



NAHASDA Intermediate
May 20, 2021
Day 2 Part 1



NAHASDA Intermediate
MAY 19-20, 2021
Day 2

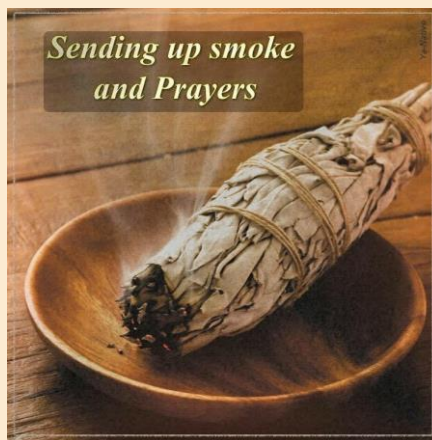




This training is offered by the U.S. Department of Housing and Urban Development (HUD) and the Office of Native American Programs under a cooperative agreement with the National American Indian Housing Council.

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WELCOME & GOOD MORNING!



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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 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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AGENDA DAY 2

May 20, 2021

11:00 -11:15 A.M.

11:15 – 4:00 P.M.

ZOOM SIGN IN & ROOM ENTRY

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

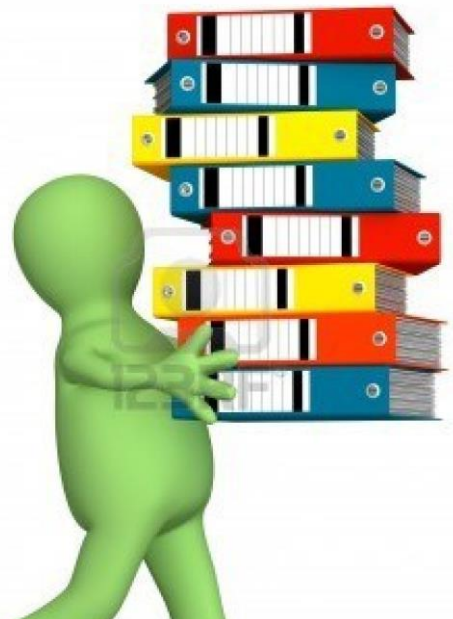
1:00 – 2:00 P.M.

LUNCH BREAK

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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.



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

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

How many of you Know where all these are?

Tribal Ordinance creating the HA

The Tribal Resolution designating the HA as the TDHE

By-Laws for the Board or Commissioners

Mission Statement

Organizational Chart

- I have seen them somewhere
- I know where some of them are located
- They are all filed or bound neatly together
- No clue as to location or content



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How Many of You Know what these contain:

Tribal Ordinance creating the HA

By-Laws for the Board of Commissioners

- I think I know what they contain
- I know exactly what they contain
- I am clueless as to what they contain

Understanding Your Housing Ordinance and Bylaws

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

HOUSING ORDINANCE

- Tribes had to Adopt a Model Ordinance under the 1937 Housing Act
- It Created the Housing Authorities
- It offered extremely limited Flexibility
- Tribes under NAHASDA can adopt or amend their Housing Ordinances
- Many Tribes are still operating under the 1937 Housing Act, are you?



ARTICLE I. DECLARATION OF NEED

It is hereby declared:



1. That there exist on the Any Tribal Indian Reservation unsanitary, unsafe, and overcrowded dwelling accommodations; that there is a shortage of decent, safe and sanitary dwelling accommodations available at rents or prices which persons of low income can afford; and that such shortage forces such persons to occupy unsanitary, unsafe and overcrowded dwelling accommodations.

2. That these conditions cause an increase in and spread of disease and crime and constitute a menace to health, safety, morals and welfare, and that these conditions necessitate excessive and disproportionate expenditures of public funds for crime prevention and other public services and facilities.

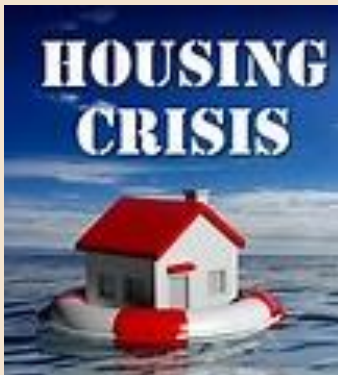
3. That the shortage of decent, safe and sanitary dwellings for persons of low income cannot be relieved through the operation of private enterprises.

4. That the providing of decent, safe and sanitary dwelling accommodations for persons of low income are public uses and purposes, for which money may be spent and private property acquires and are governmental functions of Tribal concern.

