



NAHASDA Intermediate
May 19, 2021
Day 1 Part 1



NAHASDA
Intermediate
MAY 19-20, 2021
Day 1





NAHASDA INTERMEDIATE
May 19-20, 2021
11:00 To 4:00 P.M. EST

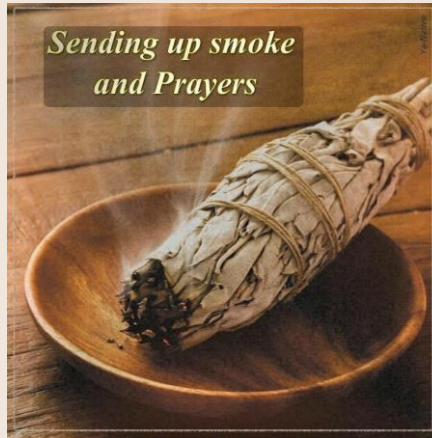
3



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.

4

WELCOME & GOOD MORNING!



Cheryl A. Causley and
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Management Services

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Skype:cherylacausley61



Getting to know The Instructor

Greetings my name is Cheryl

My Anishinaabe name is Red Bird Woman

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

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

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

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

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



AGENDA DAY 1 May 19, 2021

11:00 -11:15 A.M.

ZOOM SIGN IN & ROOM ENTRY

11:15 – 4:00 P.M.

Welcome, Introductions

The History of Indian Housing

Understanding NAHASDA and its
Implementing Regulations and Guidance

Uniform Administrative Guidance
(2 CFR 200)

NAHASDA Key Program Elements

1:00 – 2:00 P.M.

LUNCH BREAK

AGENDA DAY 2

May 20, 2021

11:00 - 11:15 A.M.

ZOOM SIGN IN & ROOM ENTRY

11:15 – 4:00 P.M.

Welcome Back, Introductions

Housing Governance Documents

Grant Evaluation, Oversight & Monitoring

FBI Criminal History Information

Conflict of Interest In Admissions &
Contract Administration

Required Statutory & Regulatory Policies

Other areas of NAHASDA

Compliance/Federal Requirements

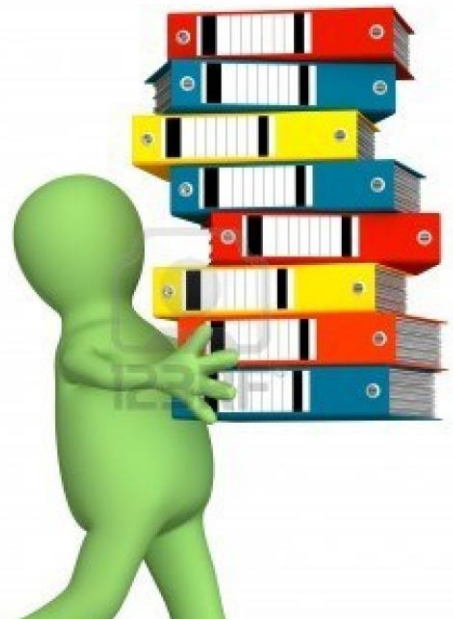
1:00 – 2:00 P.M.

LUNCH BREAK

9

Appendix Items

Appendix # 1	NAHASDA Statute
Appendix # 2	Regulations 24 CFR Part 1000
Appendix # 3	2 CFR Part 200
Appendix # 4	Allowable Cost Table 2 CFR Part 200 Subpart E Cost Principles-Allowability of Cost
Appendix # 5	Model Housing Code
Appendix # 6	Providing Assistance to Non-Low-Income Families PIH 2014-02
Appendix # 7	Policy Status Table
Appendix # 8	Affordable Housing Activities-Admin Exp PG 2010-03



Appendix Items

- Appendix # 9 BOC STIPENDS PG 98-13
- Appendix # 10 PG 2019-05 Instructions for Obtaining FBI Criminal History
- Appendix # 11 2002-11 Required Policies and Statements
- Appendix #12 Dear Tribal Leader, Section 3 Oct 23, 2020
- Appendix #13 Section 3 Final Rule Sept 29, 2020
- Appendix #14 Tribal Leader Handbook



This webinar is being recorded.

Questions

Please jot your questions down during the presentation and we will address at the Q & A section at the end of each session.



TRAINING OBJECTIVES & OVERVIEW



Training Objectives

This 2 Day Virtual NAHASDA Intermediate Training will hopefully provide participants with a greater understanding of Indian Housing Management and Operations.

Which will help create a more effective and efficient Housing Organization, while increasing knowledge of management and operations.

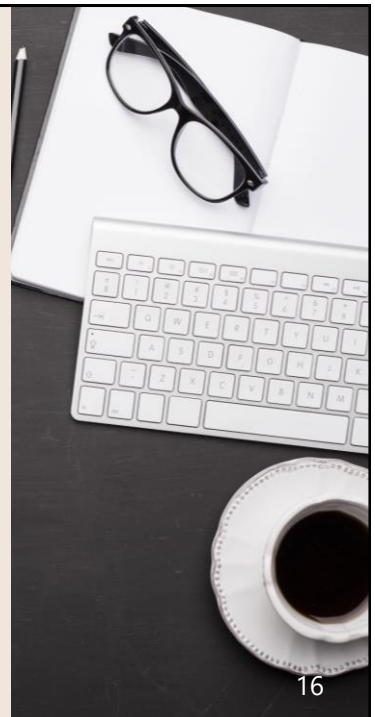
Leading to an improved delivery of Housing opportunities for the beneficiaries of our NAHASDA programs.

We will discuss required policies, regulations and governing documents and the History of Indian Housing.



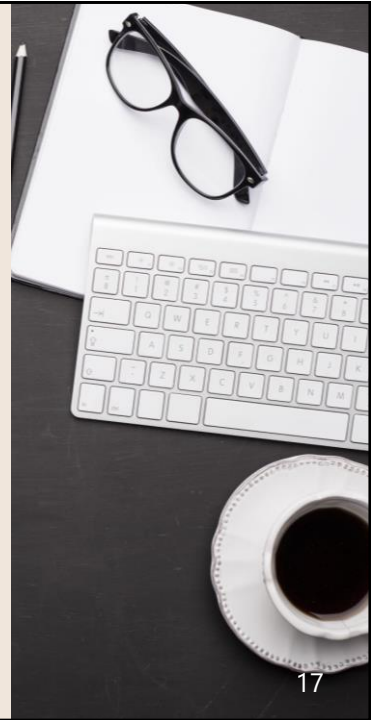
Poll: I work as a . . .

- A. Executive Director
- B. Board Member
- C. Tribal Council Member
- D. Occupancy or Housing Manager
- E. Housing Counselor
- F. Maintenance/Construction
- G. Finance
- H. Other Housing Staff
- I. ONAP Rep
- J. I am not sure what my job is
- K. Other... But very Important!

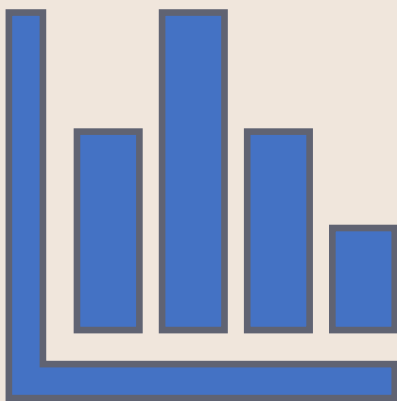


Poll: I want to learn about . . .

- A. Everything
- B. Development
- C. Needs Assessment
- D. Eligible Families
- E. My Boss made me
- F. When things are due
- G. Procurement
- H. My Board
- I. Policies I Need
- J. I don't know



Poll: I have been in Housing for:



- 1. 1 – 12 MONTHS
- 2. 1 YEAR – 2 YEARS
- 3. 2 YEARS – 5 YEARS
- 4. 5 YEARS – 10 YEARS
- 5. 10 YEARS – 20 YEARS
- 6. I AM A LIFER...

18

Understanding the Complex Land Tenure System



The General Allotment Act to the Indian Reorganization Act

Until the 1887 General Allotment Act (also known as the Dawes Act after the bill's sponsor, Sen. Henry Dawes), land on Indian reservations was held in common by all members of an Indian nation. Many believed that Indian people should take up agriculture, break away from their tightly knit families, and adopt the "civilized" lifestyle of white settlers. Many also believed that Indian nations occupied too much land, and they were eager to see those lands opened up for settlement, railroads, mining, or forestry.

The objectives of the General Allotment Act were straightforward: Abolish tribal and communal land rights of Indians, stimulate their assimilation into mainstream American society, and transfer vast areas of their land to white settlers. Individual ownership of land and subsistence farming were seen as an essential first step to both civilization and independence. To this end, reservation lands were divided into parcels, typically of 160 acres, and each tribal member was designated as owner of a parcel or "allotment." Individual Indian allotments were to be held in trust for a period of years, often 25 years, after which the land was to be transferred to fee simple ownership. Once in fee status, Indian land could be sold or mortgaged.

The General Allotment Act to the Indian Reorganization Act

Lands that were not allotted were declared "surplus to Indian needs." Tribes were forced to cede those lands to the federal government for a nominal payment, after which the government opened much of them to non-Indian homesteaders, sold it to railroads, or converted it to public lands. The "Oklahoma Land Rush," for example, was the direct result of the Dawes Act.

Between 1888 and 1934, about 90 million acres of land were transferred from Indian reservations to non-Indian and out-of-Indian management, leaving about 56 million acres and resulting in a reduction of about 60 percent of an already diminished land base. Centuries of tribal land ownership and social structure quickly unraveled. Most new allottees were unfamiliar with land ownership. Many received allotments that were too small or unsuitable for profitable farming or became the target of speculators, and they eventually lost their lands. For what remained of tribally held lands, the federal government delegated its authority over the management of the land and its assets to the BIA in the U.S. Department of the Interior.

The General Allotment Act to the Indian Reorganization Act

During the Great Depression, the federal government repudiated the allotment program in the Indian Reorganization Act of 1934. This "New Deal" legislation for American Indians renewed their rights to organize and form their own governments. It also stayed the trust period of allotted lands, but by then, the allotment process had drastically altered the land tenure status and configuration of Indian reservations.

What remained was a checkerboard pattern of Indian and non-Indian lands interspersed throughout the reservation, making it difficult to decipher jurisdiction over a particular plot of land. Moreover, the federal government impeded or made little provision for estate planning of allotted lands. Consequently, with each generation, the number of co-owners of a parcel increases while each heir's interest decreases, resulting in a highly fractionated ownership of many parcels that now makes it nearly impossible to govern or efficiently manage the use of these lands since a majority of owners must agree on it.

Indian Country Defined

- In 1948, Congress defined the term Indian Country to help clarify the territory over which tribes exercised their jurisdiction. Codified at 18 U.S.C. § 1151, Indian country includes:
- “All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;
- All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state; and
- All Indian allotments, the Indian titles to which have not been extinguished, including rights of-way running through the same.”

