
to a manager.



24



## GRIEVANCES

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A grievance is any dispute that a tenant or homebuyer may have with respect to their lease, their homebuyer agreement, or the housing program policies. The dispute may revolve around the actions of housing staff, their failure to act, or may relate to how policies are interpreted or implemented by staff. Since the Board is the policy making body, the Board Members may be involved in settling certain types of disputes.

25

## GRIEVANCES

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**There are several approaches for dealing with grievances. Most programs use a progressive method, providing the staff with an opportunity to resolve the issue before it goes to the Board. That approach is outlined as follows:**

**The tenant or homebuyer should provide their complaint in writing. The staff should maintain these complaints in the family's file.**

**Housing staff should make every effort to respond to the problem and resolve the issue. This should take no more than ten days and the response should be provided to the family in writing.**

26

## GRIEVANCES

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**If staff is unable to resolve the issue, an Informal Hearing should be scheduled within five additional workdays. This hearing would involve the staff, the Housing Director, and the tenant or homebuyer. The Housing Director's decision should be provided to the family in writing.**

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**If the issue is not resolved through an Informal Hearing, the tenant or homebuyer should request a Grievance Hearing with the Board within fifteen days of receiving the Director's response.**

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**If the Grievance Hearing is not requested within fifteen days, the matter will not receive further consideration.**

27

## GRIEVANCES

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**If the tenant or homebuyer requests a Grievance Hearing with the Board, it should be scheduled at the earliest mutual convenience.**

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**During the Grievance Hearing, both the complainant and the staff will have an opportunity to make statements, present witnesses and documents, and ask questions of the other party.**

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**The Board will provide a decision on the matter within ten working days of the hearing. The Board's decision is final.**

28

# GRIEVANCES

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Your process for resolving disputes may be similar to this one. Regardless of the method used,



It is important to:

Allow staff to deal with routine disputes and provide them an opportunity resolve these issues when possible.

Ensure that grievances are handled in a timely manner

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# MEETINGS

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The regular meeting is usually held on a monthly basis. Regular meetings are occasions for the Board to deal with routine issues, such as receiving monthly reports, considering new or amended policies, and approving financial transactions. The Board must provide notice to the public regarding the time, date, and place for the meeting. The notice is generally required to be made available 48 hours prior to the meeting; however, some by-laws may have different time requirements for providing notice.

30



## MEETINGS

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Special Meetings are held between regular meetings and are convened to consider one or more items of business that require urgent attention of the Board. These meetings require that notice be provided to interested parties in advance—noting the time, date, and place of the meeting. Only issues included on the agenda can be considered at a special meeting of the Board. Your by-laws should specify who can call a special meeting, along with the number of days' notice that is required. Notice for special meetings should be provided no less than 24 hours prior to the meeting.

31



## MEETINGS

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**Emergency Meetings may be required to deal with issues involving injury, damage to property, or financial losses when the notice required for a special meeting is impractical. Notice of emergency meetings should be provided as early as possible before the meeting is held. As with any meeting, it is important to prepare an agenda for emergency meetings, but only those items listed can be considered or discussed.**

32





## MEETINGS

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Regular or special meetings can be adjourned, and then continued at a particular time before the next regular meeting. These are called Adjourned Meetings, where the Board meets to take up issues that were not resolved at the previous (regular or special) meeting. It is beneficial to have the minutes from the previous meeting read before the adjourned meeting resumes. This helps to remind the Board of what transpired in the earlier meeting so that business can move forward from that point. Adjourned meetings follow the agenda from the previous meeting and conclude when all agenda items have been considered.

33



## EXECUTIVE SESSIONS

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The Board may be required to hold executive sessions where an entire meeting, or only a portion of it, is held in private. The Board must convene in public and vote to enter into an executive session, which requires a majority vote. Only the Board, their invitees, and necessary staff may attend the session.

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## **EXECUTIVE SESSIONS**

Executive Sessions may be called to discuss only matters that are sensitive in nature, which include the hiring or dismissal of employees, disciplinary action, or the purchase or appraisal of property. While the Board may wish to discuss other issues in private, only these matters are permitted for executive sessions.

35

## **EXECUTIVE SESSIONS**

The records or minutes of an executive session are to remain confidential. The Board generally discusses matters in private but takes action only after resuming the public meeting. The issue is not readdressed, but the Board may be required to conduct a vote on issues discussed in the session. Only this action will appear in the minutes; the Board's private discussion will not.

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## AGENDAS

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For any type of Board meeting, it is common for the Housing Director or staff to prepare the agenda. At the meeting, the Board will adopt the agenda before proceeding with business. If any Board Member wishes to have an item added to the agenda, it should be proposed at this time. If approved, the Board would vote to adopt the agenda, as amended.



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## AGENDAS

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The items contained in the agenda are arranged or pre-scheduled in the ***Order of Business***. Most agendas for Housing Board meetings do not assign a specific time for items to be considered; the Chair or President simply follows the agenda and announces each order of business in succession. The usual order of business is as follows:

38

## The usual order of business is:

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Call to Order

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Roll Call

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Approval of Agenda

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Approval of Minutes (from previous meeting)

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Reports (from officers or committees)

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Old Business

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New Business

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Announcements (optional)

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Executive Session (If Necessary)

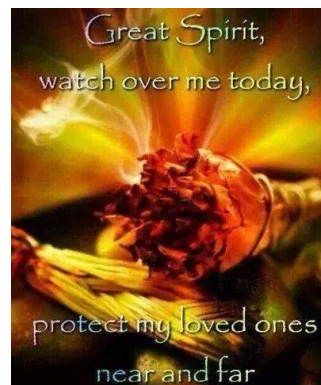
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Adjourn

39

Most Housing Boards open their meeting with a prayer, which takes place directly before or after the meeting is called to order by the Chair.

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Let's Take 10 or 15  
Minutes....

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## RESOLUTIONS

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Many items of business will be presented for consideration by the Board through a resolution, which is defined as:

*A formal expression of opinion will, or intent voted by an official body or assembled group.*

42



## RESOLUTIONS

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Resolutions are the official record of decisions made by the current and previous Boards. For housing programs, copies of resolutions are usually attached to proposed policies, budgets, or other items of business

43



## RESOLUTIONS

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**The Housing Director or staff usually prepare resolutions and provide them to the Board at (or prior to) a meeting. Board Members may prepare and submit resolutions too. The by-laws should outline the procedure for preparing resolutions, prescribe their format, and list the deadline for submitting them.**

44

## RESOLUTIONS

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When preparing resolutions, they should be numbered in sequential order, which is usually done according to the year in which they are adopted (such as 2020-01). Once approved, the originals must be signed and dated, indexed, and kept in a safe place, such as a fireproof cabinet. Resolutions are part of the history of your organization.

45

*Resolutions and Minutes  
reflect the  
**HISTORY**  
of your organization*

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46



## MINUTES

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Minutes are the record of proceedings of the Board. They are prepared for each meeting by the Board Secretary or designated staff, with copies provided to the Housing Director and the Board Members. The Secretary should take great care in recording the minutes in an accurate and concise manner. Once approved, minutes should be bound, indexed, and stored in a safe place, such as a fireproof cabinet. Access to these important documents should be limited.

47

**Unless the minutes will be published, they should reflect only what was done, not what was said at the meeting.**



Source: PhotoDisc

48



## MINUTES

The first paragraph should consist of the:

- Type of meeting (regular, special, emergency)
- Name of the organization
- Date and time the meeting convened
- Names of all members present
- Approval of minutes from the last meeting

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## MINUTES

If there is  
an objection,



The president states,  
"All those in favor of  
making the corrections,  
say 'aye.'  
Those opposed say 'no.'"

- If corrections need to be made to the minutes as presented, it can be done through unanimous consent. The Board will vote to adopt the minutes as amended, then the corrected copy will be signed by the Secretary and placed in the official file.

50

## Subject Matter

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Subject matter discussed should appear in subsequent, individual paragraphs. The issue, the name of the person who made a motion, and the disposition of the motion should be included.

51

## Roll Call Voting

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When voting is conducted by roll call, the minutes should include the names of Board Members who voted on each side of the issue, along with those who abstained.

52



## Adjournment

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The last paragraph of the minutes should consist solely of the time of adjournment.

