



**NAHASDA  
INTERMEDIATE**

**DAY 3**

**November 13, 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.

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This webinar is being recorded.

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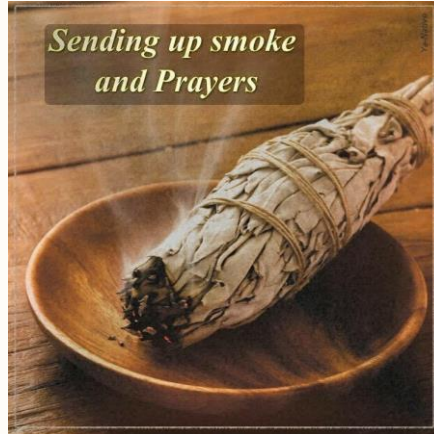


## AGENDA DAY 3

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|-------------------|---|
| 11:00 -11:15 A.M. | ZOOM SIGN IN & ROOM ENTRY   |
| 11:15 – 4:00 P.M. | Welcome & Greetings<br>Understanding Your Local ONAP OFFICE<br>Their Mission & Organizational Structure<br>Housing Governance Structures &<br>The Boards Role |
| 1:00 – 2:00 P.M.  | LUNCH BREAK   |

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# 5 WELCOME & GOOD MORNING!



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## 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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Understanding your local ONAP  
Office Their Mission &  
Organization

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## Office of Native American Programs Their Mission & Organization

In 1984, HUD established the Office of Indian Housing.

The Office of Indian Housing later became the Office of Native American Programs (ONAP).

ONAP is committed to creating and improving housing and economic opportunities for Native Americans, Alaska Natives and Native Hawaiians. Having partners in knowledgeable tribal officials and staff is the key to ONAP's success at achieving this challenging mission.

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## Office of Native American Programs Their Mission & Organization

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- ❖ The ONAP staff, in close collaboration with its tribal partners and other Federal agencies, help to provide decent, safe, and affordable housing for Native communities throughout the United States. It is critical that all the stakeholders in the Federal Indian Housing programs understands the context in which they work—that is the nature of Federal and Indian relationships; the housing and community development needs of, and the resources for, Native American, Alaska Native and Native Hawaiian communities; and the importance of fiscal integrity in program operations.

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## Office of Native American Programs Their Mission & Organization

ONAP'S Mission: Implement HUD's policy statement while serving Native Americans,

- ❖ Provide high quality, efficient services,
- ❖ Work together as a team to enhance quality of life,
- ❖ Provide program flexibility,
- ❖ Listen and learn.

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## Office of Native American Programs Their Mission & Organization

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- ❖ Due to the many challenges Native Americans face in obtaining affordable housing, ONAP's mission has several components. First and foremost, ONAP works to implement HUD's mission, "...to increase homeownership, support community development, and increase access to affordable housing free from discrimination..." while focusing on its mission to serve Native Americans.

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## Office of Native American Programs Their Mission & Organization

Second, ONAP strives to provide high-quality, efficient services to its grant recipients. Through Congress' enactment of the Native American Housing Assistance and Self-Determination Act, or NAHASDA, ONAP has streamlined the process for delivering housing assistance to Native Americans by providing the tribes with more responsibility and flexibility in how the funds are used.

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## Office of Native American Programs Their Mission & Organization

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Third, ONAP aims to work together productively with other HUD offices and its grant recipients, also called grantees, to enhance the quality of life of Native Americans. Through training, conferences, guidance, notices, and coordination between offices, ONAP continually seeks ways in which to balance workloads, share systems, and communicate successes.

Last, ONAP strives to listen and learn from others on how to improve its programs and services.

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## Role of ONAP

- ❖ The role of ONAP is to:
  - ❖ Assist tribes in the provision of housing to Native American families,
  - ❖ Provide funds for creating economic opportunities for tribes and Indian housing residents,
  - ❖ Assist tribes to formulate plans and strategies for community development,
  - ❖ Ensure fiscal integrity in the operation of programs.

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## Office of Native American Programs Their Mission & Organization

ONAP believes that all Native Americans should have safe, decent and affordable housing available to them, and that every Native American community should provide job opportunities for its residents.

ONAP also believes that tribes should have long-term plans and strategies for community development, and that all programs must have fiscal integrity, so programs produce the maximum results. These beliefs are integral to ONAP achieving its mission and managing its programs

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## ONAP Headquarters

- ❖ Headquarters is responsible for the policy and direction to the field staff for all ONAP programs.
- ❖ Headquarters provides overall ONAP coordination.
- ❖ Headquarters staff:
  - ❖ Oversees personnel actions,
  - ❖ Reviews and assigns incoming correspondence,
  - ❖ Monitors ONAP travel.

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## Office of Native American Programs Their Mission & Organization

ONAP Headquarters is comprised of five offices: The Deputy Assistant Secretary (DAS), the Office of Grants Management, the Office of Grants Evaluation, the Office of Loan Guarantee and the Office of Performance and Planning. The Headquarters office is comprised of staff supporting the DAS, including the Director of Field Operations, through whom the Area ONAP Offices report on program activities. The Director of the Office of Field Operations oversees six Area ONAP Offices. These offices are located in Chicago, Oklahoma City, Phoenix, Denver, Seattle, and Anchorage. We will talk more about the Area ONAP Offices later.


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# ONAP HEADQUARTERS





The Grants Management and Grants Evaluation staff are part of the DAS' staff who support the DAS' role. A number of these staff are out-stationed in Denver, Honolulu, and San Francisco.



Headquarters is responsible for the policy and direction to the field for all programs administered by the ONAP. It provides overall ONAP coordination, oversees budget and legislative functions and sets policy. In addition, Headquarters staff are responsible for overseeing personnel actions, reviewing and assigning correspondence, managing communications, and monitoring ONAP travel.

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# ONAP HEADQUARTERS

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Headquarters is responsible for coordinating all activities among the Area ONAP Offices and ensuring consistency in the administration of ONAP's programs. As a means to ensure coordination, principal staff meetings are held three to four times per year with the DAS, his or her Senior Advisor, Office Directors in Headquarters, and Administrators of Area ONAP Offices. Also, monthly conference calls between HUD Headquarters staff and Area ONAP Administrators are held to provide updates on national policies and procedures, answer questions and obtain general feedback.

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Coordinates strategic planning,



Manages performance measurement and reporting,



Responds to requests for information.

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### Office of Performance and Planning

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### Office of Performance and Planning

The Office of Performance and Planning coordinates strategic planning, performance measurement, and reporting. The Office works with all ONAP managers and staff to formulate performance goals and measure the effects of programs within ONAP. It also responds to requests for information from entities such as the Office of Inspector General, the Office of the Chief Financial Officer, the Office of Management and Budget, and members of Congress.

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## Office of Loan Guarantee

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- ❖ Responsible for Section 184 and Title VI:
  - ❖ Tribal eligibility
  - ❖ Loan underwriting
  - ❖ Monitoring of program compliance
  - ❖ Program training and marketing
- ❖ Staff serves as liaison between lenders, government agencies, tribal members.