5. That residential construction activity and a supply of acceptable housing are important factors to general economic activity, and that the undertaking authorized by this ordinance to aid the production of better housing and more desirable neighborhoods and community development at lower costs will make possible a more stable and larger volume of residential construction and housing supply which will assist materially in achieving full employment; and

6. That the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

ARTICLE II. PURPOSE



- The Authority shall be organized and operated for the purposes of:
 - 1. Remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety and morals.
 - 2. Alleviating the acute shortage of decent, safe and sanitary dwellings for persons of low income; and
 - 3. Providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low-income dwellings.

ARTICLE III. DEFINITIONS

• The following terms, wherever used or referred to in this ordinance, shall have the following respective meanings, unless a different meaning clearly appears from the context:

• "Area of Operation" means all areas within the jurisdiction of the Tribe.

• "Council" means the Any Tribal Indian Tribal Council.

• "Internal Government" includes the United States of America, the Department of Housing and Urban Development, or any other agency or instrumentality, corporate or otherwise, of the United States of America.

• "Homebuyer" means a person(s) who has executed a lease-purchase agreement with the Authority, and who has not yet achieved homeownership.

• "Housing Project" or "Project" means any work or undertaking to provide or assist in providing (by any suitable method, including but not limited to: Rental, sale of individual units in single or multifamily structures under conventional condominium, or cooperative sales contracts or lease-purchase agreements, loans or subsidizing of rentals or charges) decent, safe and sanitary dwellings, apartment, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, leaseholds, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, for streets, sewers, water services, utilities, parks, site preparation of landscaping, and for administrative, community, health, recreational, welfare, or other purposes. The term "housing project" or "project" also may be applied to the planning of the buildings and improvements, the acquisition of property or any interest therein, the demolition of existing structures, the construction, reconstruction, rehabilitation, alteration or repair of the improvements or other property and all other work in connection therewith, and the term shall include all other real and personal property and all tangible or intangible assets held or used in conjunction with.

• "Obligations" means any notes, bonds, interim certificates, debentures, or other forms of obligation issued by the Authority pursuant to this ordinance.

• "Obligee" includes any holder of an obligation, agent or trustee for any holder of an obligation, or lessor demising to the Authority property used in connection with a project, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal government when it is a party to any contract with the Authority in respect to a housing project.

• "Persons of low income" means persons or families who cannot afford to pay enough to cause private enterprise or their locality to build an adequate supply of decent, safe, and sanitary dwellings for their use.



ARTICLE IV

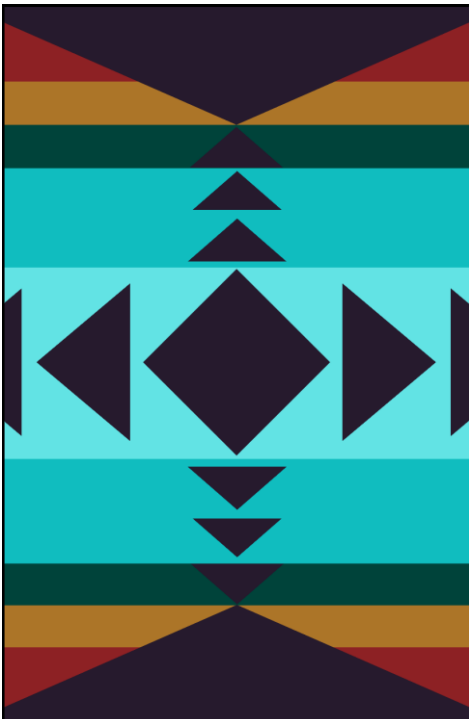
Board of Commissioners

YOUR ORDINANCE SHOULD CLARIFY BOARD SIZE

(1) The affairs of the Authority shall be managed by a Board of _____ Commissioners composed of _____ persons.

(2) The Board Members shall be appointed, and may be reappointed, by the Council. A certificate of the Secretary of the Council as to the appointment of any commissioner shall be conclusive evidence of the due and proper appointment of the commissioner.

*So, keep proof of appointment with your records on Board Members.