Indian Country Defined

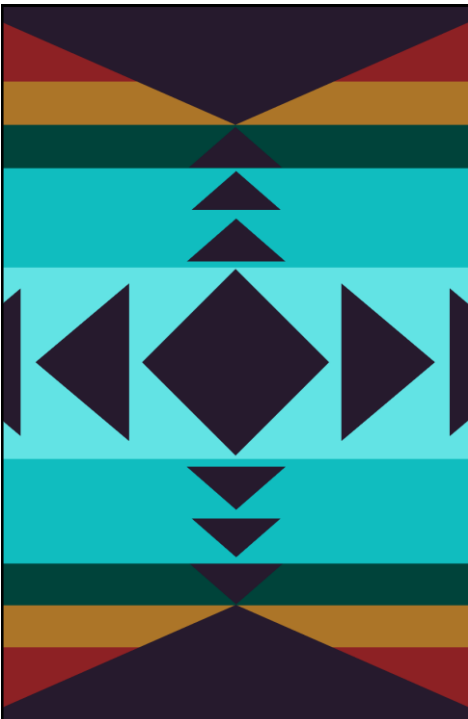
Consistent with this statutory definition, as well as federal case law, lands held in trust for Indian tribes outside formal reservations also are considered Indian Country, such as in Oklahoma. Furthermore, even outside the formal contours of Indian Country, tribes in Alaska, for example, have considerable jurisdiction and authority to manage internal tribal affairs and protect tribal members.

Understanding this complex land tenure system in Indian Country is essential to successful economic and community development activity, much depends on the status of the land. Today, about 60 million acres of Indian land are held in trust by the federal government and managed by the BIA on behalf of the Secretary of the Interior for the use and benefit of the 573 federally recognized tribes. Social and cultural connections to the land remain strong for the 5.2 million American Indian and Alaska Native peoples. A high percentage of this rapidly growing population (about 60 percent) lives on or near reservations, and Native Communities are looking for opportunities to unlock the economic potential of their lands.



The History Of Indian Housing

25



Trust Responsibility

The United States has a trust responsibility to Native American tribes and to our people. This trust responsibility is based on sacred treaties with Indian tribes, federal statutes, court decisions, executive agreements, and through the course of other transactions and federal policy from the early 1800s.

This trust responsibility extends to areas of health care, education, natural resources, public safety, and, of course, housing.

The 1937 Housing Act

After the Great Depression, federal programs were created in an effort to help America's poorest citizens. The United States Housing Act of 1937, one of many post-Depression New Deal programs, promised to provide "safe and sanitary" dwellings for America's poor. The 1937 Housing Act authorized local governments to organize public housing agencies and provided loan funds to these agencies for low-income housing projects. It also permitted the federal government to guarantee these loans and to make yearly payments.



The 1937 Housing Act

In 1949, Congress passed another housing bill that updated the '37 Act and addressed the post-World War II housing shortage. The bill renewed the federal commitment to provide safe and sanitary homes to the poor and expanded it to include a "decent home and suitable living environment for all American families." Regrettably, "all American families" did not include Indian County families. The housing needs in Indian Country were not included in the '37 Housing Act.



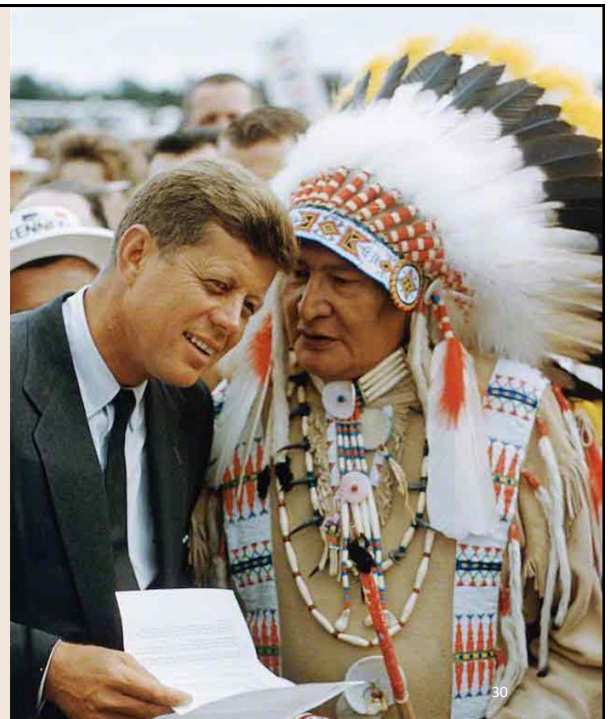


This was probably due to the Federal government termination policy toward Indian tribes in the late 1940s and 1950s. Termination was a process designed to dissolve the Federal government-to-government relationship with tribes and assimilate Indian people into mainstream America. Tribes lacked the experience and influence in government and politics to assert their housing rights under existing federal and state law during this time period. Most tribes also lacked the financial capability to finance their own housing programs.

The Kennedy Vow

1960-John F. Kennedy visited The Pine Ridge Reservation, during his campaign for President of the of the United States. After viewing housing conditions, He vowed to bring Federal assistance to Native Americans if elected.

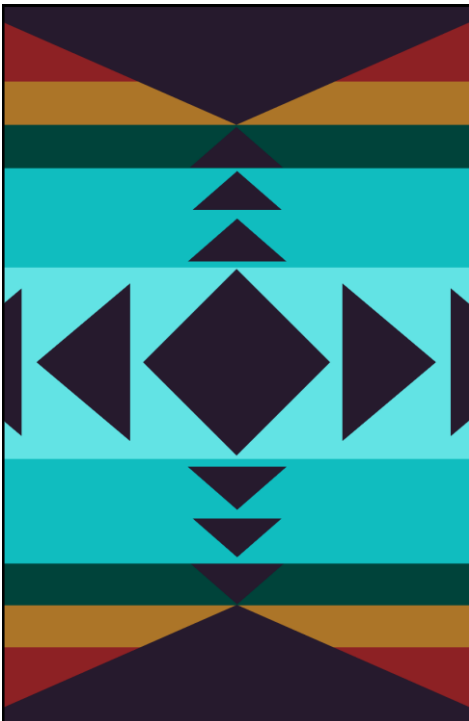
1961- After being elected, President Kennedy convened his Cabinet and asked how they could provide Federal assistance to Tribes.



Indian Tribes Eligibility

It was not until 1961 that Indian tribes became eligible for housing assistance under federal programs—assistance that the rest of the United States had accessed for 25 years. Still, in 1961, two major events forever changed Indian housing.

31



Indian Housing Authorities

First, the Public Housing Administration, HUD's predecessor agency, recognized tribal governments as local governing bodies that could establish Indian Housing Authorities under tribal law by approving a tribal ordinance. This meant that Indians on reservation and trust lands became formally "eligible" through the IHAs for publicly assisted housing programs which the rest of the country had been accessing for the last 25 years.

First Indian Housing Authority

With this ruling the first Indian Housing Authority was established when the Oglala Sioux tribe on the Pine Ridge reservation in South Dakota created an IHA under tribal law in August 1961.



States Can Establish IHAs

Second, the Public Housing Administration also determined that states could establish IHAs in cases where a tribal government was not federally recognized but exercised the necessary administrative powers. States were required to pass a law that authorized the establishment of an IHA. This opened the programs to non-reservation federally recognized tribes, Alaska native villages, and a limited number of state-recognized tribes.



Pine Ridge Demonstration Project

By the end of 1962, the Pine Ridge demonstration project, helped convince the PHA legal counsel that more than low rent projects were needed, since 85 percent of Indian families needing homes earned \$2,000 or less per year.

Self-Help Programs

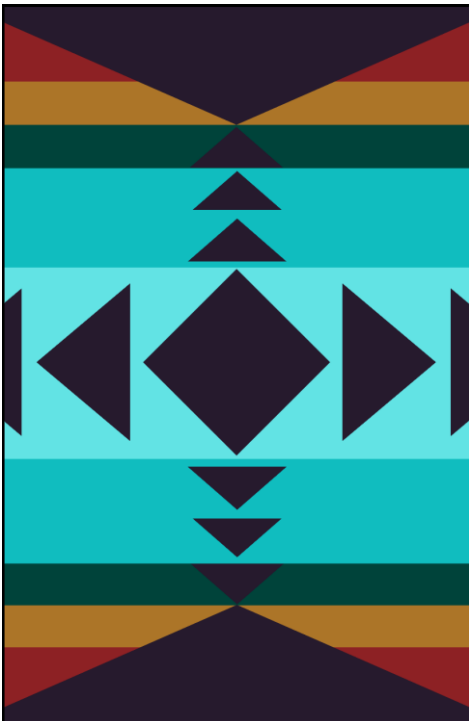
PHA's legal counsel had concluded that the '37 Housing Act contained the legal authority to create self-help programs. The self-help, or mutual help concept, was based on the idea that the homebuyer would contribute one of the following: land; materials; or labor ("sweat equity") toward the purchase of the home.

These contributions would give more low-income Indian families the chance to own single family homes, often at lower payments than the low rent program. Also, it was believed, pride of ownership would be inspired, and there would be more incentive to maintain the home and property.

The First Mutual Help Program

The PHA announced the first mutual help housing program in December 1962. The first mutual help program was inaugurated in Indian Country by the San Carlos Apache IHA in 1964. Indian homes were developed under this program (now known as "Old Mutual Help") until 1976.

37



INDIAN HOUSING ENCOUNTERS PROBLEMS

Problems which arose from the onset of these first initiatives still plague tribal housing programs and their federal funding agencies today. The PHA modeled both the low-rent and mutual-help delivery systems after its urban multi-family prototype. Unfortunately, this approach had a long list of unforeseen consequences for Indian housing.

Some Issues Include:

1. Indian preference for single family as opposed to multi-family dwellings
2. Trust status of Indian lands
3. Cultural considerations
4. IHA lack of training and professional expertise
5. Rural isolation of most reservations
6. Banks's reluctance to lend money on trust lands
7. Inefficient Federal inter-agency coordination
8. The high cost and slowness of the development process



These problems persisted for many years despite many efforts to address them. Many of these issues remain today in varying degrees, directly affecting the quality of the Tribe's housing programs.



THE FEDERAL GOVERNMENT'S RESPONSE TO THE PROBLEMS

It soon became apparent that PHA and the Bureau of Indian Affairs had to work closely together in order to address the problems. In 1963, PHA and the BIA signed the first coordination agreement for mutual help projects. The agreement identified each agency's responsibilities in the mutual help development process. The BIA was already developing homes using construction supervisors so it was logical that it should provide the construction superintendent for mutual help projects. Consequently, the Bureau was designated the lead oversight agency for all development activities.

41

THE FEDERAL GOVERNMENT'S RESPONSE TO THE PROBLEMS

The PHA's role was to give technical assistance and facilitate projects. In 1965, a second coordination agreement was signed between the two agencies, this time to cover PHA low-rent projects. Both agencies' responsibilities remained the same under this agreement. Problems arose, however, as both agencies were severely criticized for vague and overlapping roles requiring a complexity of bureaucratic red tape that caused unnecessary and costly construction delays. Furthermore, it became apparent that the BIA's responsibilities were more than it could handle. In response, two major changes occurred in 1965.

First, the BIA established the Division of Housing Assistance with two programs:

Housing Development, which primarily funded staff salaries;

and the Housing Improvement Program (HIP) which gave grants to rehabilitate homes and for building homes for the very low income.

43

Department of Housing and Urban Development Act

Also, in 1965, Congress passed the Department of Housing and Urban Development Act, creating HUD as a new federal, umbrella agency.

*80 Indian Housing Authorities are now formed by this date!