53



## MINUTES

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Many Boards request that any documents to be considered at an upcoming meeting be provided to them in advance, usually a week prior to the meeting. This may include draft policies or amendments, resolutions, the agenda, and the minutes from the previous meeting. This practice provides Board Members the opportunity to become familiar with the issues they will be asked to make decisions on. This also saves time; when minutes are provided in advance, there is no need for them to be read aloud in the meeting. This action can be waived if no Board Member objects to it.



54

## *Please Remember:*

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Board Members are policy makers and participate in planning and controlling.

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The Housing Director is responsible for day-to-day business.

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The Housing Board and the Director must work together.

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The Board guides the overall direction of the Housing Program.

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No business may be conducted outside of a properly called meeting of the Board.

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Decisions should be based on factual information.

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Avoid conflicts of interest.

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Be prepared to support your positions but compromise whenever necessary.

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Board members have no individual power; the power lies with the body as a whole.

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No single board member has more power than another - - not even the Chair.

**Please  
*Remember:***

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56

# Housing Ordinance

What is Usually Found In Your Housing Ordinance

57

**ARTICLE XX**  
Board of Commissioners  
**YOUR ORDINANCE SHOULD CLARIFY BOARD SIZE**

- 1.(a) (1) The affairs of the Authority shall be managed by a Board of Commissioners **composed of \_\_\_\_\_ persons.**
- (2) The Board Members **shall be appointed**, and **maybe reappointed**, by the Council. A **certificate** of the Secretary of the Council as to the appointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

58



**ARTICLE XX**  
**Board of Commissioners**  
**THIS LANGUAGE IS COMMONLY FOUND**

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- (3) A commissioner may be a **member or non-member** of the Tribe and may be a **member or non-member of the Tribal Council.**

59



**ARTICLE XX**  
**Board of Commissioners**  
**THIS LANGUAGE IS COMMONLY FOUND**

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- (4) No person shall be barred from serving on the Board **because he is a tenant or homebuyer** in a housing project of the authority; and such commissioner shall be entitled to fully participate in all meetings concerning matters that affect all of the tenants or homebuyers, even though such matters affect him as well. **However, no such commissioner shall be entitled or permitted to participate in or be present at any meeting (except in his capacity as a tenant or homebuyer), or to be counted or treated as a member of the Board, concerning any matter involving his individual rights, obligations or status as a tenant or homebuyer.**

60

**ARTICLE XX**  
**Board of Commissioners**  
**LANGUAGE WILL SPELL OUT TERM LENGTHS**

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- (b) The term of office **shall be four years and staggered**. When the Board is first established, one member's term shall be designated to expire in one year, another to expire in two years, a third to expire in three years, and the last two in four years.
- **Thereafter, all appointments shall be for four years, except that in the case of a prior vacancy, an appointment shall be only for the length of the unexpired term.** Each member of the Board shall hold office until his successor has been appointed and has qualified.



61



**ARTICLE XX**  
**Board of Commissioners**  
**THE LANGUAGE SHOULD SPELL OUT TERMS OF OFFICE**

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The Council **shall name** one of the Commissioners as a Chairman of the Board. **The Board shall elect from among** its members a Vice-Chairman, a Secretary, and a Treasurer; and any member may hold two of these positions. In the absence of the chairman, the Vice-Chairman shall preside; and in the absence of both the Chairman and the Vice-Chairman, the Secretary shall preside.

62



**ARTICLE IV**  
**Board of Commissioners**  
 Language Might Include terms for  
 Removal

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(d) A member of the Board may be removed by the appointing power for serious inefficiency or neglect of duty for misconduct in office, but only after a hearing before the appointing power and only after the member has been given a written notice of the specific charges against him at least 10 days prior to the hearing. At any such hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses in his behalf.

63



**ARTICLE IV**  
**Board of Commissioners**  
 You need to Notify ONAP

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– (d) In the event of removal of any Board member, a record of the proceedings, together with the charges and findings thereon, shall be filed with the appointing power and a copy thereof sent to the appropriate office of the Department of Housing and Urban Development.

64





## ARTICLE XX

### **Board of Commissioners**

#### **It Should Language about Board Stipends**

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(e) The Commissioners shall not receive compensation for their services but shall be entitled to compensation for expenses, including travel expenses, incurred in the discharge of their duties.

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## ARTICLE XX

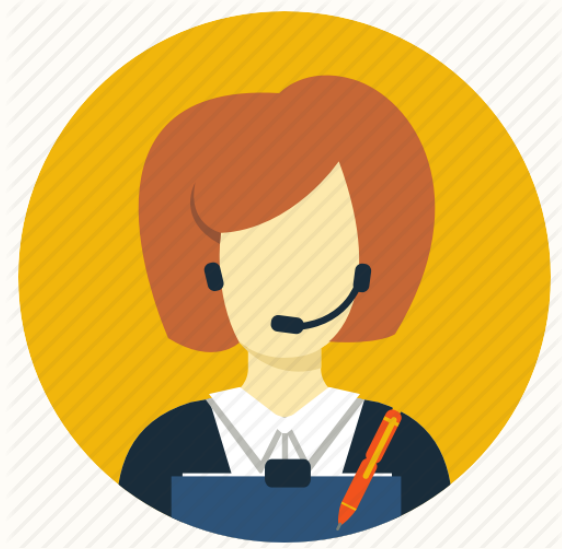
### **Board of Commissioners**

#### **It should speak to Board Quorum**

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(f) A majority of the full Board (i.e. notwithstanding the existence of any vacancies) shall constitute a quorum. for the transaction of business, but no Board action shall be taken by a vote of less than a majority of such full Board.

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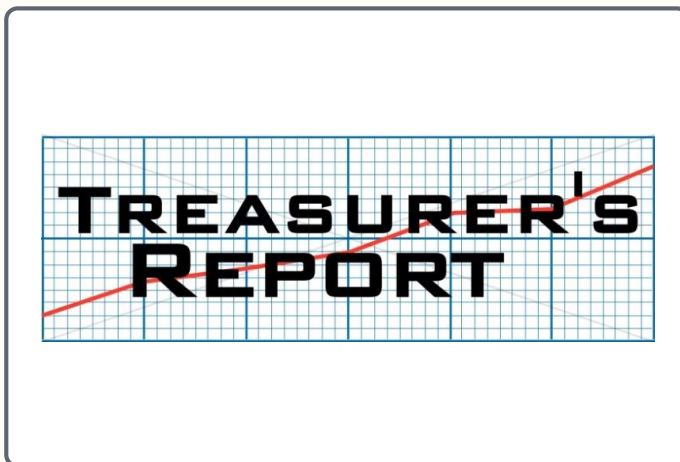


**ARTICLE XX**  
**Board of Commissioners**  
*It should spell out Board Duties*

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(g) The Secretary shall keep complete and accurate records of all meetings and actions taken by the Board.

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**ARTICLE XX**  
**Board of Commissioners**  
*It should speak about The Annual Report*

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(h) The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Article XX, Section 1, of this ordinance.

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## ARTICLE XX

### **Board of Commissioners**

*It should speak about Meeting Times*

(2) Meetings of the Board shall be held at regular intervals as provided in the by-laws. Emergency meetings may be held upon 24 hours actual notice and business transacted, provided that not less than a majority of the full Board concurs in the proposed action.

69

## Article XX **POWERS**

1. The Authority shall have perpetual succession in its corporate name.
2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes the Authority to agree by contract to waive any immunity from suit which it might otherwise have; but the Tribe shall not be liable for the debts or obligations of the Authority.