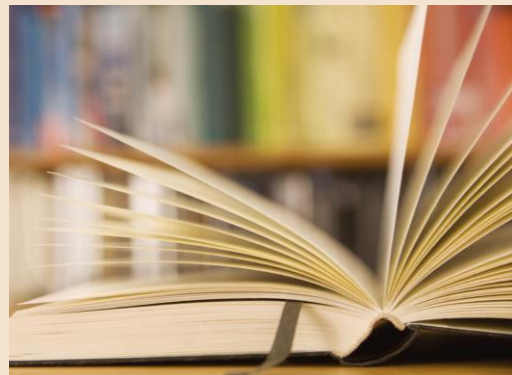
ARTICLE IV
Board of Commissioners
*THIS LANGUAGE IS COMMONLY
FOUND*

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



ARTICLE IV.
Board of Commissioners
THIS LANGUAGE IS COMMONLY FOUND

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



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

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

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

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



ARTICLE IV

Board of Commissioners

Language Might Include terms for Removal

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

ARTICLE IV

Board of Commissioners

You need to Notify ONAP

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



ARTICLE IV.**Board of Commissioners***It Should Include Language about Board Stipends*

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

**ARTICLE IV.****Board of Commissioners***It Should Include Language about Board Stipends*

Compensation for Board Meetings

- If your Board is receiving a stipend, you should have a Board of Commissioners Stipend policy that includes language on:
 - Right to Compensation
 - Effective dates and amount of compensation
 - Amendments (Board Meeting Minutes) of every time the Stipend amount or terms change
 - Requirements of attendance
 - Tax Implications –IRS Form 1099
 - There is Program Guidance 98-13 Appendix # 1 Board of Commissioners Stipends and the language reads:
 - ***Be authorized or not prohibited under Tribal (or other applicable) law. This may mean that the law governing the housing entity cannot prohibit the payment of stipends (which would be the case if the ordinance reflects the old HUD model for Indian housing authorities).***

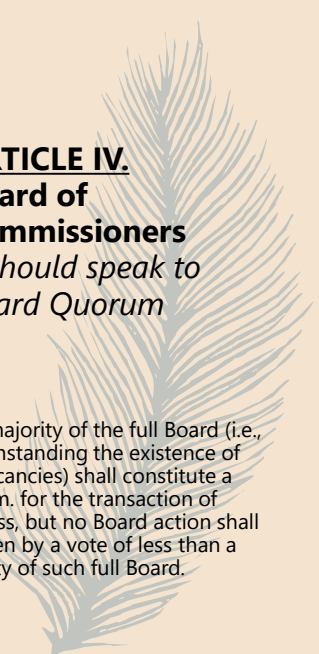




QUORUM

ARTICLE IV.
Board of Commissioners
It should speak to Board Quorum

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



ARTICLE IV.
Board of Commissioners
It should spell out Board Duties

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



ARTICLE IV.

Board of Commissioners

It should speak about The Annual Report

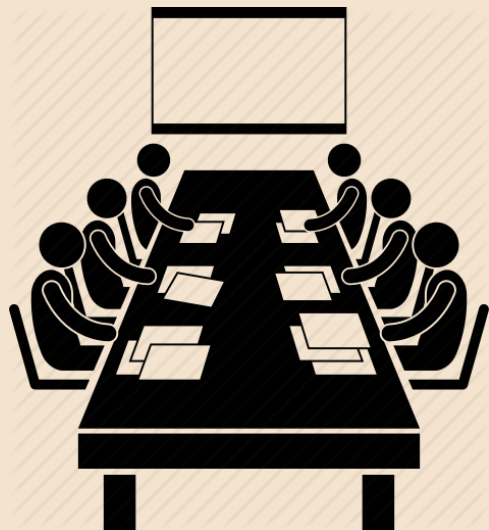
(h) The Treasurer shall keep full and accurate financial records, make periodic reports to the Board, and submit a complete annual report, in written form, to the Council as required by Article XX, Section 1, of this ordinance.

**ARTICLE IV.**

Board of Commissioners

It should speak about Meeting Times

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



Article V. POWERS

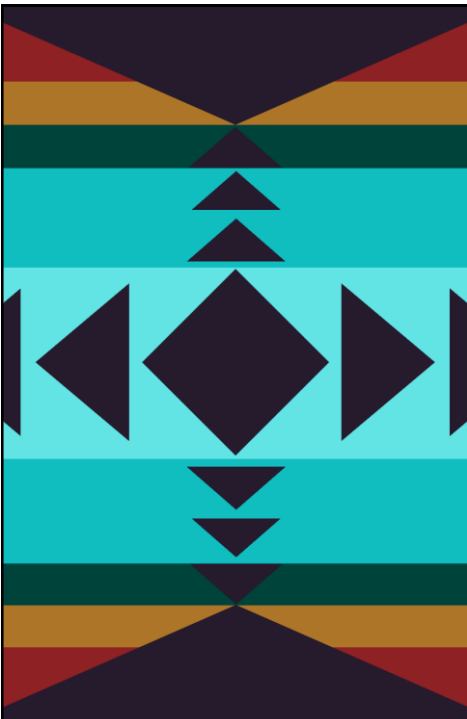
1. The Authority shall have perpetual succession in its corporate name.
2. The Council hereby gives its irrevocable consent to allowing the Authority to sue and be sued in its corporate name, upon any contract, claim or obligation arising out of its activities under this ordinance and hereby authorizes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