DEPARTMENT
OF
HOUSING
AND
URBAN
DEVELOPMENT

44

Six former federal agencies were merged under HUD

1. Public Housing Administration (PHA)
2. Federal Housing Administration (FHA)
3. Housing and Home Finance
4. Community Facilities Administration
5. Urban Renewal Administration, and
6. Federal National Mortgage Administration

Housing and Urban Development Act of 1968

The first formal reference to HUD's obligation to serve low-income Indian families was in the Housing and Urban Development Act of 1968, which included the modernization program, the Comprehensive Improvement Assistance Program (CIAP).

CIAP was designed to fund major rehabilitation and repairs to low-income rental units. It was not until 1979, however, that Indian Housing Authorities became eligible for CIAP.

Logistical Challenges

The promise of the Indian housing programs established in the 1960s was under increasing pressure as the 1970s began. Federal programs administered by HUD, more fitted to an urban environment, made the development of effective housing programs even more difficult in Indian Country. There was considerable national interest in satisfying the recognized housing need; however, the logistical challenges of developing housing in Indian Country remained.

47

Developing Housing in Indian Country

Overwhelming construction delays were compounded by new projects from multiple programs and funding agencies going into production without adequate delivery system controls and virtually untrained local IHA staff. HUD issued various rules and regulations that continued a long history of federally established guidelines intended to better monitor and measure the effectiveness of Indian Housing programs. The guidelines and HUD directed housing programs did not work. HUD and the BIA quickly realized that the goal of eliminating substandard Indian housing conditions would not be completed by their self-imposed goal of 1974.

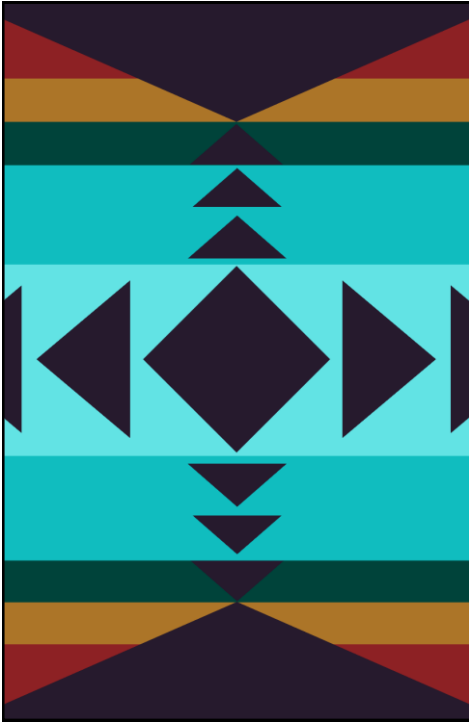
Government Accounting Office (GAO) Issued a Congressional Report on Indian Housing

In 1971, the Government Accounting Office (GAO) issued a congressional report on Indian housing that recommended a National Indian Housing Policy to stimulate agency coordination and accelerate the completion of projects.

1973

The First Alaska Housing Authority is established





HUD published the Interim Indian Housing Handbook (7440.1).

In March 1976, HUD published the Interim Indian Housing Handbook (7440.1). The handbook contained the regulations, their guidelines and procedures. The new regulations made it easier for centralized oversight of Indian programs and clarified federal agency roles. They also created a measuring device for monitoring the effectiveness of IHA management particularly in rent and homebuyer payment collections.

Tenant Accounts Receivable or "TARs" became an industry buzzword as collection became directly tied to IHA management subsidy funds. In the regulations the mutual help program became "old" mutual help (OMH), superseded by the "new" mutual help program. The New Mutual Help (NMH) program had, among other things, fixed unit prices and fixed amortization schedules.

Developing Housing in Indian Country

In 1978 the General Accountability Office issued a report on Indian housing that found that 86,500 Indian families lived in substandard housing or needed new housing as compared to 63,000 documented in its 1971 publication. Housing construction starts had dropped dramatically and many of the long-standing problems still had not been addressed. Obviously, the federally-directed program delivery system had failed.



Lack Of Training

The failure of top-down administration was made even worse because local Indian Housing Authorities received no training in housing development and administration. NAIHC, established in 1974, reasoned with HUD and Congress that the goal of eliminating substandard housing conditions would not occur with Indian housing programs that were federally directed, and that training and other capacity building efforts should be tribal-specific. It would be 22 years until tribally directed housing would be authorized by law.

53

Decade of Survival

1980s was truly a decade of survival for tribal housing funding. Indian housing conditions worsened and the Presidential Budget Requests during this time proposed no funding for Indian housing programs. Throughout the decade, Congress allocated only limited resources that would create an average of 2,300 new units during the 80s, about half of the funding for previous years.



TYPES OF IHA HOUSING PROGRAMS DEVELOPED AND MANAGED UNDER THE 1937 HOUSING ACT

HUD LOW-INCOME HOUSING PROGRAMS Low-Income Rental

In the rental program low-income families typically are month-to-month lessees. Most rental programs include two or three primary types of structures such as single-family detached units and duplexes or triplexes. Elderly and handicapped projects may include congregate housing with common dining and other facilities. The homes are rented to low-income families and HUD subsidized their rental payments with payments to the IHA in the form of an "operating subsidy". HUD provided this assistance over a 40-year period. At the end of 40 years, the project's development costs were retired through provisions of the Annual Contributions Contract (the financing contract).



HUD LOW-INCOME HOUSING PROGRAMS
Low-Income Rental



Tenants paid according to their income which means that if a tenant's income decreased, their rent also decreased (and there was no minimum payment required). The rent also increased if the tenant's income increased. The IHA was responsible for maintenance and repairs for damage not caused by tenants.

TYPES OF IHA HOUSING PROGRAMS DEVELOPED AND MANAGED UNDER THE 1937 HOUSING ACT

Mutual Help Homeownership

This program was for low-income Indian families to own their homes rather than to rent. Before construction began the Mutual Help, homebuyer entered into a Mutual Help and Occupancy Agreement (MHOA) with the IHA. Among the terms and conditions, the family agreed to contribute at least \$1500 to the project before moving in.



The Mutual Help contribution included at least one of the following:



(a) cash,



(b) labor,



(c) land where the unit will be located, and/or



(d) appropriate materials and equipment, such as appliances.

The MHOA (Mutual Help and Occupancy Agreement)

The MHOA specifies the type and amount of the contribution. Credit was given to the homebuyer for the contribution when the initial purchase price of the home was determined. HUD gave financial assistance to the IHA for the cost of the project. The government helps the homebuyers pay off the purchase price annually through the ACC. Mutual Help homebuyers were also responsible for paying their own utilities and for maintaining the home. In addition, they paid the IHA a monthly administrative charge. As income permitted, they also made additional monthly payments toward the purchase of the home.

The MHOA (Mutual Help and Occupancy Agreement)

Homes in the mutual help homeownership program that were built between 1962 and 1976 are called "Old Mutual Help"; homes built after 1976 are called "New Mutual Help". The Old Mutual Help program is very similar to the New Mutual Help program. The main difference is in the accounting process and the Mutual Help and Occupancy Agreement.

Turnkey III

This was a homebuyer program that was used prior to March 9, 1976 to provide homes for low-income families who had the potential to be homebuyers. In Turnkey III projects participants did not play a role in the construction of the house. The participant purchased a completed home under terms similar to those in the Mutual Help Homeownership Program.

Section 8

The Section 8 Leased Housing Assistance Payments Program gave assistance to low-income families who lived in or preferred to find housing in the private housing market. HUD provided a subsidy to help meet the costs for operating the program and the IHA paid that portion of the rent that the tenant is unable to pay because their income was too low. Section 8 was and still is widely used in public housing but was only minimally used (some 3,602 units nationally) by tribes before the passing of the Native American Indian Housing Assistance Act (NAHASDA) of 1996.



HUD reported in 1981 that over 30% of all IHAs were "troubled" or unable to meet financial obligations.

By the end of 1980, mutual help homes comprised about 61% of IHA housing. HUD reported in 1981 that over 30% of all IHAs were "troubled" or unable to meet financial obligations. The following reasons were given:

- IHA failure to collect TARs
- Over-budget expenditures
- Lack of cooperation between the IHAs and tribes/states/regional corporations
- Lack of good management resources
- Tribal government instability, and
- Poor tribal economies

63

Amerind Risk Management was formed 1986

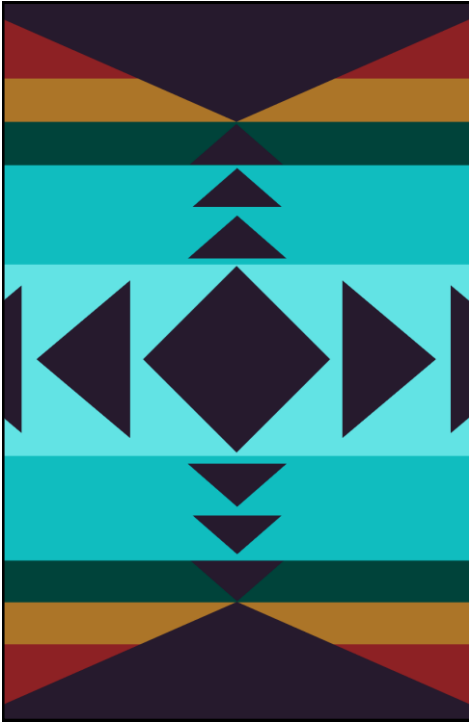
AMERIND RISK MANAGEMENT CORPORATION for Indian Housing Authorities, and other Non- Indian Risk Pools for Public Housing Authorities are formed when HUD no longer is able to obtain private Insurance for Housing Authorities

**AMERIND Risk
MANAGEMENT CORPORATION**



Indian Housing Act of 1988

In 1984, HUD established an Office of Indian Housing that separated Indian housing programs from public housing programs for the first time. Indian housing was legislatively separated from public housing when Congress passed the Indian Housing Act of 1988.



Office of Native American Programs ("ONAP")

The Act created a separate title II of the U.S. Housing Act of 1937 that was directly and specifically applicable to Indian Housing.

HUD's Office of Native American Programs ("ONAP"), as it currently operates, was created by Section 902 of the Housing and Community Development Act of 1992.

CREATION OF THE OFFICE OF NATIVE AMERICAN PROGRAMS (ONAP) OFFICE

On October 1, 1993, the HUD Office of Indian Housing (OIH) at HUD Headquarters in Washington, DC, and the Regional Offices of Indian Programs (OIPs) became the Office of Native American Programs (ONAP). For the first time, all Regional ONAP field offices came under the direction of the central ONAP office of HUD. These changes improved uniformity between regions and provided IHAs with direct assistance from the HUD central office in addition to assistance provided through the regional ONAP offices.

67



The Creation of NAHASDA

The 1990s started the process that culminated in passage of the Native American Housing Assistance and Self-Determination Act ("NAHASDA") of 1996.

An extraordinary amount of thought and work preceded the passage of NAHASDA. Tribes, IHAs, and NAIHC were closely involved with representatives from Congressional and Administration staff to craft legislation that would address the long-neglected housing needs in tribal communities.

"The Commission"

Much of the work that went into crafting NAHASDA was the result of the creation of a commission to evaluate the barriers to housing development in tribal communities. The National Commission on American Indian, Alaska Native, and Native Hawaiian Housing ("the Commission") was established by Congress in 1990 to evaluate the factors that were impeding the development of safe and affordable housing for Native Americans.

69

The Commission also considered alternative strategies for the development, management, and modernization of housing for Native Americans. The Commission's report, "Building the Future: A Blueprint for change," was submitted to Congress in 1992.