*Is should speak about Immunity and Tribal Liability*

70



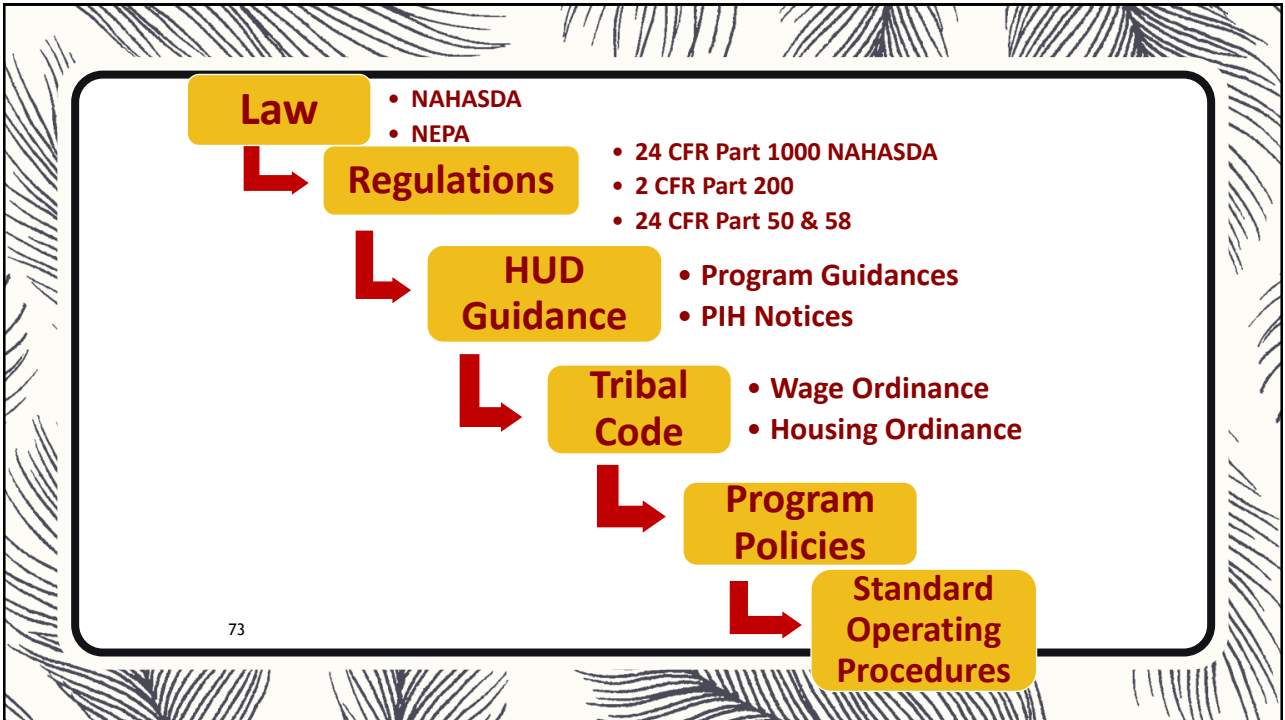
LUNCH |  
1:00 To 2:00 EST

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Required  
Statutory &  
Regulatory  
Policies

72



73

## Policies and Procedures

Policies and procedures provide for consistent and cohesive action on the part of an organization. Policies generally establish the broad parameters of a particular function of the TDHE or tribal housing division. A procedure establishes the specific way a function is to be performed, assigns responsibility, and describes specific actions, including forms and documents, and report preparation. Sections 203 and 207 of NAHASDA and implementing regulations at 24 CFR Part 1000 and 2 CFR Part 200 require that IHBG recipients adopt written policies in the following areas:

74

## 1. Rents and homebuyer payments policy.

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A policy regarding rents and homebuyer payments charged for dwelling units assisted with NAHASDA funds, including the methods by which rents, and homebuyer payments are determined (Section 203(a) (1)). This policy would also address the tribe/TDHE's procedures for how and when tenants/homebuyers shall make payments, along with the requirements for collection of payments.



75

## 2. Eligibility, admission, and occupancy policies.

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Policies addressing the eligibility, admission, and occupancy of families for housing assisted with NAHASDA funds (Section 203(d)). Following are subjects that should be addressed in each policy.

76

## 2. Eligibility, admission, and occupancy policies.

- **Eligibility Policies** - Address the three types of eligible participants, including low-income Indian families, non-low-income Indian families, and non-Indian families.
- **Admission Policies** - Ensure fair treatment of all those who apply for housing assistance. The policy should address all programs managed, and provisions for preferences, if any. The policy should also address how conflicting requirements for mixed financing projects will be addressed. For example, funding provided by other Federal programs may prohibit discrimination based on race in accordance with the Fair Housing Act. When these funds are combined with NAHASDA funds, which are exempt from Fair Housing requirements, a conflict occurs.
- **Occupancy Policies** - Requirements for continued occupancy and grounds for termination of a housing lease or sales contract.

77

## 3. Tenant and homebuyer selection policy.

This policy must include criteria which:

- Are consistent with the purpose of providing housing for low-income families
- Are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease
- Provide for:
  - a) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and activities in the IHP for the tribe that is the grant beneficiary of such grant amounts; and
  - b) the prompt written notification to any rejected applicant of the rejection and the grounds for the rejection.

78

In addition to the statutorily required policies just listed, other applicable Federal laws and regulations require the following standards, statements, or policies.

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79

## 4. Management and Maintenance policies

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Policies addressing the management and maintenance of housing assisted with NAHASDA funds (Section 203(e)). Although not specifically specified by statute or regulation, management policies should include policies such as:

- Personnel
- Grievance
- Capitalization
- Disposition

80



## 5. Fiscal and Financial Management

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Refer to 2 CFR Part 200 Post Federal Award Requirements  
Standards for Financial and Program Management  
§200.300-309

Financial Management & Internal Controls Policy required by  
200.302

Refer to NAHASDA §1000.26 Administrative Requirements for  
NAHASDA specific requirements



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## 6. Procurement and Contract Administration.

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The regulations at §1000.26 require compliance with 2 CFR 200.317 through 326. The language at 2 CFR 200.318(a), requires grantees and subgrantees to use their own procurement procedures that reflect applicable state and local laws and regulations, provided that the procurements conform to applicable Federal laws and standards identified in this section. The regulations at 2 CFR 200.318(c)(1) also requires that grantees and subgrantees maintain a written code of standards of conduct governing the performance of employees engaged in the award and administration of contracts.

82

## 7. Tribal or Indian preference

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This may be incorporated into the procurement policy or may be a separate policy. IHBG recipients are subject to section 7(b) of the Indian Self-Determination and Education Assistance Act and Section 3 of the Indian Financing Act of 1974, in accordance with §1000.48. Section 1000.52 (a) (1) requires recipients to have policies that are consistent with the sections cited above. In addition, §1000.54 on Indian Preference complaint procedures requires tribal policies that meet or exceed the requirements listed under this citation.

83

## 8. Real property acquisition and relocation

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IHBG recipients are subject to real property acquisition and relocation policies at §1000.14 and 49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.

The regulations at §24.103 (a) and (d), respectively, require grantees to develop minimum standards for appraisals, as well as criteria for determining the minimum qualifications of appraisers.

84

## 9. Section 3.

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Recipients are required to comply with Section 3 of the Housing and Urban Development Act of 1968. Section 3 addresses job training, employment, and contracting opportunities for low-income individuals. This may be addressed in the personnel and procurement policies. This requirement is found at §1000.42.

85

## 10. Cash Management

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The regulations at 2 CFR 200.302 require all grant recipients to establish cash management procedures. Cash management is the process of managing the cash flow to optimize the use of funds.

86

## 11. Travel

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The regulations at 24 CFR § 1000.26 state that recipients shall comply with the requirements and standards of 2 CFR § 200.474. The regulations at 2 CFR 200.474(d) require that grantees must use Federal travel standards in the absence of a local governmental unit travel policy.



87

## 12. Drug-free workplace

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One of the certifications required before a recipient's IHP is determined to be "in compliance" is the Certification for a Drug-Free Workplace. This certification is required by the regulations at 24 CFR §24.600. The required form for certification, form HUD-50070, requires the recipient to certify that it has: 1) published a statement notifying employees of the drug-free workplace requirements, and 2) provided each employee engaged in the performance of work under IHBG a copy of the written statement.

88

**Additional policies, procedures, or standards are also required under certain circumstances. These are as follows:**

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89

## Investment and Internal Control

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Recipients that seek approval to invest IHBG funds must comply with the regulations at 24 CFR 1000.58 and Notice PIH 2015-08. The Notice requires recipients to have an Internal Control Policy and an Investment Policy.

In addition, investment policies and procedures are required by Notice PIH 1996-33 for 1937 Housing Act investments from the following programs: Low Rent, Turnkey III, and Mutual Help.

90

## Housing Standards

NAHASDA regulations regarding Revisions to Cost Limits for Native American Housing at §1000.158 require that grant recipients either "adopt written standards for its affordable housing programs that reflect the requirements of §1000.156" or comply with the Total Development Cost limits published periodically by HUD.

More information regarding these requirements can be found in Notice PIH 2010-47, Total Development Costs (TDC) for Affordable Housing under (NAHASDA).

ONAP Guidance 2004-02 outlines these policy requirements.