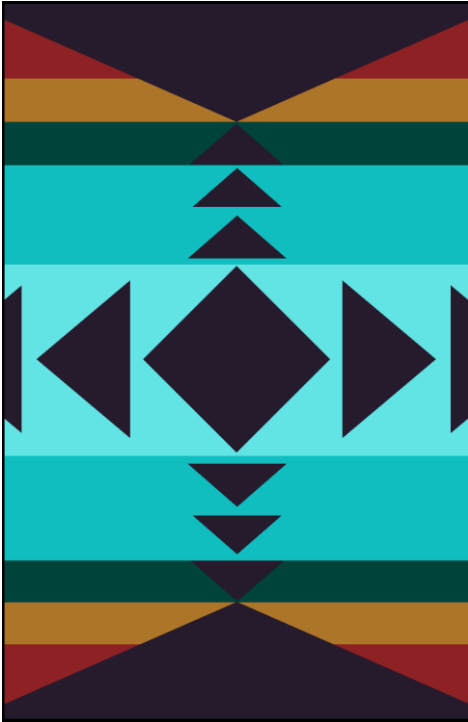
Is should speak about Immunity and Tribal Liability



Article V POWERS

- (3) The Authority shall have the following powers which it may exercise consistent with the purposes for which it is established:





Article V POWERS

- (a) To adopt and use a corporate seal.
- (b) To enter into agreements, contracts and understandings with any governmental agency, Federal, State or Local (including the Council) or with any person, partnership, corporation or Indian Tribe, and to agree to any conditions attached to Federal financial assistance.
- (c) To agree, notwithstanding anything to the contrary contained in this ordinance or in any other provision of law, to any conditions attached to Federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards in the development or operation of projects; and the Authority may include in any contract let in connection with a project stipulations requiring that the contractor and any subcontractors comply with requirements as to maximum hours of labor, and comply with the conditions which the Federal government may have attached to its financial aid to the project.

Article V POWERS

(d) To obligate itself, in any contract with the Federal government for annual contributions to the Authority, to convey to the Federal government possession of or title to the project to which such contract relates, upon the concurrence of a substantial default. (AL)

(e) To lease property from the Tribe and others for such periods as are authorized by law, and to hold & manage or to sublease the same.

(f) To borrow or lend money, to issue temporary or long- term evidence of indebtedness, and to repay the same. Obligations shall be issued and repaid in accordance with the provisions of Article VI of this ordinance.

(g) To pledge the assets and receipts of the Authority as security for debts; and to acquire, sell, lease, exchange, transfer or assign personal property or interests therein.

Article V POWERS

(h) To purchase land or interests in land or take the same by gift; to lease land or interests in land to the extent provided by law.

(I) To undertake and carry out studies and analyses of housing needs, to prepare housing needs, to execute the same to operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project of and part thereof.

(J) With respect to any dwellings, accommodations, lands, buildings, or facilities embraced within any project (including individual cooperative or condominium units) To lease or rent, sell, enter into lease-purchase agreements or leases with option to purchase; to establish and revise rents or required monthly payments; to make rules and regulations concerning the selection of tenants or homebuyers, including the establishment of priorities, and concerning the occupancy, rental, care and management of housing units; and so to issue further rules and regulations as the Board deem necessary and desirable to effectuate the powers granted by this ordinance.

(K) To finance purchase of a home by an eligible homebuyer in accordance with regulations and requirements of the Department of Housing and Urban Development.

Article V POWERS

(L) To terminate any lease or rental agreement or lease-purchase agreement when the tenant or homebuyer has violated the terms of such agreement or failed to meet any of its obligations there under, or when such termination is otherwise authorized under the provisions of such agreement; and to bring action for eviction against such tenant or Homebuyer.

(M) To establish income limits for admission that ensures that dwelling accommodations in a housing project shall be made available only to persons of low income.

(N) To purchase insurance from any stock or mutual company for any property or against any risk hazards.

(O) To invest such funds as are not required for immediate disbursement.

(P) To establish and maintain such bank accounts as may be necessary or convenient.

Article V POWERS

(Q) To employ an executive director, technical and maintenance personnel and such other officers and employees, permanent or temporary, as the Authority may require; and to delegate to such officers and employees such powers or duties as the Board shall deem proper.

(R) To take such further actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the Authority.