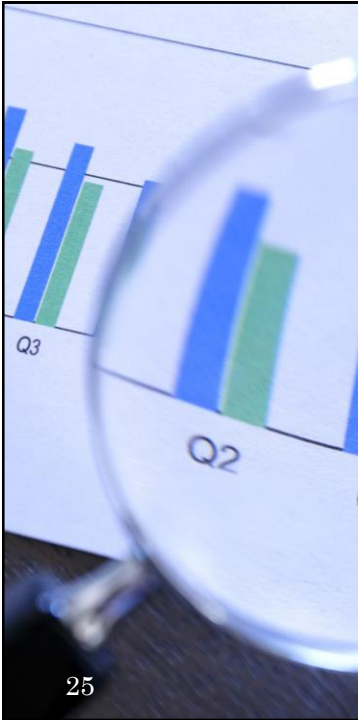
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## Office of Loan Guarantee

The Loan Guarantee Division is responsible for overseeing the Section 184 and Title VI Programs. The Section 184 Indian Home Loan Guarantee program provides access to private financing for Native Americans and Alaska Natives. Under the program, HUD guarantees loans made by private lenders to individuals, families, tribes, and TDHEs for construction, acquisition, and rehabilitation of single-family homes in Indian Country. The Title VI Loan Guarantee Program provides HUD loan guarantees made by private lenders to recipients of Indian Housing Block Grants to finance eligible affordable housing activities.

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## Office of Loan Guarantee

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The Loan Guarantee Director is responsible for the supervision and management of the Section 184 program and Title VI program. The Loan Guarantee Director supervises a team of Loan Guarantee Specialists who perform functions related to loan application processing, approval and issuance of guarantees, and monitoring of financial institution program implementation. Loan Specialists are also responsible for the management of funding competitions, tribal and financial community involvement, and contract administration.

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## Office of Loan Guarantee

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- ❖ Loan Guarantee Division staff responsibilities include the review of tribal eligibility and land status issues, case number assignment, loan processing, underwriting, and the issuance of guarantee certificates. Staff monitor the loan guarantee programs for loan performance and program compliance. Staff are also responsible for providing program training to grantees, as well as marketing the program and providing training to current and potential borrowers and lenders.
- ❖ In addition, the staff serves as a liaison between lenders, government agencies, tribal members, and other entities integral to supplying credit to Native American communities.

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## Office of Grants Management (GM) – ONAP Headquarters

- ❖ Directs grants management policy.
- ❖ Provides oversight and management of programs.
- ❖ Manages the Indian Housing Block Grant (IHBG) formula and other funding requirements.

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## Office of Native American Programs Their Mission & Organization

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- ❖ The Office of Grants Management in ONAP Headquarters is responsible for directing grants management policy; providing oversight and management of programs; and developing guidance, program notices, regulations, and policy for applicable programs administered by ONAP. It also manages the IHBG formula, which is used to determine annual grant allocations to tribes, and other funding requirements.

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## Grants Management

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The Director of the Office of Grants Management, or GM, supervises the Grants Management or GM Specialists, provides technical guidance to Area ONAP GM Division Directors, and directs the overall administration of all applicable Native American housing and community development programs.

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## Office of Grants Evaluation (GE) – ONAP Headquarters

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- ❖ Directs grants evaluation policy.
- ❖ Assists tribes with monitoring and performance reviews of their grants.
- ❖ Performs risk assessments and auditing review.

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## 31 Office of Grants Evaluation

The Office of Grants Evaluation, in ONAP Headquarters, provides direction and oversight of the operation of the Area ONAP Grants Evaluation or GE divisions. The office develops and disseminates policy instructions for Area ONAP GE offices, as well as policy guidance and instruction for ONAP grant recipients.



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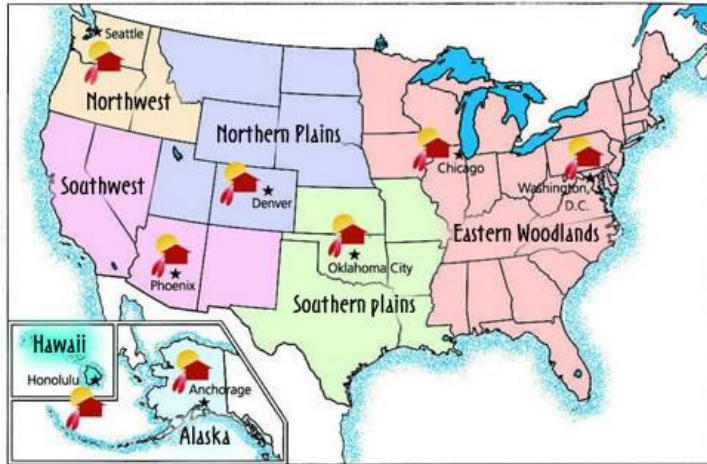
## Office of Grants Evaluation

The Office also coordinates the development and implementation of the ONAP national monitoring plan, and coordinates procedures for resolution of grant recipient management deficiencies with the Area ONAP Offices and the Office of General Counsel. GE facilitates coordination and cooperation among Area ONAP GE offices and develops and manages the GE aspects of information systems.

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## ONAP Locations

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– Contact information for ONAP Offices:  
<http://www.hud.gov/offices/pih/ih/codetalk/onap/index.cfm>

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## ONAP Locations

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- ❖ As mentioned previously, ONAP has six area offices that administer programs for Native Americans. The six Area ONAP Offices are:
- ❖ Eastern Woodlands Office in Chicago, whose service area includes all States east of the Mississippi river, as well as Minnesota and Iowa;
- ❖ Southern Plains Office in Oklahoma City, whose service area includes Oklahoma, Texas, Kansas, Arkansas, Louisiana, and Missouri;
- ❖ Southwest Office in Phoenix, whose service area includes Arizona, California, New Mexico, Texas, and Nevada. The Southwest Area Office also oversees a satellite ONAP office in Albuquerque.



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## ONAP Locations

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- ❖ Northern Plains Office in Denver, whose service area includes Colorado, Nebraska, North Dakota, Montana, South Dakota, Utah, and Wyoming;
- ❖ Northwest Office in Seattle, whose service area includes Washington, Oregon, and Idaho; and
- ❖ Alaska Office in Anchorage, serving all of Alaska.

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## ONAP Locations

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- ❖ ONAP also has DAS staff out stationed in Denver, Honolulu, and San Francisco. The Hawaii Office oversees the Native Hawaiian Housing Block Grant program.
- ❖ Additional information on the various offices, as well as contact information, may be found on ONAP's website

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# BREAK TIME!



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## Area ONAP Offices



- Six Area ONAP Offices:
  - Administer programs,
  - Oversee HUD grantees,
  - Provide training and technical support for grantees.
  - Each office includes a Division of Grants Management & Grants Evaluation
  - The photo on this slide is a picture of the Northwest Area ONAP Office building in Seattle

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## The Six Area ONAP Offices

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- ❖ The six Area ONAP Offices are responsible for administering ONAP's programs, including the Indian Housing Block Grant and the Indian Community Development Block Grant, among others; overseeing HUD grantee performance; and providing training and technical assistance support for grantees. Through communication with each other, offices can learn what works and what doesn't and share tools that will help them in the administration of their programs.