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## SOME MORE SPECIFICITY:

NAHASDA Sec. 102(b)(2)(D) – required Certifications of Compliance

Eligibility, admissions, and occupancy - NAHASDA, Section 203(d)

Rents charged and methods of calculation - NAHASDA, Sec. 203(a)

Management and maintenance of assisted housing - NAHASDA, Sec. 203(b) and (e)

2 CFR 200.318(a) – Procurement Procedures

2 CFR 200.318(c) – Conflicts of Interest in Procurement

2 CFR 200.318(k) – Settlement of any Procurement Contractual/Administrative Issues

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## SOME MORE SPECIFICITY:

2 CFR 200.474.(d) – Travel

24 CFR 1000.14 – Relocation and Property Acquisition

24 CFR 1000.26 – Overarching Administrative Requirements

24 CFR 1000.42 – Section 3

24 CFR 1000.46 – Drug-Free Requirements

24 CFR 1000.158 – Moderate Housing Standards and (c) = Total Development Costs

24 CFR 1000.30, 32, .34 and 36 - Conflicts of Interest:

24 CFR 1000.54 – Complaints/Issues stemming from Indian Preference

93

## INDIAN OR TRIBAL PREFERENCE REFERENCES:

Section 101 (k) of NAHASDA allows a tribe to adopt **tribal preference** in employment and contracting. The tribal employment and contract preference laws (including regulations and tribal ordinances) must be adopted by the Indian tribe that receives the preference.

**NOTE:** Indian and tribal preference requirements should be referenced in both the procurement policy and personnel policy.

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## INDIAN OR TRIBAL PREFERENCE REFERENCES:

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- 24 CFR 1000.48 – Indian or Tribal Preference applicable to IHBG-assisted activities
- 24 CFR 1000.50 - Indian or Tribal Preference applicable to IHBG-assisted administrative activities
- 24 CFR 1000.52 - Indian or Tribal Preference applicable to IHBG-assisted procurement activities
- PG 2013–07 – Preference [2013-07](#): Indian and Tribal Preference in Employment and Contracting in IHBG

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## OTHER GUIDANCES:

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- PG [2002-11 \(Recipient\)](#) - Required Policies and Statements Under NAHASDA (Everything Listed Here)
- PG [2002-13 \(Recipient\)](#) - Conflict of Interest in IHBG Housing Admissions
- [2014-03](#): Insurance Requirements
- [2020-02](#): Useful Life and Binding Commitments

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## Certification

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- In compliance with Section 102 (2)(D) of NAHASDA titled Indian Housing Plans, the Tribe or TDHE must certify that all required policies are in effect.
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97

## NAHASDA Other Federal Law Requirements

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- **Non-Discrimination Laws:**
- -Age Discrimination Act of 1975
- -Section 504 of the Rehabilitation Act of 1973 (option for use with American with Disabilities Act of 1990)
- -Indian Civil Rights Act of 1968
- -Title VI & VIII of the Civil Rights Act of 1968

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## Other Federal Requirements

**Uniform Relocation Assistance & Real Property Acquisition Act of 1970** -assures fair compensation for displacement of families

**Davis-Bacon Act of 1931** -Prevailing wages (Tribal prevailing wages can preempt Davis-Bacon if adopted by Tribe)

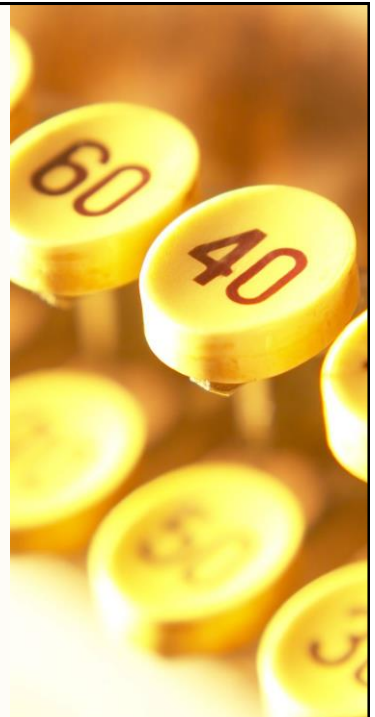
- **National Environmental Policy Act (NEPA)** of 1969
- **Flood Disaster Protection Act of 1973**
- **Lead-based Paint Poisoning Prevention Act of 1973**
- **Section 3 of the Housing and Urban Development Act of 1968** -training & employment opportunities for low-income persons
- **Uniform Administrative Act (2 CFR Part 200)** —Consolidation of all former OMB Guidance for Uniform Administrative requirements, Cost Principles, and Audit Requirements for Federal Awards

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## Uniform Administrative Act (2 CFR Part 200)

To ensure the accountability of all federal funding, the Office of Management and Budget (OMB) establishes uniform administrative requirements, cost principles, and audit requirements for Federal awards to non-Federal entities.

The regulations implementing NAHASDA (24 CFR § 1000) include a variety of general administrative requirements that must be followed by recipients of the Indian Housing Block Grant funds. Prior to December 26, 2014, the NAHASDA regulations addressing administrative requirements at 24 CFR §1000.26 cited two former OMB regulatory documents: OMB Circular A-87 (cost principles), and OMB Circular A-102 (Uniform Administrative Requirements codified for HUD programs in 24 CFR § 85).



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## Uniform Administrative Act (2 CFR Part 200)

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The OMB has streamlined the Federal government's guidance from eight existing OMB circulars (which includes A-87, A-102, and A-133) into one consolidated set of guidance in the code of Federal regulations (2 CFR §200) and is titled the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the 'Uniform Guidance').

This consolidation is aimed at eliminating duplicative or almost duplicative language in order to clarify where policy is substantively different across types of entities, and where it is not.

OMB issued the final rule on December 26, 2013. The final rule became effective for grantees on December 26, 2014. When a recipient accepts IHBG funds, it agrees to comply with these administrative requirements.

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## Uniform Administrative Act (2 CFR Part 200)

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- **Subpart A** – Acronyms and Definitions
- **Subpart B** – General Provisions
- **Subpart C** – Pre-Federal Award Requirements & Formula Allocation
- **Subpart D** – Post-Federal Award Requirements
- **Subpart E** – Cost Principles
- **Subpart F** – Audit Requirements

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# Uniform Administrative Act (2 CFR Part 200)



- Management systems
- Procurement
- Reporting & recordkeeping
- Conflict of interest
- Audit
- Allowable, unallowable costs

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# Allowability of Cost Table

NAHASDA PROGRAM: 2 CFR Part 200 Subpart E Cost Principles – ALLOWABILITY OF COSTS


UG 2 CFR 200	COST TYPE	DESCRIPTION
421	Advertising	ALLOWABLE if costs are incurred for recruitment of staff or trainees, procurement of goods and services, and other specific purposes necessary to meet the requirements of the NAHASDA-supported project or activity.
421	Public relations	ALLOWABLE if (1) costs are incurred for communicating with the public and press pertaining to specific accomplishments which result from performance of the NAHASDA program or (2) costs of conducting communication and liaison necessary to keep the public informed on matters of public concern such as notices of awards, financial matters, etc. costs
422	Advisory councils	ALLOWABLE: Advisory councils or committees, such as Finance Committees or Investment Committees, costs are allowable.
423	Alcoholic beverages	UNALLOWABLE.
425	Audit services	ALLOWABLE. Periodic financial reviews are also allowable See §1000.546.
426	Bad debts	UNALLOWABLE - Bad debt and related collection and legal costs.
427	Bonding costs	ALLOWABLE, when HUD requires bonding to protect its interest.
428	Collection of improper payments	ALLOWABLE, to recover payments incorrectly made to employees, tenants or contractors.
430	Compensation: Salary and wages	ALLOWABLE costs to the extent that the amount is reasonable in relation to the work performed.  ALLOWABLE if person providing consultant services in an employer-employee type of relationship does NOT receive more than a reasonable rate of compensation for personal services paid with IHBG funds. Compensation CANNOT exceed the equivalent of the daily rate paid for Level IV of the Executive Schedule. See §1000.26(b)(2).
431	Compensation: Fringe benefits	ALLOWABLE, however  NOT ALLOWABLE: (1) Automobile costs for personal use are unallowable, regardless of whether the cost is reported as taxable income to employees.
432	Conferences	ALLOWABLE: (1) Costs for meetings, retreats, seminars, and symposiums are allowable, which may include rental of facilities, speakers' fees, costs of meals and refreshments, local transportation, and other items incidental to such conferences. (2) Cost of IDENTIFYING (but not providing) locally dependent care resources.