(S) To join or cooperate with any other public housing agency or agencies operating under the laws or ordinances of a State or another Tribe in the exercise, either jointly or otherwise, for the purpose of financing (including but not limited to the issuance of notes or other obligations and giving security therefor), planning, undertaking, owning, constructing, operating or contracting with respect to the housing project or projects of the Authority or such other public housing agency or agencies, so joining or cooperating with the Authority, to act on the Authority's behalf with respect to any or all powers, as the Authorities agent or otherwise, in the name of the Authority or in the name of such agency or agencies.

Article V POWERS

(t) To adopt such by-laws as the Board deems necessary and appropriate.

4. It is the purpose and intent of this ordinance to authorize the Authority to do any and all things necessary or desirable to secure the financial aid or cooperation of the Federal government in the undertaking, construction, maintenance or operation of any project by the Authority,

5. No ordinance or other enactment of the Tribe with respect to the acquisition, operation, or disposition of Tribal property shall be applicable to the Authority in its operations pursuant to this ordinance.

Article VI OBLIGATIONS



(1) The Authority may issue obligations from time to time in its discretion for the purpose of paying or retiring obligations previously issued by it. The Authority may issue such types of obligations on which the principal and interest are payable:

- (a) Exclusively from the income and revenues of the project financed with the proceeds of such obligations, or with such income and revenues together with a grant from the Federal government in aid of such project.
- (b) Exclusively from the income and revenues of certain designated projects whether or not they were financed in whole or in part with the proceeds of such obligations; or
- (c) From its secured by a pledge of any revenues of any project or other property of the authority.

Article VI OBLIGATIONS



(2) Neither the commissioners of the Authority nor any person executing the obligations shall be liable personally on the obligations by reason of issuance thereof.

Article VI OBLIGATIONS

- 3) The notes and other obligations of the Authority shall not be a debt of the Tribe and the obligations shall so state on their face
- (4) Obligations of the Authority are declared to be issued for an essential public and governmental purpose and to be public instrumentalities and, together with interest thereon and income therefrom, shall be exempt from taxes imposed by the Tribe. The tax exemption provisions of this ordinance shall be considered part of the security for the repayment of obligations and shall constitute, by virtue of this ordinance and without necessity of being restated in the obligations, a contract between (a) the Authority and the Tribe, and (b) the holders of obligations and each of them, including all transferees of the obligations from time to time.
- (5) Obligations shall be issued and sold in the following manner:



Article VI OBLIGATIONS

- (a) Obligations of the Authority shall be authorized by a resolution adopted by the vote of a majority of the full Board and may be issued in one or more series.
- (b) The obligations shall bear such dates, mature at such dates, mature at such rates, be in such denominations, be in such form, either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment and at such places, and be subject to such terms of redemption, with or without premium, as such resolution may provide.
- (c) The obligations may be sold at public or private sale at not less than par.
- (d) In case any of the commissioners of the Authority whose signatures appear on any obligations cease to be commissioners before the deliver of such obligations, the signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if the commissioners have remained in office until delivery.

Article VI

OBLIGATIONS

(6) Obligations of the Authority shall be fully negotiable. In any suit, action or proceeding involving the validity or enforceability or any obligation of the Authority or the security therefore, any such obligation reciting in substance that is/has been issued by the Authority to aid in financing a project pursuant to this ordinance shall be conclusively deemed to have been issued for such purpose, and the project for which such obligation was issued to be conclusively deemed to have been planned, located and carried out in accordance with the purpose and provisions of this ordinance.

(7) In connection with the issuance of obligations or incurring of obligations under leases, and to secure the payment of such obligations, the Authority, subject to the limitations in this ordinance, may:

(a) Pledge all or any part of its gross or net rents, fees or revenues to which its right then exists or may thereafter come into existence.

Sections A through S discuss all the Covenants. (Please Read thoroughly)

(Covenant (Law), a promise to engage in or refrain from a specified action.)

Article VII

Miscellaneous

(1) The Authority shall submit an annual report, signed by the Chairman of the Board, to the Council showing: (a) a summary of the year's activities, (b) the financial condition of the Authority, (c) the condition of the properties, (d) the number of units and vacancies, (e) any significant problems and accomplishments, (f) plans for the future, and (g) such other information as the Authority or the Council shall deem pertinent.

Article VII Miscellaneous

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

Article VII Miscellaneous

3) Each project developed or operated under a contract providing for Federal financial assistance shall be developed and operated in compliance with all requirements of such contract and applicable Federal legislation, and with all regulations and requirements prescribed from time to time by the Federal government in connection with such assistance.

4) The Authority shall obtain or provide for the obtaining of adequate fidelity bond coverage of its officers, agents, or employees handling cash or authorized to sign checks or certify vouchers.