"Building the Future: A Blueprint for change,"

70



NAHASDA Was Signed into Law

NAHASDA was signed into law on October 26, 1996. While not perfect, this legislation represented a vast improvement over previous programs for Native Americans. NAHASDA was intended to enhance tribal capacity to address the substandard housing and infrastructure conditions so prevalent in our tribal communities. NAHASDA encouraged greater self-management of housing programs and emphasized the need to include private sector financing to complement scarce Indian Housing Block Grant ("IHBG") dollars.

The Annual IHBG was Formula Driven

The annual IHBG was formula driven and awarded to eligible Indian tribes, or their designated tribal housing entity—what HUD calls ("TDHEs") for a range of affordable housing activities that primarily benefit low-income Indian families living on Indian reservations or in other Indian areas. The amount of each grant was based on a formula that considers need and the amount of existing housing stock. We know the formula was not perfect. However, most would agree it is a great improvement over the previous funding methods based on competitive housing grants more suited to public housing.



NAHASDA Eligible Activities

Some NAHASDA eligible activities would not have been eligible, under the 1937 Housing Act, including down-payment and other mortgage assistance programs, transitional housing, the construction of domestic abuse shelters, and creation of revolving loan funds. NAHASDA is not perfect, funding has not kept pace with housing needs in our tribal communities, and we have been continuously underfunded.

73

NAHASDA Recognizes the Right of Tribal Self-Governance

Many of the recommendations from the Commission's "Building the Future: A Blueprint for Change" were taken into account when NAHASDA was in the development process. NAHASDA recognizes the right of tribal self-governance and the unique relationship between the Federal Government and the governments of Indian tribes that have been established by long-standing treaties, court decisions, statutes, Executive Orders, and the United States Constitution.

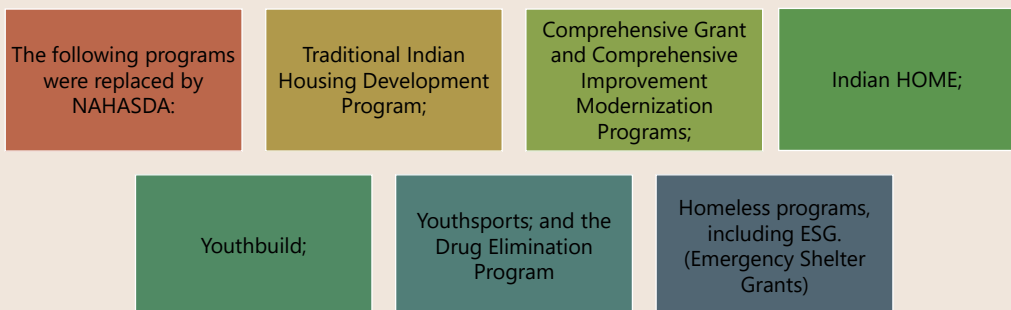
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NAHASDA changed the way that HUD provides housing assistance to Native Americans in other ways too. Its implementation in 1998 eliminated a number of separate assistance programs and replaced them with the IHBG program and Title VI Tribal Housing Loan Guarantee program. The regulations governing the IHBG, and Title VI programs were established in a final rule dated March 12, 1998

The Final Rule

75

Repealed Programs



76

Self-Determination is the Hallmark of NAHASDA

NAHASDA is a definite departure from the top-down process of previous Indian housing rules and regulations. NAHASDA recognizes the right of Indian self-determination and tribal self-governance by making assistance available directly to the Indian tribes or TDHE, under authorities similar to those accorded Indian tribes in Public Law 93-638. Self-Determination was, and continues to be, the hallmark of NAHASDA

The Importance of Funding for our Programs

NAIHC Staff & Board members, tribal leaders, tribal housing professionals and other allies strive to continually educate Congress, especially those on the House and Senate Appropriations Committees, to the importance of funding for our programs and the destructive impact any reduction in funding would have in tribal communities.

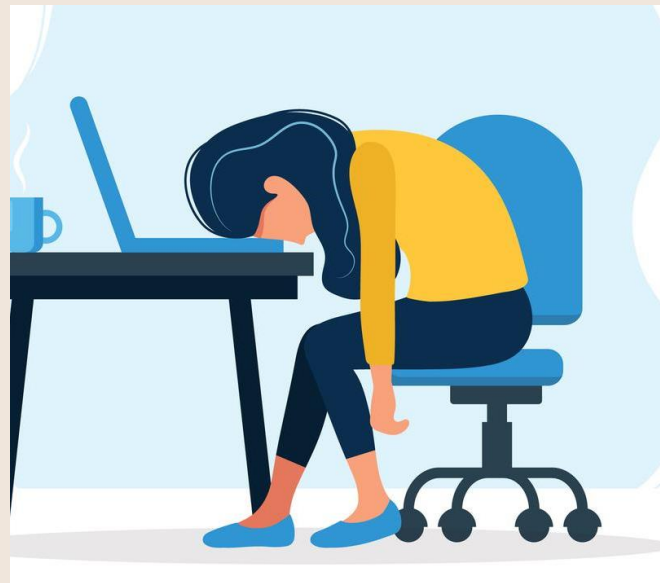
Without sufficient funding, proper training and technical assistance, progress regarding tribal housing will not only cease; but years of hard work will be reversed, as many tribes will lack the funds to maintain and operate existing housing units, much less provide new ones.

Building, Strong, Vibrant Communities

We must work together to ensure that Indian housing programs are funded sufficiently to address the immense need we know still exists in our communities. Too many of our families live in over-crowded and substandard homes. This is unacceptable. It is through our shared passion to provide safe and healthy homes that we strengthen our native people and our communities. We need to support each other, as together we continue the important work of building, not just homes but strong, vibrant communities and nations for generations to come.

Break Time

NO
ZOOM FATIGUE
ALLOWED!

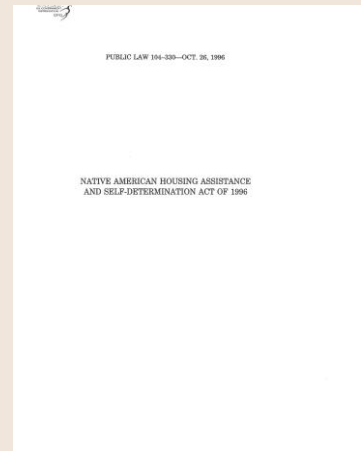


Understanding NAHASDA and Its Implementing Regulations & Guidance



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What Is NAHASDA? Native American Housing Assistance & Self-Determination Act of 1996



CONGRESSIONAL FINDINGS] SET FORTH IN SECTION 2 OF NAHASDA (GUIDING PRINCIPLES) 1000.2

THE CONGRESS FINDS THAT-

(1) THE FEDERAL GOVERNMENT HAS A RESPONSIBILITY TO PROMOTE THE GENERAL WELFARE OF THE NATION-

(A) BY USING FEDERAL RESOURCES TO AID FAMILIES AND INDIVIDUALS SEEKING AFFORDABLE HOMES IN SAFE AND HEALTHY ENVIRONMENTS AND, IN PARTICULAR, ASSISTING RESPONSIBLE, DESERVING CITIZENS WHO CANNOT PROVIDE FULLY FOR THEMSELVES BECAUSE OF TEMPORARY CIRCUMSTANCES OR FACTORS BEYOND THEIR CONTROL;

(B) BY WORKING TO ENSURE A THRIVING NATIONAL ECONOMY AND A STRONG PRIVATE HOUSING MARKET; AND

(C) BY DEVELOPING EFFECTIVE PARTNERSHIPS AMONG THE FEDERAL GOVERNMENT, STATE, TRIBAL, AND LOCAL GOVERNMENTS, AND PRIVATE ENTITIES THAT ALLOW GOVERNMENT TO ACCEPT RESPONSIBILITY FOR FOSTERING THE DEVELOPMENT OF A HEALTHY MARKETPLACE AND ALLOW FAMILIES TO PROSPER WITHOUT GOVERNMENT INVOLVEMENT IN THEIR DAY-TO-DAY ACTIVITIES;

[SEC. 2 - CONGRESSIONAL FINDINGS]

(2) THERE EXISTS A UNIQUE RELATIONSHIP BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENTS OF INDIAN TRIBES AND A UNIQUE FEDERAL RESPONSIBILITY TO INDIAN PEOPLE;

(3) THE CONSTITUTION OF THE UNITED STATES INVESTS THE CONGRESS WITH PLENARY POWER OVER THE FIELD OF INDIAN AFFAIRS, AND THROUGH TREATIES, STATUTES, AND HISTORICAL RELATIONS WITH INDIAN TRIBES, THE UNITED STATES HAS UNDERTAKEN A UNIQUE TRUST RESPONSIBILITY TO PROTECT AND SUPPORT INDIAN TRIBES AND INDIAN PEOPLE;

(4) THE CONGRESS, THROUGH TREATIES, STATUTES, AND THE GENERAL COURSE OF DEALING WITH INDIAN TRIBES, HAS ASSUMED A TRUST RESPONSIBILITY FOR THE PROTECTION AND PRESERVATION OF INDIAN TRIBES AND FOR WORKING WITH TRIBES AND THEIR MEMBERS TO IMPROVE THEIR HOUSING CONDITIONS AND SOCIOECONOMIC STATUS SO THAT THEY ARE ABLE TO TAKE GREATER RESPONSIBILITY FOR THEIR OWN ECONOMIC CONDITION;

[SEC. 2 - CONGRESSIONAL FINDINGS]

(5) PROVIDING AFFORDABLE HOMES IN SAFE AND HEALTHY ENVIRONMENTS IS AN ESSENTIAL ELEMENT IN THE SPECIAL ROLE OF THE UNITED STATES IN HELPING TRIBES AND THEIR MEMBERS TO IMPROVE THEIR HOUSING CONDITIONS AND SOCIOECONOMIC STATUS;

(6) THE NEED FOR AFFORDABLE HOMES IN SAFE AND HEALTHY ENVIRONMENTS ON INDIAN RESERVATIONS, IN INDIAN COMMUNITIES, AND IN NATIVE ALASKAN VILLAGES IS ACUTE AND THE FEDERAL GOVERNMENT SHALL WORK NOT ONLY TO PROVIDE HOUSING ASSISTANCE, BUT ALSO, TO THE EXTENT PRACTICABLE, TO ASSIST IN THE DEVELOPMENT OF PRIVATE HOUSING FINANCE MECHANISMS ON INDIAN LANDS TO ACHIEVE THE GOALS OF ECONOMIC SELF-SUFFICIENCY AND SELF-DETERMINATION FOR TRIBES AND THEIR MEMBERS; AND

(7) FEDERAL ASSISTANCE TO MEET THESE RESPONSIBILITIES SHALL BE PROVIDED IN A MANNER THAT RECOGNIZES THE RIGHT OF INDIAN SELF-DETERMINATION AND TRIBAL SELF-GOVERNANCE BY MAKING SUCH ASSISTANCE AVAILABLE DIRECTLY TO THE INDIAN TRIBES OR TRIBALLY DESIGNATED ENTITIES UNDER AUTHORITIES SIMILAR TO THOSE ACCORDED INDIAN TRIBES IN PUBLIC LAW 93-638 (25 U.S.C. 450 ET SEQ.).