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## FBI Criminal History Record Information

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105



## No. 2019-05 December 30, 2019

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- ❖ Pursuant to Section 208 of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), recipients are permitted to obtain criminal history records of applicants for employment, and of adult applicants for, and tenants of, housing assisted under NAHASDA for purposes of applicant screening, lease enforcement, and eviction. For purposes of this guidance, the term “tenants” includes homebuyers applying for, or currently being assisted under NAHASDA

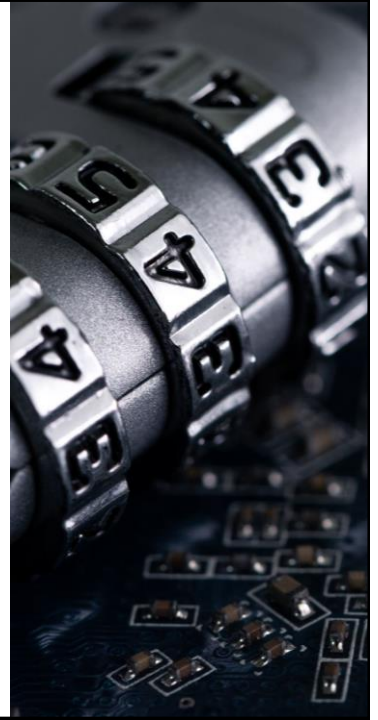
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# PROGRAM GUIDANCE

## 2019-05

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- ❖ Purpose: This guidance updates and replaces NAHASDA Guidance No. 2013-08, Update to Instructions for Obtaining FBI Criminal History Record Information, August 19, 2013. It advises Tribes and Tribally Designated Housing Entities (TDHE5) on the process for obtaining Federal Bureau of Investigation (FBI) criminal history record information of adult applicants for employment or current and prospective tenants for purposes of applicant screening, lease enforcement, and eviction. Gaining access to such records involves:
  - ❖ Requesting and obtaining an Originating Agency Identifier (ORI) number from the FBI; and .
  - ❖ Identifying and contracting with either a State Identification Bureau (SIB) or an FBI-Approved Channeler (Channeler) that will process and direct requests from the Tribe/TDHE (hereafter referred to as recipients) to the FBI.



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## FBI Criminal History Record Information

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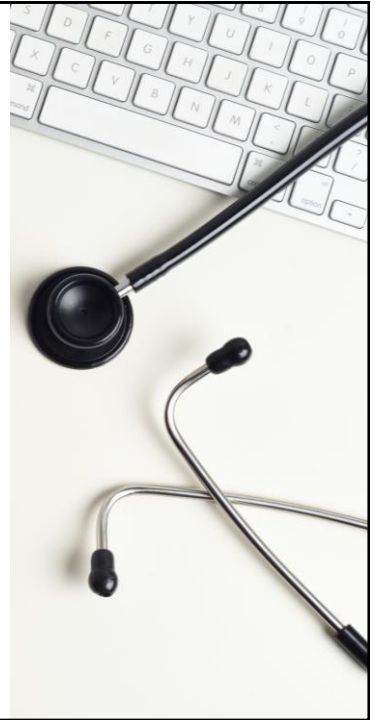
- ❖ The law states that “police departments and other law enforcement agencies shall, upon request, provide information to Indian Tribes or TDHEs regarding the criminal conviction records of adult applicants for employment, or tenants of, housing assisted with grant amounts provided to such Tribe or entity under [NAHASDA] for purposes of applicant screening, lease enforcement, and eviction.”

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## Confidentiality:

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- ❖ NAHASDA provides that each recipient receiving information may use such information only for the purposes provided in the Act. Such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the recipient, and the person must have a job-related need to have access to the information for the allowable purposes. For judicial eviction proceedings, disclosures may be made to the extent necessary.



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## Overview: Recipients wishing to check applicants and residents have several options. They can:

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- ❖ a) Use local and State authorities for State records only;
- ❖ b) Conduct a name check through their local law enforcement, which has access to limited information from the Interstate Identification Index (III). It is the discretion of the local law enforcement whether it will charge a reasonable fee for this service. Access for this purpose does not entitle the requesting law enforcement agency to obtain the full content of automated records through the III; or

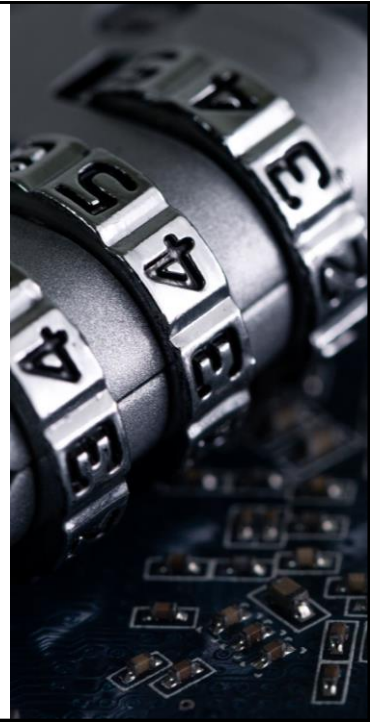


110

## Overview: Recipients wishing to check applicants and residents have several options. They can:

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- ❖ c) Submit an employee/applicant/tenant fingerprint card (through the SIB or Channeler) to the FBI in order to obtain the full content of a criminal history record. The FBI and HUD have jointly agreed that every recipient shall use the SIB or Channeler to submit its fingerprint cards to the FBI. The FBI charges a processing fee for each card. Please contact your SIB or Channeler to determine the current fee. No fees or other costs should be passed on to the family, applicant or employee. An agreement or contract is required with the SIB or Channeler to submit fingerprints.



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## Overview:

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- ❖ For recipients to have access to III data through their local or State law enforcement authorities, or to obtain FBI criminal history records through the submission of an applicant fingerprint card, each recipient must be assigned an ORI number by the FBI.
- ❖ Those recipients that have not yet obtained an ORI number from the FBI may do so upon written request.
- ❖ Some recipients are currently channeling fingerprint cards to the FBI through their SIB. Those recipients that wish to continue channeling fingerprint cards to the FBI through their SIB may do so, or a recipient may choose to use one of the approved Channelers.

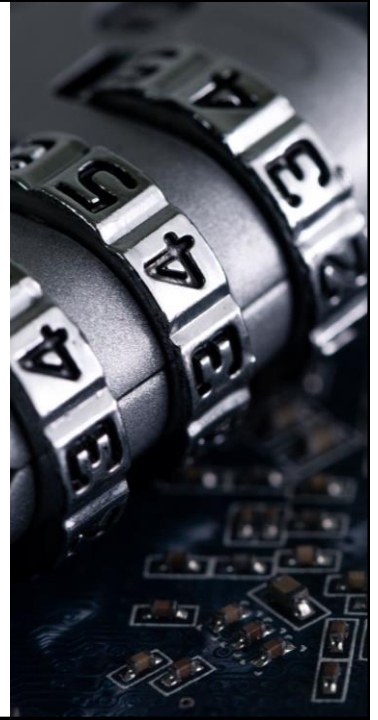
112



## Overview:

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- ❖ Recipients will send the fingerprint cards directly to their SIB or Channeler. The SIB or Channeler will collect a fee to cover their own costs as well as the FBI fee, and forward the recipient's fingerprint cards to the FBI for processing. The FBI will forward the results of the criminal records search back to the SIB or Channeler, who will send them to the recipient.



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## Issuance of ORI Numbers:

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- ❖ The first step in obtaining criminal history data through the III is for the recipient to obtain an ORI number from the FBI. This number identifies the recipient as an entity authorized to receive criminal history records through the submission of fingerprint cards and enables those submissions to be tracked and billed appropriately. Requests for ORI numbers should be sent directly by mail or fax to the FBI at the following address:
  - Section Chief
  - FBI CJIS Division
  - BTC3, Compact Team
  - 1000 Custer Hollow Road
  - Clarksburg, WV 26306
  - Fax: 304-625-9072



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## Issuance of ORI Numbers:

- ❖ The request should include the full name of the recipient, the complete mailing address, the county in which its main office is located, the name and phone number of a contact person, and which SIB or Channeler the recipient will utilize. (A sample letter is in Guidance.) After verifying legal authority, the FBI will then assign an ORI number to the recipient. The Recipient will need to coordinate with the SIB or Channeler for fingerprint cards.