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## The Six Area ONAP Offices

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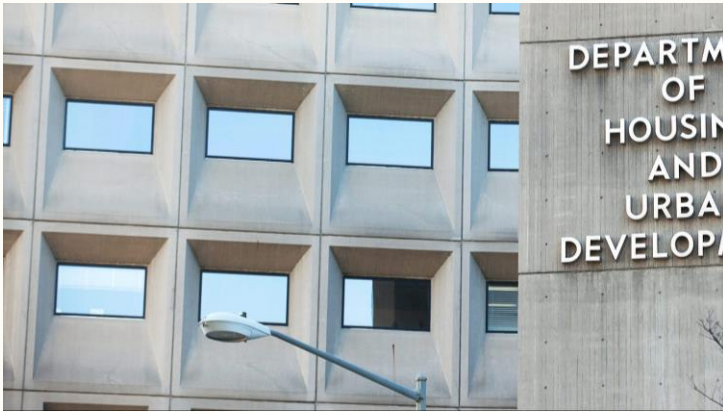
- ❖ Each Area ONAP Office includes a Division of Grants Management and a Division of Grants Evaluation. Though GM and GE offices have distinct duties and responsibilities, some areas of overlap exist between the functions of these offices. Each office depends on the actions of the other to complete its duties successfully.
- ❖ Significant degrees of cooperation and coordination are therefore necessary and expected between personnel at the Area ONAP Offices, and with Headquarters.

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# Area ONAP Organization

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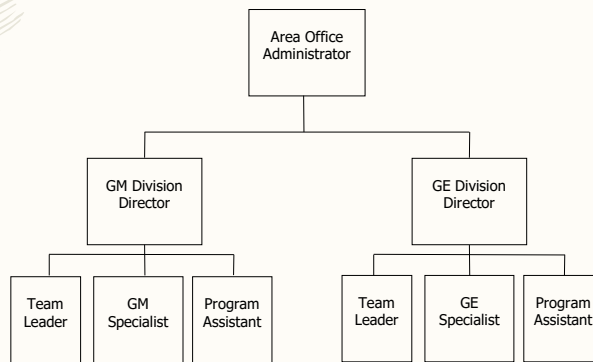


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# 42 Area ONAP Organization

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## Area ONAP Organization

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- ❖ As seen in the diagram on this slide, at each Area Office, the Area Office Administrator oversees and manages the Office of Grants Management and the Office of Grants Evaluation. The successful execution and implementation of the policies and programs in each of the offices is the responsibility of the Area Office Administrator. It is the Offices of GM's and GE's responsibility to provide oversight for their respective program areas.

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## 44 Area ONAP Organization

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Within the Office of GM, the Division Director oversees the Program Assistant, the Team Leader, and the GM Specialists. Within the Office of GE, the Division Director supervises a Program Assistant, a Team Leader, and GE Specialists.

The Area ONAP GM and GE Offices work together, and with Headquarters staff in the operation of ONAP's programs.

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## Area ONAP GM Functions

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- GM Division:
  - Manages Indian Housing Block Grant (IHBG) program,
  - Manages Indian Community Development Block Grant (ICDBG) program,
  - Provides training and technical assistance,
  - Manages additional grant programs, including
    - *Resident Opportunity and Self Sufficiency (ROSS) program,*
    - *Youthbuild program.*

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## Grants Management Division

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- ❖ In each Area ONAP, Grants Management Division staff have several responsibilities in their functional areas. The GM Division manages the IHBG program, which includes reviewing Indian Housing Plans submitted by grantees to ensure they comply with program requirements and providing feedback to the tribe on items that need to be revised. GM also provides oversight and technical assistance to tribes, as needed, on the program and the activities being undertaken with program funds.

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## Grants Management Division

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- ❖ The GM Division administers the Indian Community Development Block Grant program, including single purpose grants and Imminent Threat grants. For single purpose grants, GM staff review grant applications, notify tribes of awards, and provide oversight and technical assistance to tribes, as needed. Staff also provide assistance for the Imminent Threat grant, which is based on emergency need.

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## Grants Management Division

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- ❖ The GM Division provides ongoing training and technical assistance to grantees on program related issues, such as eligible activities. It also assists grantees in resolving problems and addressing issues.
- ❖ The GM Division also manages the Resident Opportunity and Self Sufficiency, Rural Housing and Economic Development, and Youthbuild grant programs.

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## Area ONAP GE Functions

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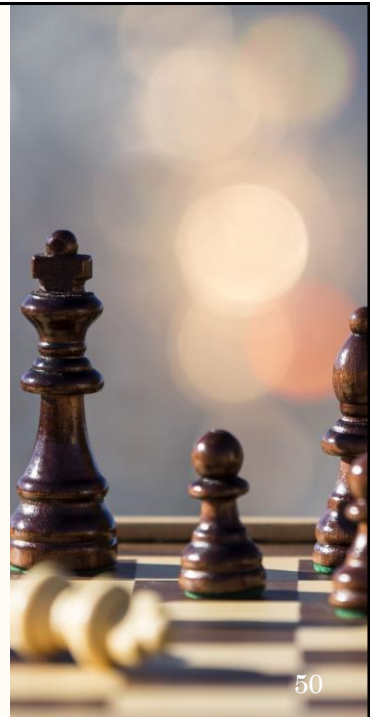
- ❖ GE Division:
  - ❖ Oversees IHBG Annual Performance Report (APR) and ICDBG Annual Status and Evaluation Report (ASER) process,
  - ❖ Manages the audit review process,
  - ❖ Conducts risk assessments,
  - ❖ Undertakes monitoring and manages findings resolution,
  - ❖ Manages remedies process.

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## Area ONAP GE Functions

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In each Area ONAP, the GE Division, also has many responsibilities related to evaluating and monitoring grant recipients' programs. The GE Division is primarily responsible for assisting grantees in meeting their self-defined program goals in compliance with program requirements.



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## Area ONAP GE Functions

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- ❖ In addition to overseeing the IHBG Annual Performance Report and ICDBG Annual Status and Evaluation Report process, GE staff ensure that programs are implemented in a timely manner in compliance with all applicable requirements. They identify instances and trends that indicate superior, satisfactory, or deficient performance.

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## Area ONAP GE Functions

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- ❖ GE staff also develop and implement actions to reinforce, improve, correct, or supplement recipient performance, as appropriate, and identify technical assistance needs and provide proactive support.

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## Area ONAP GE Functions

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- ❖ The GE Division also manages recipient audit review and findings resolution, conducts risk assessments, undertakes monitoring and manages findings resolution. The GE Division recommends the imposition of remedies when a grant recipient fails to address identified noncompliance and managing the implementation of remedies imposed.

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## GM and GE Functions

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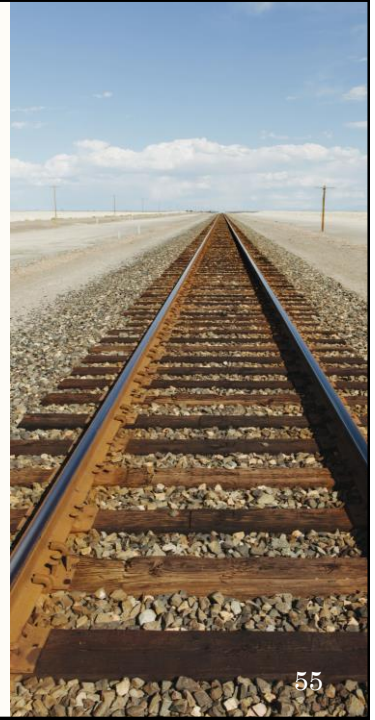
- ❖ Some areas of overlap exist between GM and GE.
  - ❖ Important that GM and GE staff coordinate their efforts.
- ❖ Key areas that require coordination include:
  - ❖ Reviewing recipient formula data,
  - ❖ Technical assistance,
  - ❖ Review of LOCCS,
  - ❖ Grant close-out.