(5) The Authority shall not construct or operate any project for profit

(6) The property of the Authority is declared to be public property used for essential public and governmental purposes and such property and the Authority are exempt from all taxes and special assessments of the Tribe.

(7) All property including funds acquired or held by the Authority pursuant to this ordinance shall be exempt from lien and sale by virtue of an execution, and no execution or other judicial process shall issue against the Authority to be charge or lien upon such property. However, the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given by the Authority on its rents, fees or revenues or the right of the Federal government to pursue any remedies conferred upon it pursuant to the provisions of this ordinance or the right of the Authority to bring eviction actions in accordance with Article V, Section 3 (1).

Article VIII

Cooperation in Connection with Projects

(1) For the purpose of aiding and cooperating in the planning, undertaking, construction or operation of projects, the Tribe hereby agrees that:

(a) It will not levy or impose any real or personal property taxes or special assessments upon the Authority or any project of the Authority.

(b) It will furnish or cause to be furnished to the Authority and the occupants of projects all services and facilities of the same character and to the same extent as the Tribe furnishes from time to time without cost or charge to other dwellings and inhabitants.

Article VIII

Cooperation in Connection with Projects

(C) Insofar as it may lawfully do so, it will grant such deviations from any present or future building or housing codes of the Tribe as are reasonable and necessary to promote economy and efficiency in the development and operation of any project, and at the same time safeguard health and safety, and make such changes in any zoning of the site and surrounding territory of any project as are reasonable and necessary for the development and protection of such project, and the surrounding territory.

(D) It will do any and all things, within its lawful powers, necessary or convenient to aid and cooperate in the planning, undertaking, construction or operation of projects.

Article VIII Cooperation in Connection with Projects

(e) The Tribal Government hereby declares that the powers of the Tribal Government shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations including action through the appropriate courts.

(f) The Tribal Government shall have jurisdiction to hear and determine an action for eviction of a tenant or homebuyer. The Tribal Government hereby declares that its powers shall be vigorously utilized to enforce eviction of a tenant or homebuyer for nonpayment or other contract violations.

Article VIII Cooperation in Connection with Projects

(2) The provisions of this Article shall remain in effect with respect to any project, and said provisions shall not be abrogated, changed, or modified without the consent of the Department of Housing and Urban Development, so long as (a) the project is owned by a public body or governmental agency and is used for low-income housing purposes.

(b) Any contract between the Authority and the Department of Housing and Urban Development for loans or annual contributions, or both, in connection with such project, remains in force and effect, or (c) any obligations issued in connection with such project or any monies due to the Department of Housing and Urban Development in connection with such project remain unpaid, whichever period ends the latest. If at any time title to or possession of any project is held by any public body or governmental agency authorized by law to engage in the development or operation of low-income housing including the Federal government, the provisions of this section shall inure to the benefit of and be enforced by such public body or governmental agency.

Article IX

Approval by Secretary of Interior

With respect to any financial assistance contract between the Authority and the Federal government, the Authority shall obtain the approval of the Secretary of the Interior or his designee.



Understanding Your Housing Bylaws





Do You Know what is in the Housing Authority Bylaws?



BY-LAWS

01

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

02

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

03

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

BY-LAWS

The Seal & Description



Place Of Business

Suggested wording: The Office of the Authority shall be at such place on the ATIHA Reservation, as the ATIHA may time to time designate by resolution.



BY-LAWS

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



DUTIES OF OFFICERS

- The Chairperson should be chosen based upon their qualifications to lead a group. They should be familiar with your by-laws, rules, and parliamentary procedures because the Chair:
 - Presides at the meeting
 - Opens the meeting on time
 - Announces business to come before the Board
 - Recognizes members to speak
 - Maintains a quorum of the members



The Chairperson

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

The Chairperson

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

Maintains order and enforces rules

Expedites business

Adjourns the meeting

Signs documents, as required

The Vice-Chair

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

The Secretary



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

*Resolutions and Minutes reflect the
HISTORY
of your organization*



MINUTES

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

The Treasurer



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

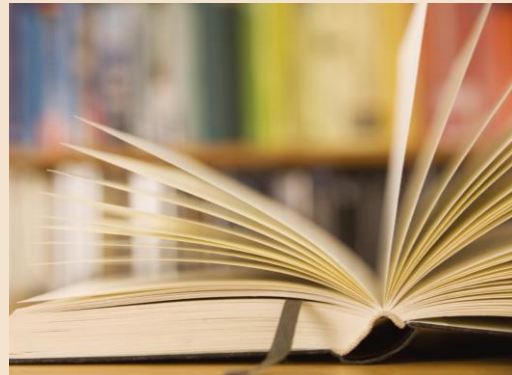


The Secretary & The Treasurer

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

RECORDS

Other Duties and responsibilities normally performed by the Secretary and the Treasurer are assigned to the Executive Director or a member of the staff. The Executive Director shall keep in safe custody the Seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Board.