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## Instructions for Obtaining Criminal History Records:

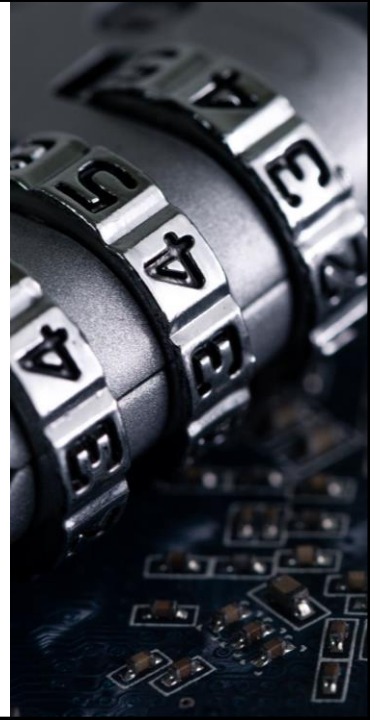
- ❖ Once the recipient has its own ORI number, it is eligible to obtain criminal history records. The following procedures have been developed to facilitate the process:
- ❖ A. The recipient submits a name check request to the local/state law enforcement agency. The name check request must include the name, date of birth, and social security number of the employee/applicant/tenant (if he/she has one). Using the ORI number assigned to the recipient, the law enforcement agency will access the III for the purpose of determining whether an employee/applicant/tenant may have a criminal history record indexed in the III.

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## Instructions for Obtaining Criminal History Records:

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- ❖ B. The law enforcement agency will advise the recipient that either:
  - ❖ 1. The information provided by the recipient did not match any criminal record in the index to the national database, or
  - ❖ 2. The information may match a criminal record indexed in the national database. This statement means only that, based on the information provided, the record may belong to the employee/applicant/tenant, but is inconclusive without a positive fingerprint comparison. The results of an inconclusive name check cannot be used to deny an applicant admission to housing.



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## Instructions for Obtaining Criminal History Records:

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- ❖ C. if the local/state law enforcement agency indicates to the recipient that there is a criminal history record indexed in the III that may belong to the employee/applicant/tenant, the recipient must submit an applicant fingerprint card to the FBI, through either the SIB or an approved Channeler, in order to verify whether the criminal record is in fact the applicants.
- ❖ This step would be unnecessary if the individual chooses to withdraw his/her application.
- ❖ When a fingerprint check is necessary, the FBI recommends that recipients use trained local law enforcement personnel to do the actual fingerprinting. Although the process appears simple, many fingerprints are rejected as unreadable, even when taken by qualified personnel.

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## Instructions for Obtaining Criminal History Records:

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- ❖ D. The applicant's fingerprints will be compared with criminal fingerprints maintained in FBI files, and if found to be identical, a copy of the corresponding criminal history record will be provided to the recipient. Applicant's fingerprints not identified with a criminal record will be sent an automated response indicating that no record was found. No fingerprint cards will be returned to the recipient.



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## Channeling

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- ❖ Channeling to the FBI through a SIB: The Guidance Document in the Appendix provides a link with a list of SIBs that may be available to recipients to channel fingerprint card submissions to the FBI and be the responsible billing agent:

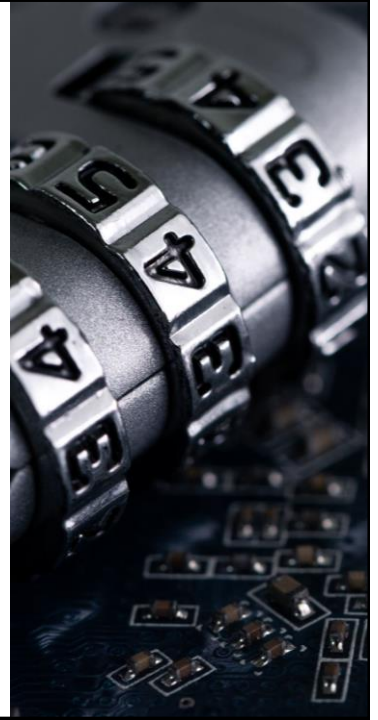


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# Channeling

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- ❖ Channeling to the FBI through a Channeler: Channelers receive the fingerprint submission and relevant data, collect the associated fee(s), electronically forward the fingerprint submission with the necessary information to the FBI Criminal Justice Information System Division for a national criminal history record check, and receive the electronic record check result for dissemination to the recipient. A Channeler simply helps expedite the criminal history record information response on behalf of the FBI. A list of Channelers can be found at:
- ❖ <https://www.fbi.gov/services/cjis/compact-council/list-of-approved-channelers>



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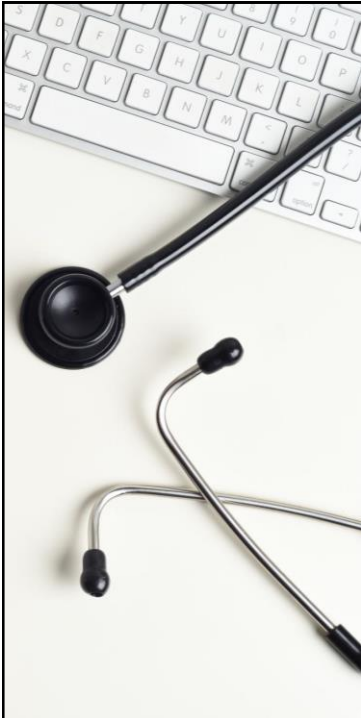


# Channeling

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- ❖ The process for making a request through a Channeler is consistent with FBI submission procedures. Additional fees may apply above the FBI fee for requests submitted through a Channeler. Contact each Channeler for processing times and fees.
- ❖ Each recipient that does not choose to channel through a SIB must competitively select a Channeler in accordance with its own procurement standards and HUD regulations at 24 CFR § 85.36.
- ❖ If there are any questions regarding this guidance, please contact your Area Office of Native American Programs.

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# Confidentiality:

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## Grant Evaluation Oversight & Monitoring

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## GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

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- ❖ 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.

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## Monitoring

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- ❖ 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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# Monitoring

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- ❖ 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.



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# Monitoring

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- ❖ 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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## HUD Performance Measures

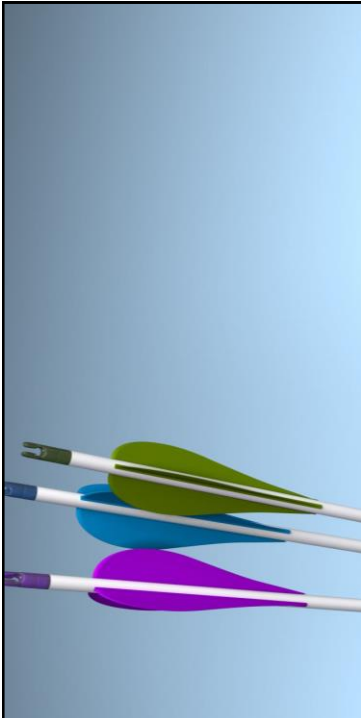
- ❖ 24 CFR 1000.524
- ❖ (a) The recipient has complied with the required certifications in its IHP and all policies and the IHP have been made available to the public.
- ❖ (b) Fiscal audits have been conducted on a timely basis and in accordance with the requirements of the Single Audit Act, as applicable. Any deficiencies identified in audit reports have been addressed within the prescribed time period.
- ❖ (c) Accurate annual performance reports were submitted to HUD in accordance with §1000.514.
- ❖ (d) The recipient has met the IHP-planned activities in the one-year plan.
- ❖ (e) The recipient has substantially complied with the requirements of 24 CFR part 1000 and all other applicable Federal statutes and regulations.

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## When Should I Do Self-Monitoring?