NAHASDA Key Points

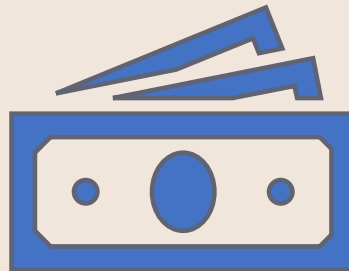
- ❖ Separates Indian Housing from Public Housing
- ❖ Provides a Block Grant to Tribes or TDHE
- ❖ Defines TDHE as the existing (IHA) Indian Housing Authority for the Tribe
- ❖ Tribes can also establish other entities through Self-Governance powers or by State Laws
- ❖ Permits the Tribe to set a maximum rent that does not exceed 30% of the monthly adjusted income
- ❖ Encourages private-sector investment in Indian Country through HUD Loan Guarantees
- ❖ Extended the Lease Term on trust or restricted lands



NAHASDA Key Points

- ❖ Authorizes a federal guarantee program:
Tribe can use, with the secretary's approval, a federal guarantee, to undertake affordable housing activities, that does not exceed 5 times the amount of the Tribe's Block Grant (Title Six)
- ❖ Re-authorizes the Indian Housing Loan Guarantee Program (184 Program)
- ❖ Extends Leasehold Interest in trust or restricted land to 50 years
- ❖ Conflict-of-Interest provisions
- ❖ Expands affordable housing opportunities
- ❖ Specifically addresses families who are above low-income
- ❖ HUD monitors for non-compliance and will take steps when compliance does not occur

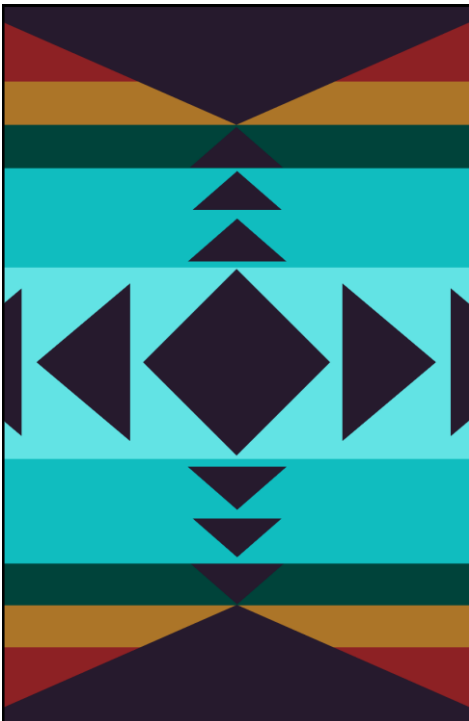
HUD Title VI Loan Guarantee Program



Title VI Basics

Title VI allows IHBG recipients to leverage their annual IHBG funds to finance affordable housing activities by pledging a portion of their current and future grant funds to HUD as security for the Title VI guarantee.

A private lender provides the financing and HUD provides a 95% guarantee as collateral to the lender.



Title VI Basics

The maximum commitment amount for the guarantee is five times the most recent need portion of the tribe's annual IHBG allocation.

For example, a recipient has an IHBG allocation of \$900,000, which consists of:

Grant Allocation:	\$ 900,000
Less FCAS:	- \$ 600,000
Need Portion: (Available For Leverage)	\$ 300,000
Multiplied by 5	x 5

Maximum Title VI amount: \$1,500,000

NAHASDA Key Points



Block Grant used to operate and maintain current housing units



Block Grant used for development, rehabilitation, acquisitions, housing support services, such as counseling or loan processing, and to initiate model housing programs



Distributes Block Grant through an Allocation Formula developed under Negotiated Rule-Making

What is: Negotiated Rule-Making

In order to interpret and implement NAHASDA, Regulations were developed using Negotiated Rule-Making

(Negotiated Rule-Making Committee of 58 members, which included Tribal Leaders from across the country, as well as HUD staff)

The process of developing the Regulations was mandated by Section 106(b) of the Statute

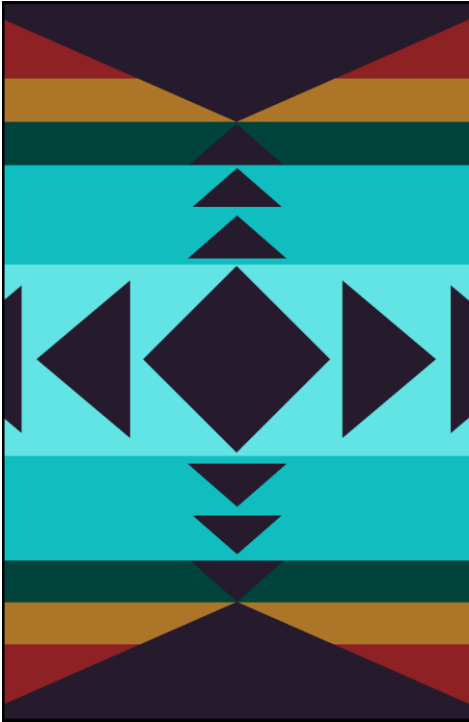
This unusual way of writing Regulations is significant because it was the first step in implementing the "Self-Determination" intention of NAHASDA

The IHBG Regulations:

Replaced the U.S. Housing Act of 1937 (1937 Act)

Set forth the necessary policies and procedures for the administration





NAHASDA Regulations

Regulations for NAHASDA are negotiated with Tribes after each Re-Authorization of the Statue.

The Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) is overdue for reauthorization—it was last reauthorized for a 5-year period in **2008**. NAHASDA expired in 2013 and has been on the list of unauthorized appropriations ever since.

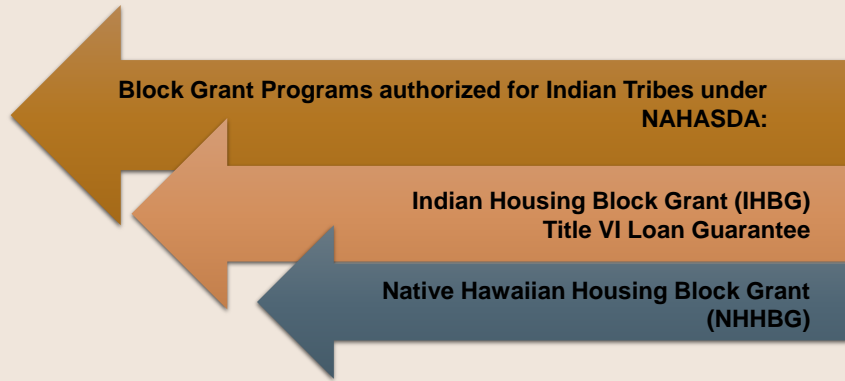
Areas of Change

- Guiding Principals
- Definitions
- Program Income
- Administrative & Planning
- IHP & APR
- HUD Monitoring
- Investments
- Qualifying as Affordable Housing
- Non-Low-Income Families
- Cooperation Agreements
- Preference



NAHASDA Overview

Reorganized the system of housing assistance provided to Native Americans through the Department of Housing and Urban Development (HUD) by eliminating several separate programs of assistance and replacing them with a Block Grant Programs.



NAHASDA Overview

• Regulations are published at 24 CFR Part 1000

Indian Housing Block Grant (IHBG)

A formula-based grant program

Title VI Loan Guarantee

Provides financing guarantees to Indian Tribes for private market loans to develop affordable housing

Amended in 2000 to add Title VIII-Housing Assistance for Native Hawaiians. **Native Hawaiian Housing Block Grant (NHHBG)**

• Regulations are published at 24 CFR Part 1006

SEC 201. NATIONAL OBJECTIVE
1000.4 WHAT ARE THE OBJECTIVES OF NAHASDA?
THE PRIMARY OBJECTIVES OF NAHASDA ARE:

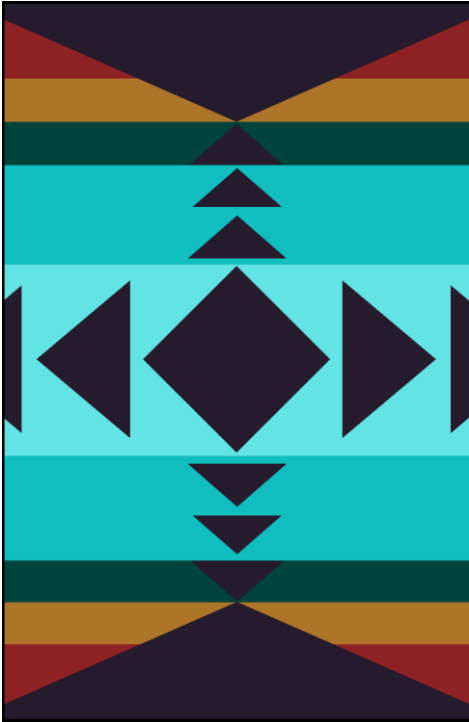
- A) TO ASSIST AND PROMOTE AFFORDABLE HOUSING ACTIVITIES TO DEVELOP, MAINTAIN AND OPERATE AFFORDABLE HOUSING IN SAFE AND HEALTHY ENVIRONMENTS ON INDIAN RESERVATIONS AND IN OTHER INDIAN AREAS FOR OCCUPANCY BY LOW-INCOME INDIAN FAMILIES;
- B) TO ENSURE BETTER ACCESS TO PRIVATE MORTGAGE MARKETS FOR INDIAN TRIBES AND THEIR MEMBERS AND TO PROMOTE SELF-SUFFICIENCY OF INDIAN TRIBES AND THEIR MEMBERS;
- C) TO COORDINATE ACTIVITIES TO PROVIDE HOUSING FOR INDIAN TRIBES AND THEIR MEMBERS AND TO PROMOTE SELF-SUFFICIENCY OF INDIAN TRIBES AND THEIR MEMBERS;
- D) TO PLAN FOR AND INTEGRATE INFRASTRUCTURE RESOURCES FOR INDIAN TRIBES WITH HOUSING DEVELOPMENT FOR INDIAN TRIBES; AND
- E) TO PROMOTE THE DEVELOPMENT OF PRIVATE CAPITAL MARKETS IN INDIAN COUNTRY AND TO ALLOW SUCH MARKETS TO OPERATE AND GROW, THEREBY BENEFITING INDIAN COMMUNITIES.