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## GM and GE Functions

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- ❖ While the GM and GE divisions in the Area ONAP Offices are responsible for their respective program areas, the two offices share the overall goal of successfully implementing programs within ONAP. There are several areas of overlap between the functions of GM and GE. Where overlap exists, each office depends upon the actions of the other to complete its duties successfully.

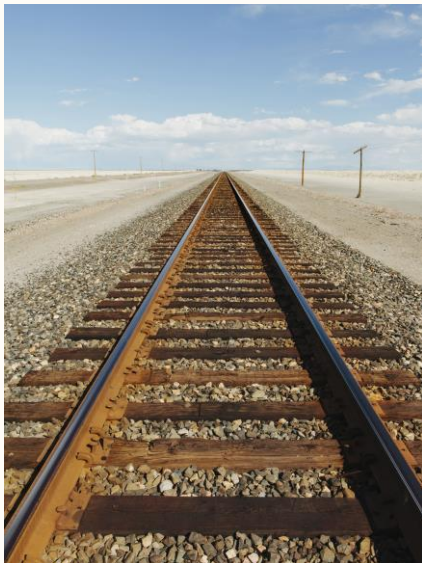


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## GM and GE Functions

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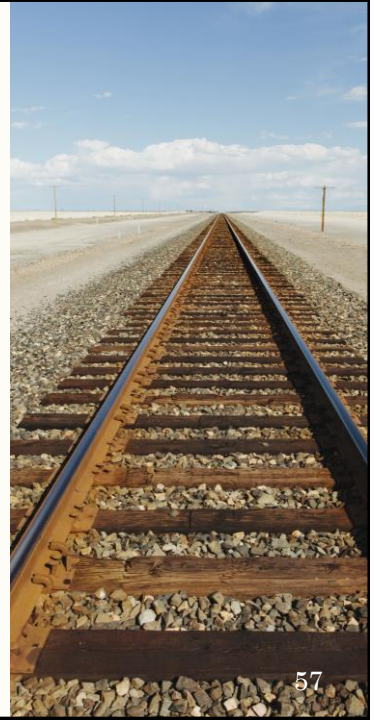
- ❖ Both offices collect and review data that is used in the formula calculation of grant amounts. GM and GE staff are responsible for reviewing formula data for each grantee after each distribution of funds and reporting any corrections.

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## GM and GE Functions

- ❖ GM and GE staff can provide technical assistance to grantees. GM staff are responsible for providing technical assistance to grantees on all programs.
- ❖ However, GE staff may recommend specific types of TA based on issues and problems that are discovered in their monitoring and risk assessment reviews.



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## GM and GE Functions

- ❖ Both offices review the Line of Credit Control System, as known as LOCCS. To track a grantee's compliance with program requirements, GM staff use LOCCS to monitor disbursements and to oversee projects' financial transactions. GM or GE staff may place restrictions on a grantee's funds.



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## GM and GE Functions

- ❖ GM and GE staff coordinate on grant close-outs, which occur when a grant has been fully spent. GM staff are responsible for closing out grants. GE staff may be involved if financial discrepancies are found on audit reviews or during monitoring.

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## IHBG Funding

- ❖ The Indian Housing Block Grant program is formula-based. The formula takes into account what is required to maintain the tribe's current assisted housing stock, as well as the need for additional low-income housing. As a result, the amount of funding a tribe receives on a yearly basis may change, dependent on its housing stock and population.

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# IHBG Funding

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- ❖ The amount that any one tribe will receive is determined by the formula numbers, and by the overall program funding available that year. Data is drawn from the Census and from HUD sources to determine formula allocations. If tribes are unhappy with the data used to determine their allocation, they may challenge the data through a specified process.

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# IHBG Funding

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- ❖ In order to receive funding from the IHBG, tribes or Tribally Designated Housing Entities must annually submit an Indian Housing Plan, as known as an IHP. An IHP is a plan that identifies and describes the activities tribes or TDHEs wish to complete and is submitted each year to HUD. It includes a statement of needs, planned activities, a funding request, and performance objectives.

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# IHBG Funding

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- ❖ The process of writing an IHP identifies and addresses a tribe's most critical housing needs, as well as enables a grant recipient to anticipate and effectively cope with future housing needs. The writing process also allows a recipient to reflect on the changing needs of the tribal community and enables them to think realistically about available resources both in the short-term and the long-term.

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## Eligible IHBG Activities

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- ❖ Benefits low-income Indian families
- ❖ IHBG affordable housing activities include:
  - ❖ Housing assistance,
  - ❖ Development,
  - ❖ Housing services,
  - ❖ Housing management services,
  - ❖ Crime prevention, and
  - ❖ Model activities.

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## Eligible IHBG Activities

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- ❖ Once a tribe receives IHBG funding, it must use the funds for activities related to affordable housing that benefit low-income Indians. As noted previously in our training, low-income is defined as 80 percent of median income and below. For most tribes, meeting this income targeting is not a problem. However, some tribes wish to serve Indian families who are above 80% of median income.

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## Eligible IHBG Activities

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- ❖ This is permitted in certain limited circumstances for homeownership and model activity types of programs. Tribes can also assist certain non-Indians, such as local teachers or medical professionals, whom they deem to be essential to the well being of the community.

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## Eligible IHBG Activities



- ❖ IHBG permits tribes to undertake a wide variety of activities that are directly related to affordable housing. However, tribes cannot use their IHBG funds for projects not directly benefiting residents of affordable housing. For example, economic development, such as retail shops or commercial projects, is not permitted under IHBG.
- ❖ Also, IHBG-funded services cannot be provided to families who do not live-in affordable housing. As an example, tribes cannot use IHBG funds to build a park for use by everyone on the reservation, unless everyone is a resident of affordable housing.

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## Eligible IHBG Activities

- ❖ IHBG sets out six specific types of eligible activities; every funded activity must fit into an assigned category. These categories include housing assistance, which allows tribes to modernize, maintain, and operate 1937 Act housing, and development, which allows the construction, acquisition and rehabilitation of new IHBG units.

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## Eligible IHBG Activities

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- ❖ Housing services--a range of activities for low-income families such as self-sufficiency, housing counseling, and homelessness prevention—are also eligible.
- ❖ Another eligible activity is housing management services, which are services needed to manage housing, such as loan processing, tenant selection, or inspections.
- ❖ Crime prevention is also an eligible activity under IHBG, and includes equipment and salaries related to security in affordable housing.



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## Eligible IHBG Activities

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Finally, model activities, which allows for a range of programs developed individually by the tribe and related to affordable housing, are also eligible under IHBG. Model activities must be approved by HUD and include projects such as tribal housing offices for program staff, day care centers, and community centers.