- ❖ **Monitoring Performance Goals:**
  - ❖ On-going
  - ❖ Track progress and activities
  - ❖ Monthly or quarterly
  - ❖ Prepare progress reports
- ❖ **Monitoring for Compliance:**
  - ❖ At least annually
- ❖ **Complete formal assessment, on-site inspection of units**
  - ❖ Periodic compliance monitoring is also beneficial

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## How is Self-Monitoring Conducted? Monitoring for Compliance:

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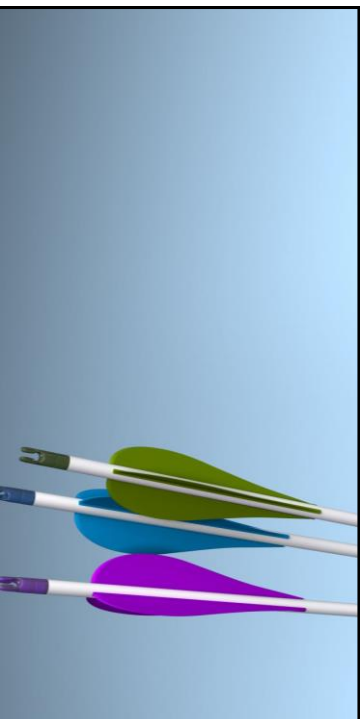
- ❖ Since each Tribe or TDHE is unique in:
  - Size and amount of funding, Tribes should decide how best to monitor their activities to ensure compliance with requirements of NAHASDA statute and regulations.
- ❖ Monitoring Performance Goals:
  - Spreadsheets are useful tools for monitoring progress of goals and objectives in your Indian Housing Plan

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## Components of a Monitoring System

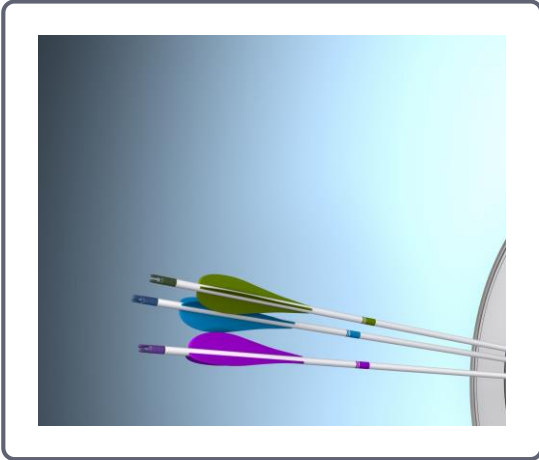
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- ❖ Policy Statement
- ❖ Methodology
- ❖ Strategy
- ❖ Areas to be monitored
- ❖ Resolution of noncompliant areas
- ❖ Recommendations for improvement
- ❖ Reporting Requirements



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## What if you find problems?



- ❖ Develop Corrective Action Plan
- ❖ Develop/revise policies
- ❖ Develop/revise Internal Control Procedures
- ❖ One on one training as needed
- ❖ Request assistance/training from HUD or NAIHC

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## Assessment Methods

- ❖ Self-Monitoring Committee
  - BOC, Tribal Council, Business Committee, Staff
  - Develop system, conduct, report, follow-up
- ❖ • Management Session
  - Led by Executive Director, Housing Director
  - Convene meeting of department managers or staff involved in critical compliance areas
- ❖ Third Party Review
  - Individual or team familiar with Indian Housing or Tribal Programs but not employed by your agency



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## Therefore, Self-Monitoring under NAHASDA is:

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- ❖ Observing or reviewing your activities
- ❖ Checking or inspecting housing assisted with IHBG funds
- ❖ Recording and reporting the results

*Summary of what monitoring is all about...  
 "To identify where we're at throughout the year,  
 to raise flags before crunch time,  
 and to identify who should be doing what."*



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## Recipient compliance and progress.

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- ❖ The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) dramatically changed HUD's Office of Native American Programs' (ONAP) relationship with Native American communities. It replaced a myriad of funding programs with a single Indian Housing Block Grant (IHBG) program. IHBG is now HUD's preeminent program in Indian country. IHBG recipients, whether tribal housing divisions, departments, or Tribally Designated Housing Entities (TDHEs), are now responsible for the design and implementation of housing assistance programs for their tribal members. IHBG recipients are also held accountable for their progress in completing self-defined housing activities and complying with NAHASDA's program requirements. ONAP staff also monitors recipient compliance and progress.



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## Guidebooks

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### ❖ [Self-Monitoring Guidebook](#) \* (09/2018)

Developed by ONAP to assist Indian Housing Block Grant (IHBG) recipients meet their self-monitoring responsibilities under NAHASDA. This Guidebook is presented in chapters which address various organizational components of a recipient's operation. While the Guidebook is developed for the IHBG program, it can be useful to any grant recipient in establishing a self-monitoring program.

- ❖ The Guidebook is available in the Subject Material and this Guide is 88 Pages long and worth reviewing.

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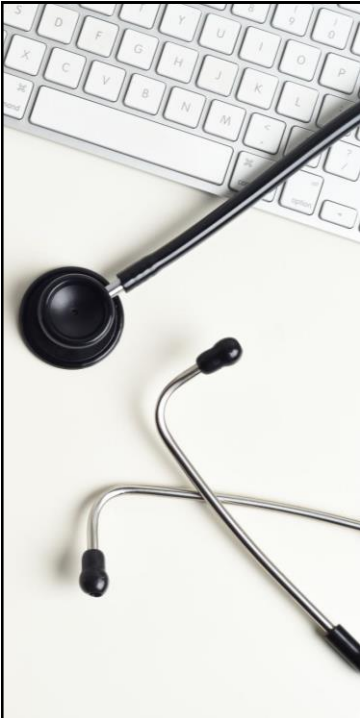


## Overview

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- ❖ IHBG recipients may be tribes or TDHEs. IHBG recipients that are TDHEs are required to report to, and be monitored by, the beneficiary tribe(s). Every recipient of IHBG funding is responsible for monitoring its grant activities, monitoring any subrecipients, ensuring compliance with applicable Federal requirements, and monitoring its activities under the IHP. Even for programs that do not have self monitoring requirements, recipient self-monitoring is beneficial and recommended for all organizations to identify and confirm good practices and where improvements can be made.

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## Self-Monitoring Requirements

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- NAHASDA: Section 403(b)
- PERIODIC MONITORING

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## Self-Monitoring Requirements

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- ❖ IHBG recipients are required to complete a self-monitoring assessment of adherence to IHBG program requirements and applicable statutes and regulations at least once a year. This monitoring requirement includes conducting an on-site inspection of all housing units assisted with IHBG funds. Reporting on self-monitoring assessments is a required element of the APR. IHBG recipients, therefore, should incorporate sufficient time in their business planning cycles to complete the self-monitoring assessment prior to the end of their program year.

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## IHBG Tribal Recipients

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- ❖ If the tribe is the IHBG recipient, it is responsible for monitoring grant activities to ensure compliance with applicable Federal requirements and monitoring performance under the IHP. Under 24 CFR §1000.502, the tribe is responsible for preparing and submitting to HUD:
- ❖ An APR within 90 days of the end of the program year
- ❖ A financial audit that complies with 2 CFR part 200 within 9 months after the end of its fiscal year, if applicable



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## IHBG Tribal Recipients

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- ❖ IHBG tribal recipients may request assistance from other tribes and/or TDHEs to help complete their housing activities or self-monitoring requirements under NAHASDA. Timeliness of report submission reflects on the organization's administrative capacity. Monitoring reports submitted on time indicate the tribe has incorporated these assessment processes into its annual business planning cycles. Costs incurred for completing the APR, self-monitoring and audit reports are allowable under the IHBG program.