Annual Report

- The Housing Authority shall submit a complete Annual Report, in written form, as required by the Tribal Ordinance

The Executive Director

The Executive Director of the ATIHA shall be appointed by the Board. Subject to the direction of the Board, he or she shall have general supervision over the administration of the business and affairs of the ATIHA and shall be charged with the management of its housing projects and operations.



Additional Duties

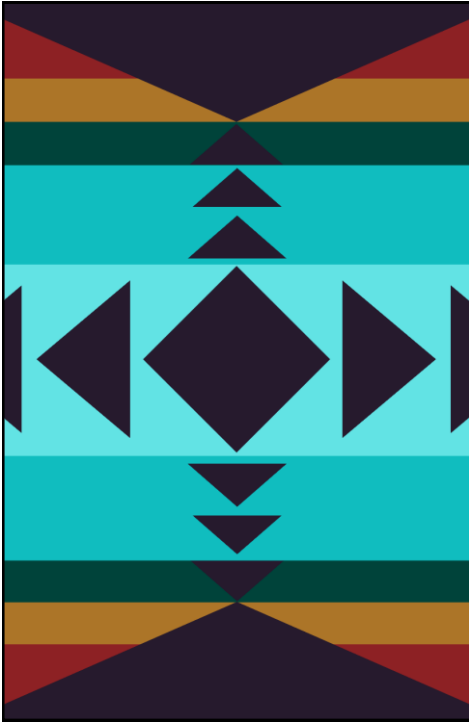
The Officers of the AITHA shall perform such other duties and functions as may from time to time be required by the Board or the By-Laws or rules and policies of the ATIHA.



Do you have
your Grievance
Procedure
clearly laid
out?

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





GRIEVANCES

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

GRIEVANCES

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

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

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

GRIEVANCES

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

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

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

GRIEVANCES

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

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

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

GRIEVANCES



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



It is important to:

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

Ensure that grievances are handled in a timely manner

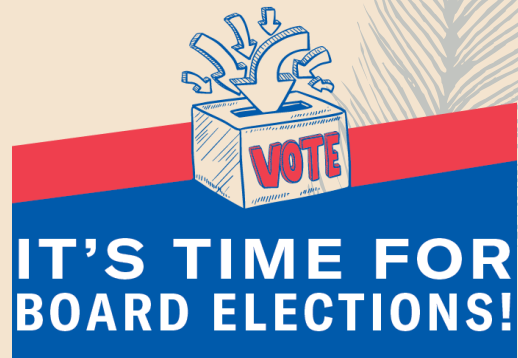
COMPENSATION



Commissioners shall be entitled to compensation, including Travel Expenses, incurred in the discharge of their duties. The rate of compensation will be consistent with that established by the ATIHA Tribe and will be consistent with other Boards of Directors.

Elections or Appointments

- Elections or Appointments
- All officers shall be elected at the annual meeting of the Board Of Commissioners from among the Commissioners and shall hold office for four years or until their successors are elected and qualified.



Resignation or Removal

Any member of the Board may resign from the Board of Commissioners. Resignation must be by letter directed to the Chairperson. A member of the Board may be removed by the Tribal Council for serious inefficiency or neglect of duty or for misconduct in office, after a hearing before the Council where the member has been given an opportunity to respond to the allegation. A record of the proceedings shall be kept by the Tribal Council. Failure of a Board member to attend three meetings without good cause shall be cause for removal.



ARTICLE II - OFFICERS

SECTION 11 – Vacancies

Should the offices of the Chairperson, Vice Chairperson, Secretary, or Treasurer become vacant, the Board shall elect a successor from its membership at the next regular meeting, and such election shall be for the unexpired term of said office.

SECTION 12 – Additional Personnel

The AITHA may from time to time employ such personnel in addition to the Executive Director, as it deems necessary to carry out its power, duties and functions as prescribed by law and tribal resolution. The selection and compensation of such personnel (including the Executive Director) shall be determined by the Board. The Executive Director shall hire and/or terminate such personnel as he/she deems necessary to carry out the policies of the Board.

SECTION 13 – Delegation of Board Responsibilities

The Board may delegate by Board resolution certain *of its* duties and responsibilities as deemed necessary to the Executive Director.