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**THE PROVISIONS OF NAHASDA**

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- ❖ Administrative Requirements
- ❖ Self-Governance Issues
- ❖ Tribal Responsibilities
- ❖ HUD/ONAP Responsibilities

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## THE HUD PERSPECTIVE ON NAHASDA ISSUES

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- ❖ NAHASDA Administration since inception
- ❖ IHA as TDHE with Current Assisted Stock
- ❖ Dual Administration
- ❖ Tribes that folded IHA into Tribal Government
- ❖ Response/Compliance Records

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## SELECTING THE RIGHT DELIVERY SYSTEM

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- ❖ History of your IHA/Tribal Housing Programs
- ❖ Self-Governance Record
- ❖ Unmet Need
- ❖ Administrative Capacity

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## PROGRAM DELIVERY CHOICES

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- ❖ Each tribe chooses the right entity to:
  - ❖ Design programs
  - ❖ Administer programs
  - ❖ Deliver programs
- ❖ Tribe may deliver program directly
- ❖ Tribe may designate a TDHE
- ❖ Tribe is ultimately responsible

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## WHAT IS A TDHE?

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- ❖ Entity other than tribal government
  - ❖ *Authorized to receive grant (recipient) and provide housing*
- ❖ Designated by:
  - ❖ *Resolution of tribe(s)*
  - ❖ *Resolution of committee*
  - ❖ *Default to original IHA*
- ❖ Designation subject to change

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## EXAMPLES OF TDHEs

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- ❖ Indian Housing Authority
- ❖ Non-profit organization
- ❖ For-Profit organization
- ❖ Umbrella organizations

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## TDHE ROLE

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- ❖ Accepts responsibility to comply with NAHASDA
- ❖ Tribe defines TDHEs level of authority
- ❖ TDHE reports to tribe regarding housing issues and business

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## TDHE vs. TRIBAL CONTROL

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- ❖ Direct Tribal Delivery

- ❖ *Tribe retains direct control and decision making*
- ❖ *Tribe is actively involved in housing*

- TDHE Delivery

- ❖ *Tribe defines TDHEs authority*
- ❖ *Tribe ensures NAHASDA compliance*
- ❖ *Tribe indirectly involved with housing*
- ❖ *Written agreement recommended*

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## ADMINISTRATIVE CAPACITY

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- ❖ Entity (tribe or TDHE) must:
  - ❖ Demonstrate administrative capacity
  - ❖ Deliver demands of programs
- ❖ Direct Tribal Delivery
  - ❖ Tribe assumes administrative and program demands
- ❖ TDHE Delivery
  - ❖ Frees tribe to focus on other issues

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# EXPERIENCE

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- ❖ Entity (Tribe or TDHE) should have:

- ❖ *Understanding of housing issues*
- ❖ *Appropriate administrative structure*
- ❖ *Adequate and experienced staff*

- ❖ Tribal or TDHE Delivery?

- ❖ *Make a careful and thorough comparison*

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# OTHER DECISION FACTORS

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- ❖ Entity (Tribe or TDHE) must be able to identify community needs and resources
- ❖ Should have relationship with local organizations and businesses needed for program delivery
- ❖ Must devote time necessary to maximize programs potential

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## SUMMARY

- ❖ Direct delivery or TDHE
  - ❖ Decision affects:
    - ❖ *How work gets done*
    - ❖ *How decisions are made*
- ❖ Written agreement recommended
- ❖ Different tribes, different decisions

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**LUNCH TIME:  
1:00 To 2:00  
EST**



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### Housing Governance Structures Indian Housing Authority (IHA)

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- ❖ Prior to NAHASDA, all tribes were required to establish an Indian Housing Authority (IHA) in order to be eligible to apply for HUD housing funding. The IHAs were separate corporations of the tribe developed (for the most part) under tribal laws. In Oklahoma and Alaska, housing authorities were developed under state law. Under NAHASDA, tribes are not required to use the Indian Housing Authority model in order to receive funding.

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## Housing Governance Structures Indian Housing Authority (IHA)

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- ❖ Many tribes that did not participate in the 1937 Housing Act or that participated through IHA's now receive funds directly under NAHASDA. Some of these tribes were formerly part of umbrella Housing Authorities whereby several tribes formed an IHA together in order to share administrative costs. This was especially advantageous for smaller tribes in areas such as California and the Northwest that received little funding. Many of these tribes now operate their housing program through a tribal department.

87

## Housing Governance Structures Indian Housing Authority (IHA)

- ❖ Many of the tribes that developed and operated Low Rent, Mutual Help and Section 8 Voucher programs under the 1937 Housing Act continue to use the Housing Authority models. Under the 1937 Housing Act there was a standard housing ordinance that all Housing Authorities were required to adopt. It is important for tribes to review their Housing Ordinance because if it was approved prior to NAHASDA, it very likely has outdated language that is no longer supported by statute or regulation.

88



## Organizational Transcripts

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- Authorizing resolutions creating the TDHE and conferring the power and authority to transact business
  - Area of operation established
- Cooperation Agreements/Interagency Agreements
- Bylaws of TDHE
  - Authority name and if applicable, seal
  - Office location and hours of operation
  - TDHE Meetings (types, time/location)
  - Officer positions/duties and elections
  - Provisions for amending bylaws

89

## Role of Tribal Council



- 
- ❖ The Tribal Council by legislation, adopts a Tribal Ordinance creating the Housing Entity and decides the recipient of the IHBG by resolution. The Ordinance delegates certain powers to the Housing Board and the TDHE informing them how to use those powers. This is the legal document establishing the TDHE/IHA. The Tribal Council may amend the ordinances as they deem necessary.

90

## Role of Tribal Council



Some Tribal Council functions include:

Selection and/or removal of Board of Commissioners.

Empower the Board of Commissioners consistent with Federal rules and regulations.

91

## NAHASDA Options

- ❖ Since NAHASDA came into effect tribes have had to make decisions as to how their IHBG program would operate since they are the beneficiaries of the grant. The options are:

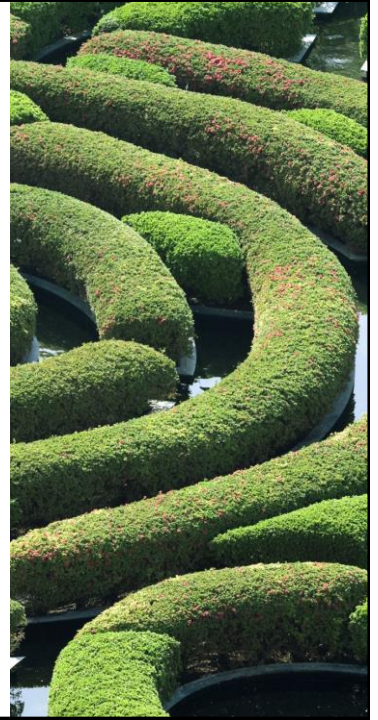
92

## NAHASDA Options

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1. To dissolve the existing Housing Authority and incorporate housing into the tribe as a subordinate department. In this case the tribe has total control of the housing program and acts as recipient of the funds. In some cases the IHA's have been dissolved and replaced by a new corporation, but in most cases, there was no significant change in operations. (Housing Authorities in Oklahoma and Alaska cannot be dissolved by the tribe; they were created under State law. However, the tribe may exercise one of the options that follow.)