NAHASDA: Eligible Affordable Housing Activities

Areas of Eligible Affordable Housing Activities are:

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

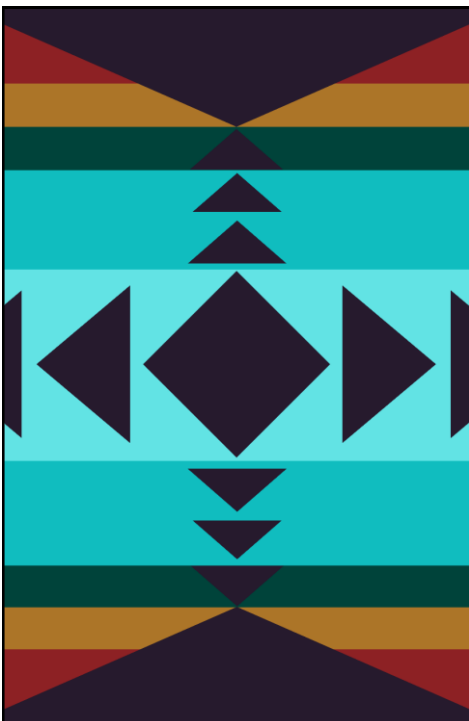




NAHASDA: Eligible Affordable Housing Activities

1) Indian Housing Assistance:

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

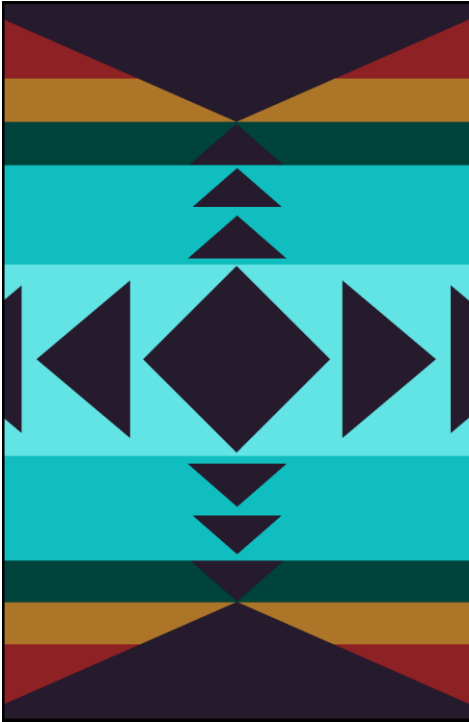


NAHASDA: Eligible Affordable Housing Activities

2) Development:

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

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



NAHASDA: Eligible Affordable Housing Activities

3) Housing Services:

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

NAHASDA: Eligible Affordable Housing Activities

4) Housing Management Services:

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



NAHASDA: Eligible Affordable Housing Activities

5) Crime Prevention & Safety Activities:

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

5) Model Activities:

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

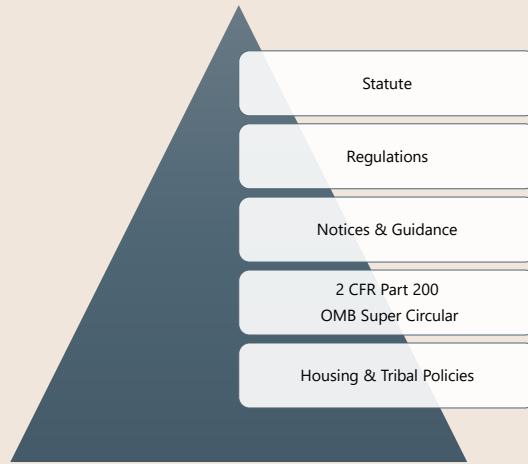


INDIAN HOUSING BLOCK GRANT (IHBG)

1. Congress appropriates funds each year for **(Grant Beneficiaries)** = FEDERAL OR STATE RECOGNIZED TRIBES
2. HUD Allocates IHBG funds to **(Grant Recipients)**= TRIBAL DESIGNATED HOUSING ENTITY (TDHE) or TRIBAL HOUSING DEPARTMENT as determined by Tribe
3. Grant Recipients draw down funds from the U.S. Department of Treasury utilizing **(LOCCS)**= Line of Credit Control System

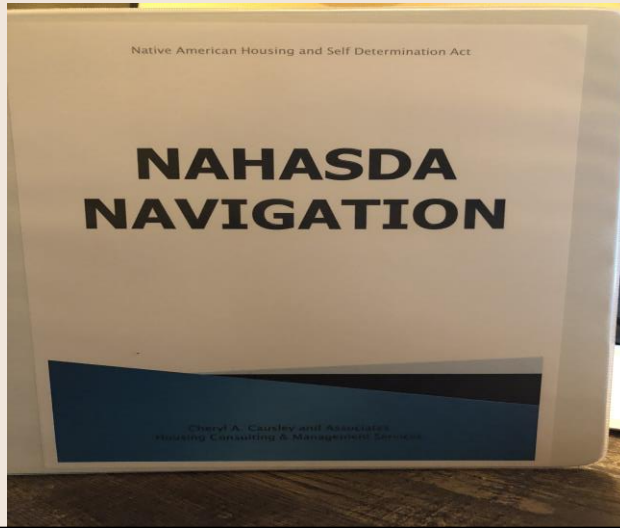


PYRAMID OF REQUIREMENTS

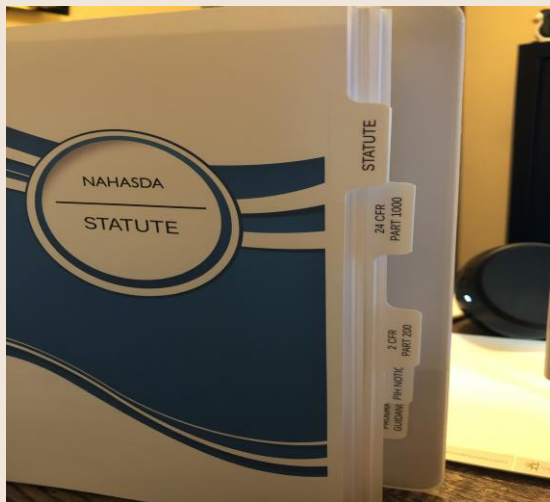


NAHASDA Statute

NAHASDA NAVIGATION BINDER



NAHASDA NAVIGATION BINDER





NOTICES

PIH NOTICE BINDER



PIH NOTICE BINDER



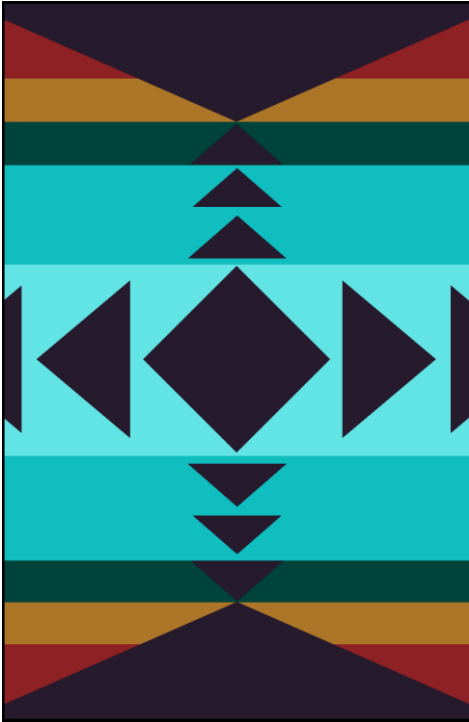
Program GUIDANCE

What is the difference between the NAHASDA statute, the regulations and HUD guidance?

Statutes are Federal laws written by Congress.

Statutes can only be changed by an Act of Congress.

The statute cannot be waived since it is a law instituted by Congress.



What is the difference between the NAHASDA statute, the regulations and HUD guidance?

Regulations are written to implement statutes.

Regulations can be waived by a Departmental Secretary (the Secretary of HUD) so long as this waiver is not in conflict with the statute.

See IHBG regulation section 1000.8 for more information.

What is the difference between the NAHASDA statute, the regulations and HUD guidance?

Regulations are usually administered by the Federal agency that is designated in the statute to oversee the new program.

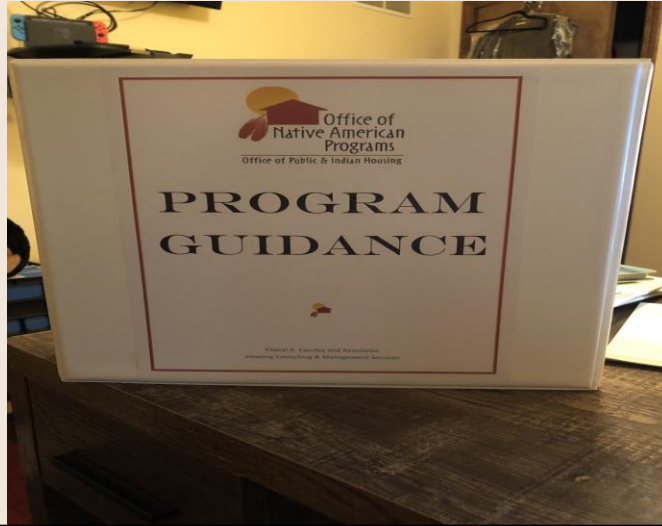
In the case of NAHASDA, it is the U.S. Department of Housing and Urban Development (HUD) and more specifically HUD's Office of Native American Programs (ONAP) that is the designated Federal agency.

What is the difference between the NAHASDA statute, the regulations and HUD guidance?

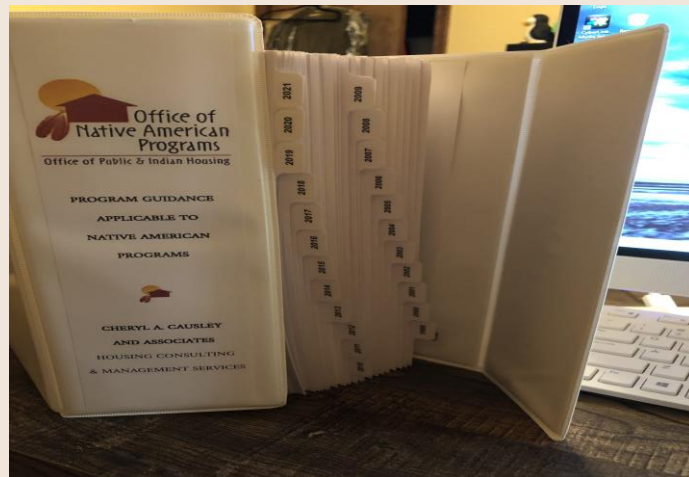
Guidance bulletins and notices are issued by HUD periodically and are available electronically.

See ONAP Program Guidance No. 2010-08 for more information. TOPIC: Electronic Posting of Guidance Documents

PROGRAM GUIDANCE BINDER



PROGRAM GUIDANCE BINDER



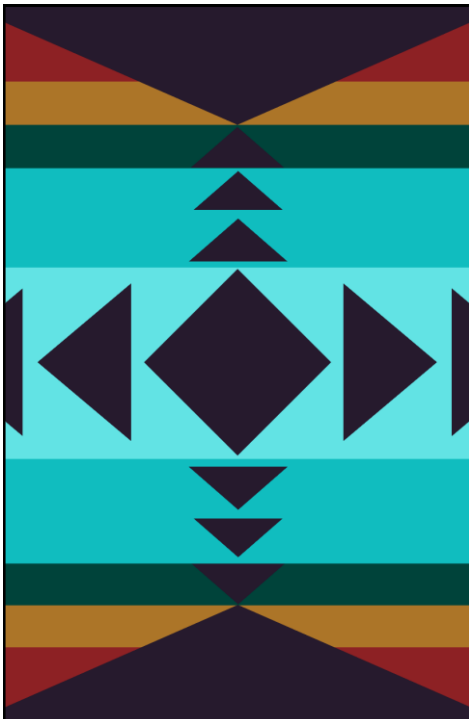
What is the difference between the NAHASDA statute, the regulations and HUD guidance?



HUD notices are official transmittals to recipients, typically regarding policy issues or procedural topics.



Typically, information in HUD notices may be waived by the Assistant Secretary for Native American Programs, unless it relates to the regulations or statute.



What is the difference between the NAHASDA statute, the regulations and HUD guidance?

Guidance bulletins assist tribes to implement the IHBG program or provide tools for program management.

They also help clarify various technical topics. To the extent that guidance bulletins are advisory and designed to help tribes implement their programs, no waiver is needed.