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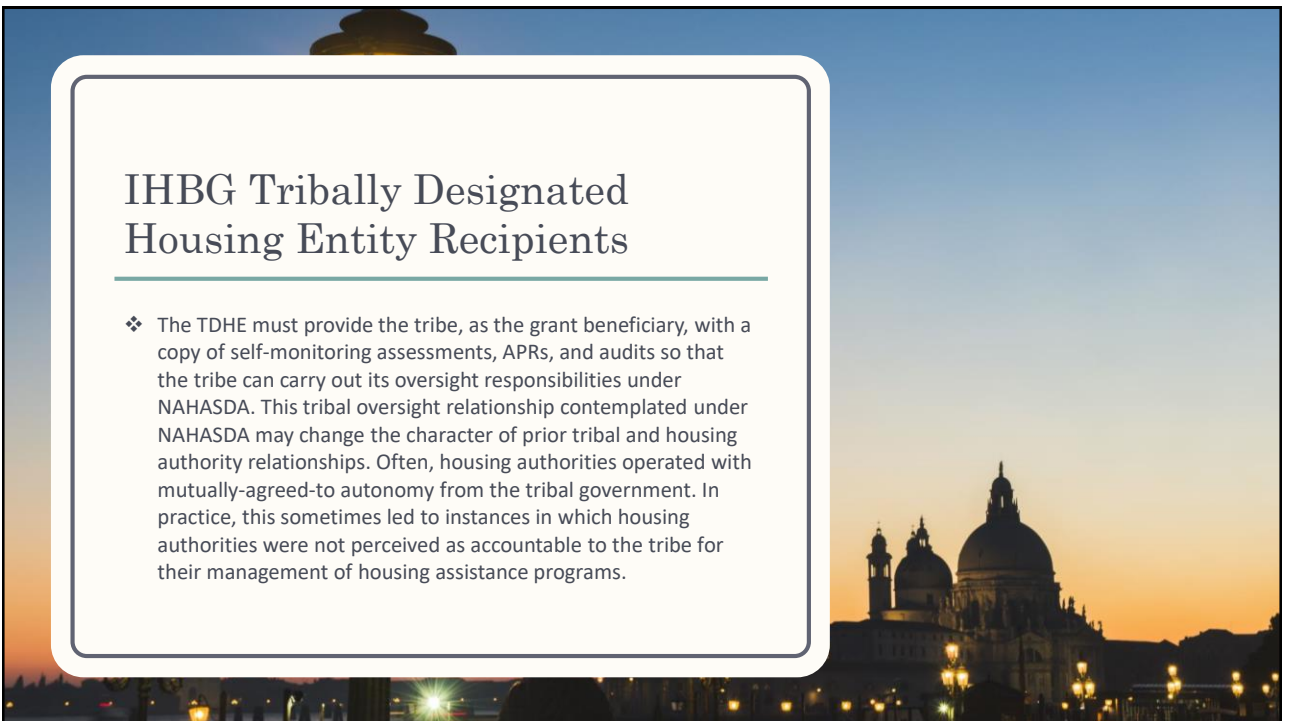


## IHBG Tribally Designated Housing Entity Recipients

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- ❖ Where the recipient is a TDHE, the tribe, as the grant beneficiary, is still responsible for monitoring programmatic and compliance requirements of the IHP and NAHASDA by requiring the TDHE to prepare periodic progress reports, including:
  - ❖ An APR within 90 days of the end of the program year that includes a description of its self-monitoring in Section 10 of the IHP/APR.
  - ❖ A financial that complies with 2 CFR Part 200 audit within 9 months after the end of the TDHE's fiscal year, if applicable

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## IHBG Tribally Designated Housing Entity Recipients

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- ❖ The TDHE must provide the tribe, as the grant beneficiary, with a copy of self-monitoring assessments, APRs, and audits so that the tribe can carry out its oversight responsibilities under NAHASDA. This tribal oversight relationship contemplated under NAHASDA may change the character of prior tribal and housing authority relationships. Often, housing authorities operated with mutually-agreed-to autonomy from the tribal government. In practice, this sometimes led to instances in which housing authorities were not perceived as accountable to the tribe for their management of housing assistance programs.

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## IHBG Tribally Designated Housing Entity Recipients

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- ❖ Tribal councils now have a more affirmative responsibility to exercise their oversight responsibilities over the TDHEs. TDHEs and tribal governments should seek to enhance the flow of information and communication between both bodies to better address IHBG monitoring requirements. One way to accomplish this is to have a member of the tribal council serve on the board of a TDHE as either a voting or an ex-officio member.



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## Subrecipient Monitoring

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- ❖ Within the IHBG program, subrecipients may be nonprofit or other tribally chartered entities that have a subrecipient agreement (can also be in the form of a contract, memorandum of agreement, or memorandum of understanding) with a recipient to undertake and manage specified projects and activities. IHBG recipients are required to monitor all of their subrecipients to ensure compliance with written subrecipient agreements.

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## Subrecipient Monitoring

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- ❖ In general, subrecipients must comply with the same statutory and regulatory requirements as IHBG recipients. Tribal beneficiaries and/or TDHEs should seek to institute subrecipient monitoring procedures that would accompany the subrecipient agreement. It is good practice to incorporate these monitoring requirements into subrecipient agreements and require that subrecipients periodically report on their adherence to applicable regulations. Moreover, IHBG recipients should perform on-site visits with their subrecipients to review any issues of apparent noncompliance.

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## Subrecipient Monitoring

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- ❖ Subrecipients must abide by the same statutory and regulatory requirements as IHBG recipients. Tribal beneficiaries and/or TDHEs should seek to institute subrecipient monitoring procedures that would accompany the subrecipient agreement. It is good practice to incorporate these monitoring requirements into subrecipient agreements and require that subrecipients periodically report on their adherence to applicable regulations. Moreover, IHBG recipients should perform on-site visits with their subrecipients to review any issues of apparent noncompliance.

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## ONAP Monitoring

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- ❖ The APR, self-monitoring, and audit monitoring process is intended to help ONAP fulfill its public trust responsibilities by ensuring that HUD grants are implemented in a timely manner and in compliance with all applicable requirements. Specific objectives of the monitoring process include:

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## ONAP Monitoring

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- ❖ Collecting data from grant recipients that will help HUD assess recipient risk based on more complete information on performance • Validating and/or refining technical assistance needs as defined in the risk assessment process
- ❖ Identifying additional technical assistance needs
- ❖ Identifying and initiating HUD actions that will reinforce, improve, supplement, and correct recipient performance
- ❖ Identifying and analyzing patterns of recipient activity that indicate superior, satisfactory, and deficient performance, which then can be used to improve HUD programs and increase overall recipient success rates



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## ONAP Monitoring

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- ❖ These monitoring guidelines are based on and adhere to the monitoring standards and procedures that govern the IHBG program. For additional information on the IHBG monitoring process, consult 24 CFR §1000.522, 1000.526, and 1000.528.

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## ONAP Monitoring

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ONAP is responsible for issuing a draft report and a final report for each recipient monitored. The monitoring report is an objective assessment of recipient performance that highlights both the strengths and weaknesses in the recipient's practices and programs. In addition to identifying findings and recommending corrective actions, the report may identify concerns and offer suggestions to improve performance. ONAP may also refer concerns to the grant beneficiary for monitoring and corrective action as part of its monitoring responsibility under NAHASDA.

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## ONAP Review of Self-Monitoring

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- ❖ As part of its ongoing monitoring process, ONAP Grants Evaluation staff will conduct summary reviews of IHBG recipient self-monitoring practices and results, as reported in the APR. While ONAP does not require IHBG recipients to submit their internal compliance assessment checklists, all checklists and supporting documentation should be maintained for on-site review. Moreover, Area ONAP Offices may require recipients to prepare and submit self-monitoring compliance assessments as part of a more intensive monitoring strategy where performance deficiencies or noncompliance issues have been identified. ONAP staff will assess whether the recipient has:

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## ONAP Review of Self-Monitoring

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- ❖ Adopted a self-monitoring policy or practices as part of the organization's policies and procedures
- ❖ Conducted self-monitoring on a consistent and recurring basis
- ❖ Conducted the self-monitoring assessment in an objective, arm's-length relationship with the evaluator
- ❖ Submitted self-monitoring summary results with the APR
- ❖ Made the APR available to the public, along with the results of its self-monitoring assessment

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## ONAP Review of Self-Monitoring

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- ❖ Incorporated corrective actions to address deficiencies identified in the self-monitoring assessment in a Performance Improvement Plan to be completed during the following program year
- ❖ Made progress from year to year in addressing control deficiencies identified in the self monitoring assessments.



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## Monitoring Plans for Recipients

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- ❖ ONAP provides IHBG recipients with sample monitoring plans that they may use when conducting self monitoring. Use of these sample monitoring plans is optional; however, the plans are designed to provide tribes and TDHEs 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: [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/ih/grants/oversight](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/oversight).

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## Monitoring Plans for Recipients

The sample monitoring plans include those below.

- ❖ 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

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## Monitoring Plans for Recipients

- ❖ 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
- ❖ IHBG Self-Monitoring Plan
- ❖ Subrecipient Agreements Monitoring Plan
- ❖ Admissions and Occupancy Monitoring Plan
- ❖ Occupancy Review Form
- ❖ Occupancy Tenant Files Review Forms

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## Monitoring Plans for Recipients

- ❖ Financial and Fiscal Management Monitoring Plan
- ❖ Financial and Fiscal Management: Appendix 1 -Finance System Controls
- ❖ Financial and Fiscal Management: Appendix 2 – Cash Management
- ❖ 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
- ❖ Financial and Fiscal Management: Appendix 8 – Insurance



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See you at  
11:00 AM EST



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