- ❖ Tribe may implement itself or may designate a TDHE (§1000.202)
- ❖ The tribe can designate itself the recipient by (§1000.204):
  - ❖ Resolution of the tribe
  - ❖ Resolution of a delegated committee



93



## NAHASDA Options

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- ❖ 2. To become the recipient of the block grant by tribal resolution and provide some or all the funding to the Indian Housing Authority to maintain existing housing stock and administer the existing housing program. In this case, the tribe is basically acting as a passthrough for quality and program control but having the IHA do the actual work. This would require the tribe and IHA (TDHE) to enter into a sub-recipient or contractual agreement.

94

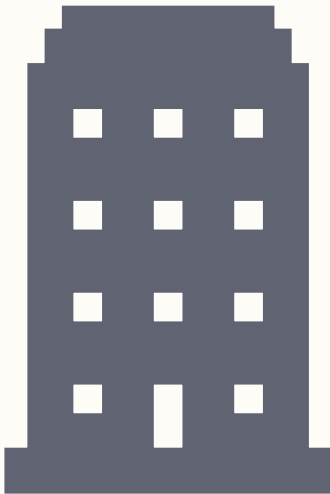
## NAHASDA Options

3. To designate the Indian Housing Authority or some other qualified organization as the TDHE for the tribe. While the Indian Housing Authority becomes the recipient, the tribe still has the option to either approve the Indian Housing Plan (IHP) and Annual Performance Reports (APR) before they are submitted to HUD, or to waive this approval and allow the TDHE to submit them without prior approval. The tribe is also responsible for monitoring the activities of the TDHE.

- ❖ Tribe may implement itself or may designate a TDHE (§1000.202)
- ❖ The tribe can designate itself the recipient by (§1000.204):
  - ❖ Resolution of the tribe
  - ❖ Resolution of a delegated committee

95

## Tribally Designated Housing Entity (TDHE)



- Many tribes have continued to have their tribal housing programs administered by the Indian Housing Authorities (IHA's) established under the 1937 Housing Act. This is accomplished by designating the IHA as the Tribally Designated Housing Entity (TDHE). Under this form of housing delivery structure, the TDHE has its own organizational chart, holds regular meetings, keeps minutes of the meetings as a public record, and takes actions by board resolution or a vote of the Board. The entity is legally responsible for its actions and can enter into contracts.

96



## Tribally Designated Housing Entity (TDHE)



- ❖ A tribe may also designate an entirely different organization as the TDHE. Examples of possible alternative TDHE's include non-profit housing organizations and public housing authorities. As with designating an IHA as the TDHE, the tribe can designate any responsible entity as the TDHE by having them submit an Indian Housing Plan, approved by the tribe. The TDHE would then become the recipient of the Indian Housing Block Grant funds and be responsible for carrying out the activities described in the Indian Housing Plan.

97



## Tribal Department

- ❖ A tribe may also decide to have a tribal Housing Department administer their housing program. A tribal department is not a TDHE but is rather included in the tribal organizational chart (instead of shown as a separate entity) and normally takes advantage of the services offered to other tribal departments such as financial/accounting services, human resources, legal services, and employee benefits. In this case, normally the Housing Director is under the direct supervision of the tribal administrative officer or, in the case of smaller tribes, the principal leader of the tribe.

98

## Tribal Department

- ❖ Most tribes operate programs that are funded by the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environmental Protection Agency (EPA) and other federal departments. When managing a tribal Housing Department, tribes must ensure that policies comply with federal regulations applicable to NAHASDA. The federal regulations on how to oversee and manage programs operated with federal funds are fairly consistent across the board between different federal funding sources.



99



## Tribal Department

- ❖ The tribe may require the Housing Department to provide funds into the indirect cost pool as the department is taking advantage of services offered by the Tribe. There are several methods used to determine how the costs will be paid by the department. For example, most tribes take the costs of all expenditures paid for with the federal funds (except the direct services) and multiply them by a percentage. This normally runs in the range of 20-30% of the non-direct services. Other tribes consider only the personnel costs and multiply that by a percentage that normally runs about 35-45%.

100

## Tribal Department

- ❖ In both cases the tribes determine the costs for administrative services such as finance, human resources, etc. and negotiate with the Office of the Inspector General (usually within the BIA) on the rate and method they will use for charging the federal programs. The negotiated rate is known as the Indirect Cost Rate.



101

## Tribally Designated Housing Entity (TDHE)

- ❖ Note: In many cases, an indirect cost rate that may appear excessively high can benefit a tribe if most of the tribe's funding is from the BIA and or IHS. This is because the BIA and IHS fund the indirect cost pool from a different funding source. It should be pointed out, however, that HUD does not provide funds specifically for indirect costs. Therefore, all approved indirect costs come directly from the grant amount and must be charged to the line item "Administration and Planning."



102

## Tribally Designated Housing Entity (TDHE)

- ❖ An alternative method of allocating administrative costs is to charge the program for actual costs expended for housing. This works well for such things as legal costs and office supplies but is more difficult for overhead items such as utilities. Whatever method is used, it is important that NAHASDA not pay more than its fair share of tribal overhead costs. This will be looked at when ONAP conducts a review of the NAHASDA program.



103



## Roles and Responsibilities

- ❖ The roles and responsibilities of the parties involved in housing vary based on the size of the program, how it is organized, and how it is managed. The roles and responsibilities that are identified here are not all-inclusive but are rather a compilation of those that are basic to the successful management of a housing program.

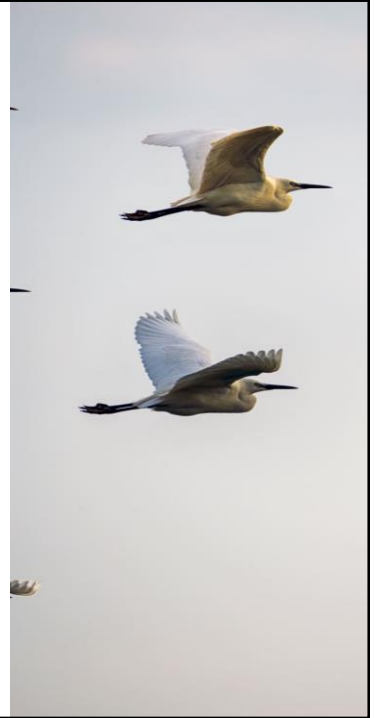
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# Roles and Responsibilities

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Housing normally has four (4) key players with roles critical to the programs' success. They are the:

1. Tribal Council
2. Housing Board/Committee
3. Housing Staff
4. Participants/Residents/Applicants



105



## Tribal Council

The duties of the Tribal Council may include:

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- ❖ Cooperating in the enforcement of all housing policies
- ❖ Allocating funds for infrastructure (road development, water/sewer, electric, etc.)
- ❖ Planning use of Indian Community Development Block Grant (ICDBG) and other funds
- ❖ Working closely with Housing staff to develop short- and long-term housing goals and objectives

106

## Tribal Council

The duties of the Tribal Council may include:

- ❖ Establishing housing as a priority through adoption of a tribal housing ordinance/law
- ❖ Confirming or appointing Housing Commissioners or Committee members
- ❖ Donating or making tribal lands available for housing sites
- ❖ Approving housing sites (dependent upon land status and restrictions)



107



## Housing Board/Committee

- ❖ Tribal housing programs are often governed by a Board appointed in accordance with a tribal ordinance or State law. If Housing is operated through a tribal department, it is sometimes overseen by a committee (which may be called a Board) that makes recommendations to the full Tribal Council, who makes the final decision.