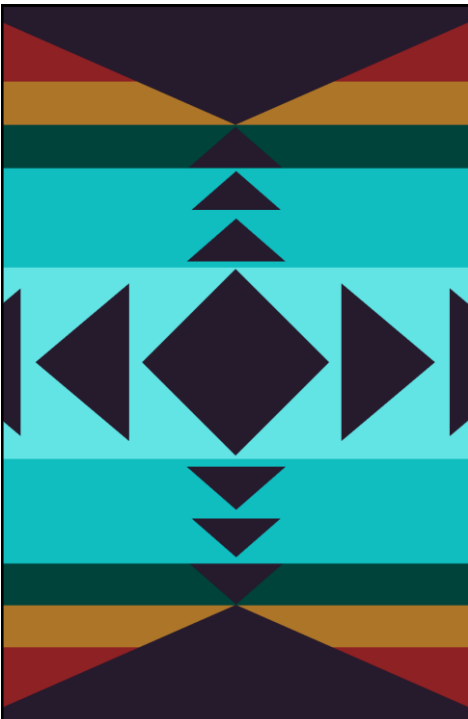
What is the difference between the NAHASDA statute, the regulations and HUD guidance?

When guidance bulletins further explain the regulations or statute, the waiver provisions regarding these documents holds true.



What is the difference between the NAHASDA statute, the regulations and HUD guidance?

The statute, regulations, notices and guidance bulletins work together to provide the full picture of each grant recipient's opportunities and responsibilities.



What is the difference between the NAHASDA statute, the regulations and HUD guidance?

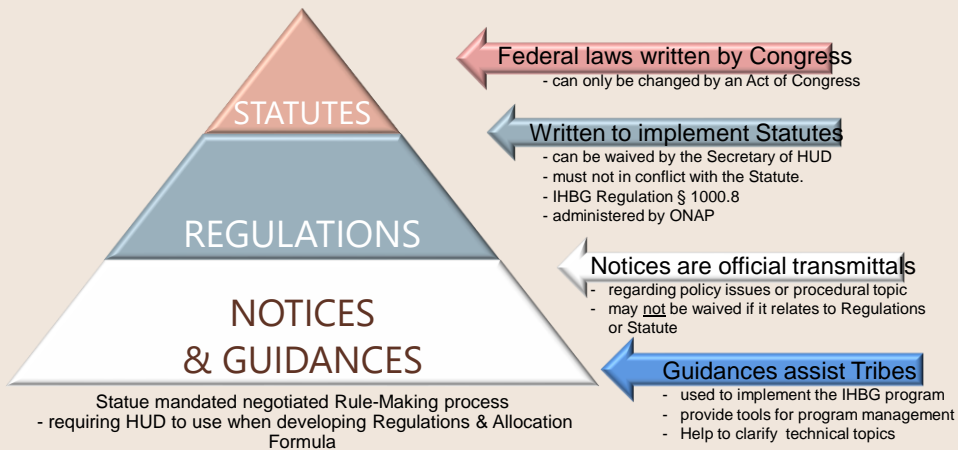


The negotiated rulemaking committee charged with drafting the regulations decided not to restate information that was already stated in the statute, unless the statute was not clear.

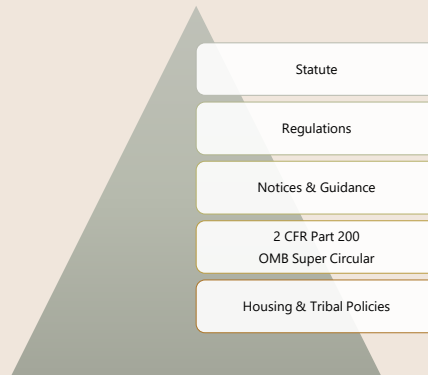


Thus, one must be able to refer to both the statute and the regulations simultaneously to have a complete understanding of NAHASDA.

NAHASDA Administration Flow



Housing & Tribal Policies can be stricter than the Statute, Regs,
Notices & Guidance
You must follow your policies



NAHASDA STATUTE



Overview of the NAHASDA Statute

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



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

The Statute is color coded by Amendments

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS

(a) **SHORT TITLE-** This Act may be cited as the 'Native American Housing Assistance and Self-Determination Act of 1996'.

(b) **TABLE OF CONTENTS-** The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Congressional findings.

Sec. 3. Administration through Office of Native American Programs.

Sec. 4. Definitions.

TITLE I--BLOCK GRANTS AND GRANT REQUIREMENTS

Sec. 101. Block grants	*Annual IHBG funding to Tribes and TDHE's
Sec. 102. Indian housing plans	*Tribes and TDHE's are required to submit to HUD annually
Sec. 103. Review of plans	*HUD will review IHP for compliance
Sec. 104. Treatment of program income and labor standards	*Income from use of IHBG funds & Prevailing wage rates (DB)
Sec. 105. Environmental review	*Requires HUD clearance before any funds are spent
Sec. 106. Regulations	*Amendments to act through Negotiated Rulemaking
Sec. 107. Effective date	*October 1, 1997
Sec. 108. Authorization of appropriations	

TITLE I-Sec. 102 and 103 Indian Housing Plan (IHP)

Sec. 102. Indian Housing plans

*Tribes and TDHE's are required to submit to HUD annually

Sec. 103. Review of plans

*HUD will review IHP for compliance

- Cover Page
- Housing Needs
- Program Descriptions
- MAINTAINING 1937 ACT UNITS; DEMOLITION AND DISPOSITION
- Budgets
- Other Submission Items
- Indian Housing Plan Certificate of Compliance
- IHP Tribal Certification
- Tribal wage Rate Certification
- Self-Monitoring
- Inspections
- Audits
- Public Availability
- Jobs supported by NAHASDA

IHP Waiver Request
IHP Amendments

TITLE I- Sec. 105 Environmental Reviews

- Must comply with National Environmental Policy Act (NEPA) of 1969
- 24 CFR Part 50: Tribe can request HUD to complete the environmental responsibilities (delay)
- 24 CFR Part 58: Tribe can assume environmental responsibilities and certify compliance
- Part 58: Tribe determines responsible entity and certifying officer
- Environmental determinations must be completed before **ANY MONEY** is spent.
- Tribe must receive Environmental Release of funds from HUD

Environmental Assessments and Reviews



- Who does them?
- Importance of timely completion
- HUD Forms to Request Release of Funds
- Consequences

Environmental Requirements 24 CFR 1000.18

- ❖ HUD may complete the reviews as Certifying Officer under Part 50
- ❖ If tribe chooses to be responsible for environmental reviews, the Certifying Officer follows Part 58

Environmental Review Categories

Exempt	Exclusions (not subject to 58.5)	Categorical Exclusions (subject to 58.5)	Environmental Assessments
Administrative	Rental assistance	Utility upgrades	All projects not exempt or categorically excluded
Engineering	Operating cost	Accessibility modifications	
Feasibility study	Down payment assistance	Rehab 1-4-unit structures (with restrictions)	
		Rehab larger structures (with restrictions)	

Federal Environmental Requirements

- ❖ No HUD funds can be expended or obligated without the appropriate level of environmental review
- ❖ National Environmental Policy Act (NEPA)
- ❖ Proper documentation must be filed



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TITLE II--AFFORDABLE HOUSING ACTIVITIES

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



What is "Median" Income?

MEDIAN INCOME-

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

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

(B) the median income for the United States.

Families eligible for services under NAHASDA include low-income Indian families on Indian Reservations and other Indian areas. The definition of Indian area is where the Tribe or TDHE is authorized to provide services under NAHASDA. Some tribes limit services to low-income Indian families within their reservations or jurisdictions; others provide services to qualifying families outside their jurisdictions. For purposes of NAHASDA, low-income has been determined to be 80% of the median income for the area in which the housing entity provides services or the United States (whichever is higher). For example, if the median income for Big House County is \$40,000 (80% of which is \$32,000), and the United States median income is \$60,000 (80% of which is \$48,000), the tribe would use the United States median income and Indian families could make up to \$48,000 and be considered eligible for the programs paid for with IHBG funds.

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

2020 HUD National Adjusted Median Income Limits

Median Income

Note: These numbers change so make sure your staff is using the most current numbers available and published annually (usually in early Spring) by HUD. ONAP Program Guidance No. 2020-01 Published July 30, 2020, provides the most current income limits by family size under the Native American Housing Assistance and Self-Determination Act of 1996.

It can be further complicated if a reservation has lands in more than one county. The tribe normally would have to look at the median income for each county. However, to simplify the matter the tribe can use the county with the highest median income, compare it against the national median, and then use the higher of the two.

An Indian is defined (by NAHASDA) as a person who is a member of a federally recognized tribe or a state recognized tribe of which the tribe has met certain conditions to receive funds under the 1937 U.S. Housing Act. Indian tribes determine their own membership criteria and eligibility.

SEC. 201. ELIGIBLE FAMILIES

Except as provided under paragraphs (2) and (4), and except with respect to loan guarantees under the demonstration program under title VI, , assistance under eligible housing activities under this Act shall be limited to low-income Indian families on Indian reservations and other Indian areas.

- (2) EXCEPTION TO LOW-INCOME REQUIREMENT- (A) EXCEPTION TO REQUIREMENT- Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.
- (B) LIMITS- The Secretary shall establish limits on the amount of assistance that may be provided under this Act for activities for families who are not low-income families.



SEC. 201. ELIGIBLE FAMILIES

(3) ESSENTIAL FAMILIES- Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) LAW ENFORCEMENT OFFICERS- A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if-- (A) the officer— (i) is employed on a full-time basis by the Federal Government or a State, county, or other unit of local government, or lawfully recognized tribal government; and (ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and (B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.



ELIGIBLE FAMILIES

Assistance for eligible housing activities under NAHASDA are generally limited to low-income Indian families on Indian reservations and other Indian areas. NAHASDA specifically identifies four types of families that may be assisted:



Non-low-income family



A non-low-income family is one whose income exceeds 80% and is less than 100% of the applicable median income limits AND has a need that cannot reasonably be met without IHBG assistance. Housing assistance for non-low-income families requires HUD approval as required in §§ 1000.106, 1000.108 and 1000.110. If the Recipient plans to: (1) use more than 10 percent of the amount planned for the tribal program year for such assistance or (2) provide housing for families with income over 100 percent of the median income. In cases in which HUD approval is not required, the Recipient must still determine and document when there is a housing need for non-low-income families and that this need cannot reasonably be met without IHBG assistance.

Essential family

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



Low-Income Family

A "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for the purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing Levels of construction costs or unusually high or low family incomes.

The term "median income" means, with respect to an area that is an Indian area, the greater of—

- the median income for the Indian area, which the Secretary shall determine; or
- the median income for the United States.

Law Enforcement Officers

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



SEC. 201. ELIGIBLE FAMILIES

- (5) PREFERENCE FOR TRIBAL MEMBERS AND OTHER INDIAN FAMILIES- The Indian housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this Act on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable Indian housing plan for an Indian tribe provides for preference under this paragraph, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this Act for such tribe are subject to such preference.
- (6) EXEMPTION- Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this Act.

TRIBAL PREFERENCE IN SELECTION

The IHBG regulation at 24 CFR § 1000.120 permits Recipients to provide preference to Indian families who are members of the Indian tribe or to other Indian families. If the Recipient has adopted the preference in the admissions and occupancy policy, the recipient shall ensure that housing activities funded under NAHASDA are subject to the preference.



SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES

Affordable housing activities under this title are activities, in accordance with the requirements of this title, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

- Affordable housing is housing that meets the requirements of title II of NAHASDA:
 - Housing units developed under the United States Housing Act of 1937 (low rent, Mutual Help and Turnkey housing units) are considered to be and must be maintained as affordable housing for purposes of NAHASDA
 - Housing units developed under NAHASDA are required to meet NAHASDA requirements
 - Other housing units that are not assisted under NAHASDA, but which meet the requirements of title II of NAHASDA, qualify as affordable housing

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES

"Housing" includes

- Rental housing that may be single-family units, multifamily units, Single Room Occupancy units, attached units such as duplex, triplex
- Homeownership housing
- Group homes for persons with special needs such as the elderly/disabled
- Congregate housing
- Transitional housing
- Halfway housing
- Domestic violence shelters
- Homeless emergency shelters



SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES-Indian Housing Assistance

Affordable housing activities under this title are activities, in accordance with the requirements of this title, to develop, operate, maintain, or support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) *INDIAN HOUSING ASSISTANCE- The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.*

Eligible activities include, but are not limited to:

- Modernization of 1937 Act Housing
- Operating assistance for 1937 Act Housing
- Maintenance
- Rent and participants' utility subsidies



SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES DEVELOPMENT

(2) Development -- The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development and rehabilitation of utilities, necessary infrastructure, and utility services, conversion, demolition, financing, administration and planning, improvement to achieve greater energy efficiency, mold remediation, and other related activities.

- Eligible activities include, but are not limited to:
 - Acquisition of affordable housing
 - financing acquisition of affordable housing by homebuyers
 - down payment assistance
 - closing costs assistance
 - direct lending
 - interest subsidies or other financial assistance

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES DEVELOPMENT

- New construction of affordable housing
- Reconstruction of affordable housing
- Moderate rehabilitation of affordable housing, including but not limited to:
 - lead-based paint hazards elimination or reduction
 - improvements to provide physical accessibility for disabled persons
 - energy-related improvements
- Substantial rehabilitation of affordable housing, including but not limited to:
 - lead-based paint hazards elimination or reduction
 - improvements to provide physical accessibility for disabled persons
 - energy-related improvements
- Conversion of non-residential building into affordable housing
- Improvement to achieve greater energy efficiency

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES DEVELOPMENT

- Activities related to the affordable housing, including but not limited to:
 - site improvements
 - recreational area and playgrounds for use by residents of affordable housing
 - on-site streets and sidewalks
 - development and rehabilitation of utilities and utility services for affordable housing units
 - acquisition of real property
 - demolition
 - relocation
 - environmental review of the affordable housing project
 - administration and planning of the affordable housing project
 - architectural and engineering plans

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES HOUSING SERVICES

(3) Housing Services -- The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, establishment and support of resident organizations and resident management corporations, energy auditing, activities related to the provision of self-sufficiency and other services, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

- Eligible activities include, but are not limited to:
- Housing counseling in connection with affordable rental or homeownership housing
 - Establishment and support of resident organizations in affordable housing
 - Establishment of resident management corporations in affordable housing
 - Energy auditing of affordable housing
 - Activities related to the provision of self-sufficiency

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES HOUSING SERVICES

Eligible activities include, but are not limited to:

- childcare costs – subsidies to residents of affordable housing or operating costs of a facility [but not construction or rehabilitation of a facility] for residents of affordable housing
- transportation costs – subsidies to residents of affordable housing or rental of car, van, or bus for residents of affordable housing to attend training
- job placement and job training for residents of affordable housing
- assistance to residents of affordable housing in obtaining other federal, state and local assistance
- Homeless prevention activities, which are short-term subsidies to defray rent and utility bills that families have received
- Security deposits and/or first month's rent to permit family to move into an apartment
- Payments to prevent foreclosure on a home

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES HOUSING SERVICES

Eligible activities include, but are not limited to:

- Tenant-based rental assistance payments, including:
 - College housing vouchers
- Project-based rental assistance payments
- The development and delivery of training courses related to the administration of affordable housing activities and programs in compliance with NAHASDA and its associated regulations
- Youth activities for residents of affordable housing that reduce or eliminate the use of drugs
- salaries and expenses for staff of youth sports program
- educational programs relating to drug abuse
- Boys and Girls Clubs
- sports and recreation equipment
- travel for youth for the purpose of participating in sporting events
- does not include any entertainment travel expenses such as travel to watch sporting events that youth are not participating in

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES HOUSING MANAGEMENT SERVICES

(4) Housing Management Services -- The provision of management services for affordable housing, including preparation of work specifications, the costs of operation and maintenance of units developed with funds provided under this Act, and management of affordable housing projects.

Eligible activities include, but are not limited to:

- preparation of work specifications for affordable housing
- loan processing for affordable housing
- inspections for affordable housing
- tenant selection for affordable housing
- management of tenant-based and project-based rental assistance
- mediation programs for landlord-tenant disputes for affordable housing
- hiring of grants writers for affordable housing applications
- operating assistance for NAHASDA-assisted units to include maintenance and utilities

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES CRIME PREVENTION & SAFETY

(5) Crime Prevention and Safety Activities -- The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

Eligible activities include, but are not limited to:

- Physical improvements for affordable housing to enhance security such as fences, speed bumps, monitors, locks, additional lighting
- Employment of security personnel for affordable housing
- law enforcement services are eligible only for affordable housing residents. This is a direct cost to the program authorized under NAHASDA, in accordance with 2 CFR 225. A tribe/TDHE must document that costs are only for affordable housing residents.
- equipment for law enforcement activities

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES MODEL ACTIVITIES

(6) Model Activities -- Housing activities under model programs that are designed to carry out the purposes of this Act and are specifically approved by the Secretary as appropriate for such purpose.

Eligible activities include, but are not limited to:

- Construction of an office building for the recipient's administration of NAHASDA activities, including the rehabilitation of or additions to existing office spaces
- Construction of warehouse, maintenance and storage space for housing materials for housing assisted under NAHASDA, including the rehabilitation of or additions to existing structure
- Construction of day care center, including the rehabilitation of existing facility to be used for day care, to the extent that the facility will be used by residents of affordable housing

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES MODEL ACTIVITIES

- Construction of a community building or center, including the rehabilitation of an existing facility, to the extent it will be used for affordable housing activities and by residents of affordable housing
- Construction of college housing to the extent the facility will be used by eligible families
- Construction of an administrative facility and training center

Each model housing activity must be approved in accordance with the procedures in 24 CFR Part 1000, Subpart B.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES Admin & Planning Exp

Section 101(h). Administrative and Planning Expenses -- The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this Act for comprehensive housing and community development planning activities and for any reasonable administrative and planning expenses of the recipient relating to carrying out this Act and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this Act and expenses of preparing an Indian housing plan under section 102.

Eligible administrative and planning expenses of the IHBG program include:

- Costs of overall program and/or administrative management, including
- Salaries and benefits of staff administering IHBG program
- Costs of coordination, monitoring, and evaluation

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES Admin & Planning Exp

- Costs of preparing the Indian Housing Plan, including data collection
- Costs of preparing the Annual Performance Report
- Challenge to and collection of data for purposes of challenging the formula
- Costs of comprehensive housing and community development planning activities
- Staff and overhead costs directly related to carrying out affordable housing activities can be costs of the affordable housing activity or administration or planning at the discretion of the recipient
- The recipient can use up to 20 percent of its annual grant for administration and planning, and must identify the percentage of grant funds which will be used in the Indian Housing Plan
- The recipient may request HUD's approval to use more than 20 percent of its grant for administration and planning. HUD must consider any cost of preparing the Indian Housing Plan, challenges to and collection of data, the recipient's grant amount, approved cost allocation plans, and any other relevant information with special consideration given to the circumstances of recipients receiving minimal funding.

SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES

(9) RESERVE ACCOUNTS-

(A) IN GENERAL- Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.

(B) MAXIMUM AMOUNT- A reserve account established under subparagraph (A) shall consist of not more than an amount equal to 1/4 of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).

SEC. 203. PROGRAM REQUIREMENTS.

(a) RENTS-

(1) ESTABLISHMENT- Subject to paragraph (2), each recipient shall develop written policies governing rents and homebuyer payments charged for dwelling units assisted under this Act, including the methods by which such rents and homebuyer payments are determined.

(2) MAXIMUM RENT- In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or homebuyer payment (as applicable) for such dwelling unit may not exceed 30 percent of the monthly adjusted income of such family.

(b) MAINTENANCE AND EFFICIENT OPERATION- Each recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall, using amounts of any grants received under this Act, reserve and use for operating assistance under section 202(1) such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing. This subsection may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in this subsection, pursuant to regulations established by the Secretary.

SEC. 203. PROGRAM REQUIREMENTS.

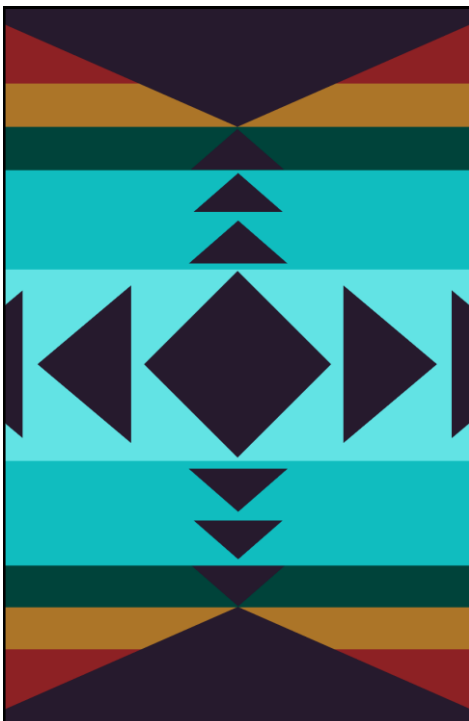
- (c) **INSURANCE COVERAGE-** Each recipient shall maintain adequate insurance coverage for housing units that are owned or operated or assisted with grant amounts provided under this Act.
- (d) **ELIGIBILITY FOR ADMISSION-** Each recipient shall develop written policies governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act.
- (e) **MANAGEMENT AND MAINTENANCE-** Each recipient shall develop policies governing the management and maintenance of housing assisted with grant amounts under this Act.

SEC. 203. PROGRAM REQUIREMENTS.

- (f) **USE OF GRANT AMOUNTS OVER EXTENDED PERIODS-**
- (1) **IN GENERAL-** To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.
- (2) **CARRYOVER-** Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.
- (g) **DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES-** Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than \$5,000. (No Competitive Procurement or Indian Preference)

SEC. 204. TYPES OF INVESTMENTS.

- (a) IN GENERAL- Subject to section 203 and the Indian housing plan for an Indian tribe, the recipient for that tribe shall have—
- (1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments, or any other form of assistance that the Secretary has determined to be consistent with the purposes of this Act; and
 - (2) the right to establish the terms of assistance.
- (b) INVESTMENTS- A recipient may invest grant amounts for the purposes of carrying out affordable housing activities in investment securities and other obligations as approved by the Secretary.



SEC. 205. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

- (a) IN GENERAL- Housing shall qualify as affordable housing for purposes of this Act only if--
- (1) each dwelling unit in the housing--
 - (A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and
 - (B) in the case of a contract to purchase existing housing, is made available for purchase only by a family that is a low-income family at the time of purchase;
 - (C) in the case of a lease-purchase agreement for existing housing or for housing to be constructed, is made available for lease-purchase only by a family that is a low-income family at the time the agreement is entered into; and
 - (D) in the case of a contract to purchase housing to be constructed, is made available for purchase only by a family that is a low-income family at the time the contract is entered into; and



QUESTIONS



LUNCH
1:00 To 2:00 EST