108

## Housing Board/Committee

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- ❖ In the case of a TDHE, the Board makes the final decisions. There may be other types of governance that a tribe determines to be in their best interest, but these two are the most common.

109

## Housing Board/Committee

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In general a Housing Board/Committee for the Housing Authority or the Tribal Housing Department is responsible for or may be involved in:

- Reviewing, adopting, revising and monitoring adherence to policies
- Keeping the Tribal Council informed through regular communication
- Cooperating/communicating with other agencies or tribal departments.

110

## Provide for proper management and oversight of TDHE operations

- ❖ The Board is responsible for securing the management of the TDHE and ensuring that TDHE operations are undertaken in accordance with the laws and program requirements, and the board's priorities and policies.



111

## Housing Board/Committee

- ❖ Entering into contracts for the purpose of carrying out the objectives of the program
- ❖ Authorizing check signers
- ❖ Approving various budgets and annual operating budgets and funding applications
- ❖ Maintaining the official record of the housing program
- ❖ Hiring the Housing Director to administer day-to-day business



112



## Housing Board/Committee

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- ❖ Investing funds/maintaining bank accounts
- ❖ Leasing/purchasing property
- ❖ Renting, leasing, or buying existing homes
- ❖ Terminating contracts by court action or mutual agreement
- ❖ Adopting by-laws



113

## Housing Board/Committee

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- ❖ It is recommended that the By-Laws state that Board members may be participants in the housing programs but to avoid conflicts of interest should not participate as a member in any meeting of the Board concerning his/her individual rights, obligations, or status as a tenant or homebuyer.



114




115

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 The Any Tribal Housing Authority Board of Directors Code of Ethics

**Members of the ATHA Board Will ...**

Listen carefully to teammates, and those served by ATHA.

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

**Members of the ATHA Board will not...**

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

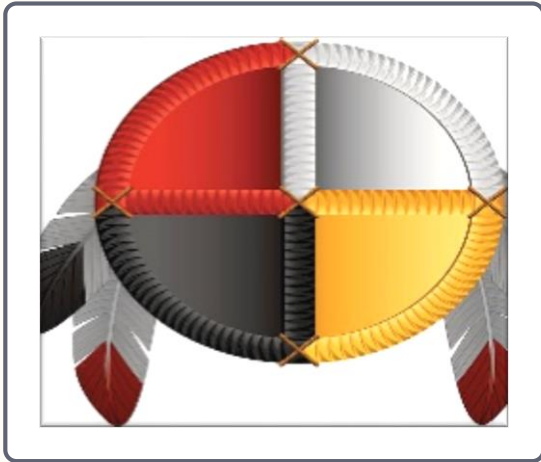
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**The Any Tribal Housing Authority Board of Directors Code of Ethics**

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

117

## Members of the ATHA Board Will ....

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







118

## Members of the ATHA Board Will ....

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

119

## Members of the ATHA Board will not...

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

120

## Mitigation Measures

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Recusal – declare yourself disqualified to participate



Code of Ethics – policies that prohibit certain activities or conduct



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



Disclosure – sharing information not previously known

121

Break Time

Take 15 |

122



## Housing Board/Committee

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- Board members should not be considered for employment within the program except under extremely unusual circumstances, which must be fully documented. These steps help to avoid conflicts of interest (See Section 1000.30 and 32 of NAHASDA).

123



## Housing Board/Committee

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- ❖ Since Housing is directly overseen by the Board or Council, it is critical to the success of the housing program that members be people with sincere interests in the tribal housing program.

124

## Housing Board/Committee

It is the responsibility of the Housing Director, as the recognized housing professional, to ensure that the Board and/or Council members are adequately trained in their roles and responsibilities related to housing. In addition, the Director must ensure that the Board or Council is provided the information needed to make sound decisions.

NAIHC offers training for Board Of Commissioners periodically throughout the country, or you can request a T & TA provider to come to your reservation to provide training to your Board (Free of Charge). Or it might be able to be provided virtually if requested.



125

## The Board should engage in the following activities:

- ❖ Short-/long-term planning for affordable housing
- ❖ Outreach to families in need of housing
- ❖ Establishing relationships with governmental agencies
- ❖ Designing and developing decent, safe, sanitary, and affordable housing



126

## The Board should engage in the following activities:

- ❖ Professional management of the program
- ❖ Coordinating and obtaining social services for residents
- ❖ Providing training and employment opportunities for residents and staff
- ❖ Identifying ways to leverage IHBG and other eligible HUD funds with other funds (e.g. Tax Credits, USDA – Rural Development, etc.) to achieve goals and objectives

127

## Housing Staff

The housing employees are responsible to the members of the Tribe for carrying out the activities outlined in the Indian Housing Plan (IHP). The staff must follow all federal laws, regulations and policies to provide assurance and build public trust in the program.

In order to do this, employees should have the authority to:

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## Housing Staff

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- ❖ Manage the day-to-day operations of the housing program
- ❖ Ensure funds are well managed
- ❖ Represent the Housing program within the community
- ❖ Ensure compliance with federal laws, regulations, and local policies
- ❖ Develop and administer various programs
- ❖ Plan the use of resources, and organizing those resources to do their jobs
- ❖ Ensure that work is of high quality, delivered on time, and benefits those most in need

129



## Housing Staff

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- Put participants first within the constraints of the program
- Possess or obtain skills needed to effectively perform their jobs
- Treat everyone fairly and equally
- Create an environment that assures quality services
- Carry out the goals and objectives in the IHP

130

## Housing Staff

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- ❖ The success of the program also hinges on the quality of the employees. They should have effective communication skills that help them work with participants, other staff members, and supervisors. Careful and thoughtful consideration should be given to the hiring process. The best person for any job is the one who possesses the skills necessary to perform the duties required of the position.

131

## Participants/Residents/Applicants

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- ❖ As the primary beneficiaries of the Housing programs, renters and homebuyers also have responsibilities. These responsibilities are detailed in the lease or agreement signed by the family at or before the time of occupancy of the home.

132



## The Board's Role |

133

### Provide for proper management and oversight of TDHE operations

---

- ❖ The Board is responsible for securing the management of the TDHE and ensuring that TDHE operations are undertaken in accordance with the laws and program requirements, and the board's priorities and policies.



134



## Securing Management for the TDHE

- Select a qualified Director or administrator. Have a clear understanding of the skills and qualifications needed, duties to be performed, compensation to be provided, and other terms and conditions of employment or contract.
- Monitor and evaluate performance.

135

The Executive Director (or Administrator's) Role is.....



136



- 
- .....the day-to-day administration of the TDHE and its programs.

137

Hiring, training, supervision and termination of TDHE Staff;

Procurement of goods and services and

- oversight of all contract work;

Preparation of TDHE budgets, supervision

- of cash management, and bank reconciliation;

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138

## The Executive Director's Role

138



## The Executive Director's Role

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- ❖ Enforcing the lease and homeownership obligations ;
- ❖ Monitoring operations for fraud and abuse;
- ❖ Maintaining overall compliance with Federal laws, as well as board-adopted policies and procedures;

139



## The Executive Director's Role

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Keeping the TDHE Commissioners informed of any problems such as audit concerns, legal issues, major resident issues, financial status, changes to laws, and other important issues.

140

## Authorize new contracts, budgets, payments, and Applications for Funding

- ❖ Approve, review and monitor budgets, contracts and other financial documents to ensure expenditures are in compliance with Federal and local laws or other requirements, and otherwise follow good business practices for safeguarding the financial integrity of the TDHE and preventing fraud, waste, mismanagement and abuse.



141



## The Boards Role

- Board Meetings
- Board Business
- Board Minutes

142



## Order of Business

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- ❖ Call to order
- ❖ Roll call
- ❖ Approval of agenda
- ❖ Approval of minutes
- ❖ Reports
- ❖ Old business
- ❖ New business
- ❖ Announcements
- ❖ Adjournment
- ❖ Most Boards open with a prayer, which is held immediately before or after the call to order

143

## Board Meetings

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- ❖ It's a business meeting – And should be conducted in a businesslike manner
- ❖ Most TDHEs use parliamentary procedures
- ❖ Meetings should be productive (exchanging ideas, deliberation and taking action) and not used for gathering information
- ❖ Each board member was appointed for their perspective – Always strive to be respectful

144



# The Board Minutes

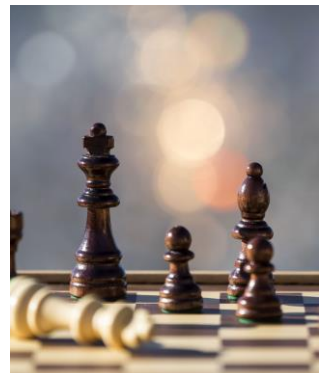
- ❖ Date/Time
- ❖ Type of meeting (regular, special, annual)
- ❖ Identify members present & absent; who's presiding over meeting
- ❖ Executive Director's report (the issues, background information and recommendations)
- ❖ Motions and their disposition
- ❖ Notations (references to supporting materials in packet)
- ❖ General Notes
  - ❖ Minutes from previous meeting
  - ❖ Financials & financial notes (statistics, explanation of budget variances, other information as appropriate)
  - ❖ Committee reports (brief report, with recommendation to full board)



145

# Board Business-Minutes

- ❖ Notice of board meetings, agendas, board minutes, and resolutions are official records of the board's proceedings, and as such, should clearly and accurately reflect the board's undertakings. Care must be taken to safeguard the official records of the board's actions.
- ❖ No dialogue required in minutes
- ❖ Motions identified and response
- ❖ Voting – It is not necessary to identify individual votes, but you can



146

## Board Meetings

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- ❖ Voting on resolutions or other actions is only permitted when a quorum (majority of board members) is established
- ❖ A majority vote is required to pass a resolution

147

## Resolutions

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- ❖ A formal expression of opinion, will or intent voted by an official body or assembled group
- ❖ The official record of decisions made by the board
- ❖ Usually attached to proposed policies, budgets, or other items of business
- ❖ Typically prepared by director or staff

148

## Resolutions

- ❖ Sequentially numbered
- ❖ Approved by board
  - ❖ Signed
  - ❖ Dated
  - ❖ Indexed
  - ❖ Kept in safe place

149

## Officers and Duties

- ❖ Chairperson – chosen based on qualifications to lead
- ❖ should be familiar with by-laws, rules, and parliamentary procedures

Presides at meeting

Opens meeting on time

Announces business

Recognizes speakers

Maintains quorum

States motions and puts to vote

Maintains order and enforces rules

Expedites business

Adjourns the meeting

Signs documents

150

## Officers and Duties

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### ❖ Vice-Chair

Chosen based on capabilities to perform duties of the Chair

❖ In the absence of the Chair, assumes their responsibilities

❖ By-laws may include further responsibilities

151

## Meeting Planning

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- ❖ Meeting schedule should be known well in advance (1 year)
- ❖ Schedule election of officers, director's evaluation, housing conferences, budget review, etc.
- ❖ Agenda should be established in advance
- ❖ Meeting packets should be provided in advance to allow review prior to the meeting (i.e., Director's report, financial, committee reports, etc.)

152

## Meetings

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Regular meeting –  
monthly

Provide 24-  
hour public  
notice

Special meeting –  
between regular mtgs.

Provide 48-  
hour public  
notice

Emergency meeting –  
as needed

Provide  
notice ASAP

Adjourned meeting –  
to resume business not  
completed at previous  
meeting

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## Executive Sessions

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Entire meetings or portions of meetings held in private

- ❖ Convene in public
- ❖ Majority vote to enter executive session
- ❖ Only board, invitees, necessary staff attend
- ❖ Only for hiring or dismissing employees, disciplinary action, or purchase or appraisal of property
- ❖ Records and discussions are confidential
- ❖ Board may be required to resume open meeting and conduct any required votes

154

## TDHE Bylaws

Bylaws establish:

- How often board meets
- Location of meetings
- Date and time
- Meeting attendance policy
- Regular agenda

Consider the use of technology (email-Skype-fax) for more efficient communications between members and the Executive Director

155

## Chairperson's Role



- ❖ Chairperson approves agenda (although each board member has input)
- ❖ Exercises control over the meeting
- ❖ Establishes whether a quorum is met
- ❖ Recognizes visitors/welcomes them

156



## Meeting Room Protocol

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Chairperson should sit at the head of table, with fellow board members and Executive Director) at table. Members of the public do not sit with the board, nor do invited guests (attorney, accountant, auditor, etc.) until such time as the Chairperson invites them. Meeting minutes should be recorded.

157



## Resources

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- ❖ Network with other TDHE staff and officials and develop partnerships with other governmental and community organizations.
- ❖ Housing Associations and Training Organizations (NAIHC)
- ❖ Other technical experts as may be necessary

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# MIIGWECH

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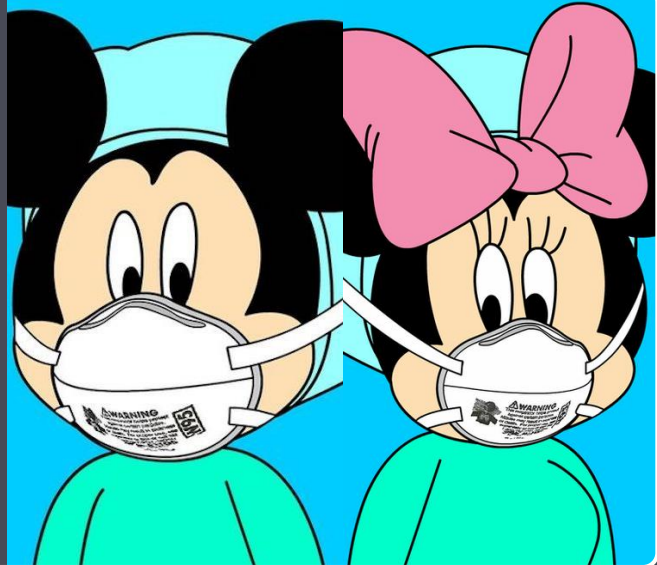
Thank You for your commitment and service to providing Housing for your Community and our people.



159

# HOPEFULLY WE CAN DO THIS IN PERSON SOON!

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160



**THANK YOU!  
&  
IF YOU SHOULD  
EVER NEED  
ANYTHING  
ELSE!**

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