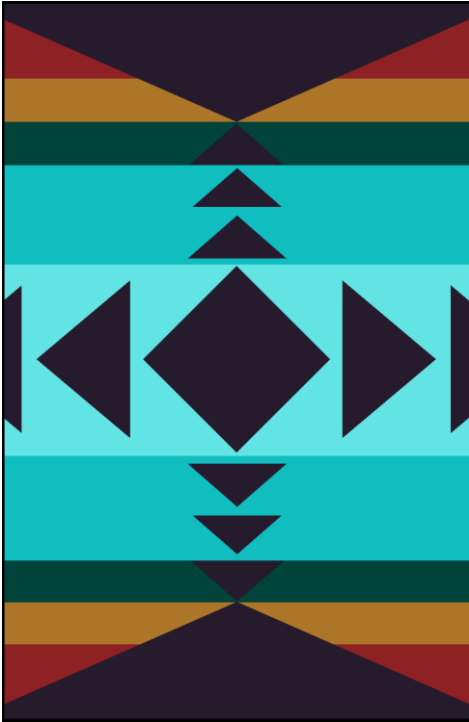
ARTICLE III - Meetings

SECTION 1 - ANNUAL MEETING

The *Annual meeting* of the Board shall be held on the *Second Thursday of January at 10:00 AM* at the regular place of the Board. In the event such date falls on a tribal holiday the meeting shall be held on the next Thursday.

SECTION 2 - Regular Meetings

Regular meetings shall be held on the *Second Thursday of every month at 10:00 AM* at the regular meeting place of the Board. In the event such date falls on a tribal holiday the regular meeting shall be held on the next Thursday. Regular meetings may be held without notice.



ARTICLE III - Meetings

SECTION 3 - Special Meetings

The Chairperson of the Board may, when he or she deems it expedient, and shall, upon the written request of two members of the Board, *call a special meeting* of the Board for the purpose of transacting any business designated in the call. Actual notice must be given to each member of the Board at least 24 hours prior to the time of such special meeting. At such meeting no business shall be considered other than as designated in the call, and no action may be taken without the concurrence of a majority of the full Board, but *if all of the members* of the Board are present at a special meeting any and all business may be transacted at such meeting.

ARTICLE III - Meetings

SECTION 4 - QUORUM

A majority of the full Board, notwithstanding the existence of any vacancies, shall constitute a quorum for the transaction of business. No Board action shall be valid unless taken by the affirmative vote of a majority of the Board.

SECTION 5 – Proxies

No proxy of a Commissioner shall be accepted, recognized or valid for any purpose.



ARTICLE IV – Conduct Of Meetings

SECTION 1 – Powers and Duties of Chairperson:

The Chairperson shall have the following powers and duties:

- A. The Chairperson shall preserve the order and decorum of Board Meetings. In doing so he or she shall:
 - (1) Ensure that all Board members are given an opportunity to debate on all matters before the Board;
 - (2) Entertain motions from the Board; and
 - (3) Decide the rule on all points of order.
- B. The Chairperson shall conduct the Board's order of business in accordance with Section 3 of this Article.

SECTION 2 – Order of Agenda :

The order of business shall be as follows:

- 1.) Roll Call
- 2.) Approval of the minutes of the previous meeting(s)
- 3.) Review and Adopt the Agenda
- 4.) Delinquency Report and Hearings
- 5.) Tenant Issues
- 6.) Executive Director's Report
- 7.) Financial Report
- 8.) Unfinished Business
- 9.) New Business
- 10.) For The Good Of The Order
- 11.) Adjournment

ARTICLE IV – Conduct Of Meetings

ARTICLE IV – Conduct Of Meetings

SECTION 3 - Resolutions :

All resolutions shall be in writing and copied in a journal of resolutions of the ATIHA. After presentation and debate, the Chairperson shall entertain a motion to adopt from the Board.

SECTION 4 - Motions :

A motion may be made by any Board member. A second shall be made. A second with amendments to the motion shall not constitute a second.

ARTICLE IV – Conduct Of Meetings

SECTION 5 - Debate :

All Board members shall be given an opportunity to debate on proposed resolutions or matters before the Board. A Board Member choosing to debate shall do so without interruption when speaking, and no question shall be asked of him or her, by and through the Chairperson in order to reach resolution of the issue at hand.

ARTICLE IV – Conduct Of Meetings

SECTION 6 – Amendment of Motion :

After a motion has been made by a Board member, the motion may be amended by the person making the motion or by any other Board Member, by so moving. An amended motion is one which only amends a portion of the main motion. An amended motion must be seconded, and the Chairperson shall allow debate of the amendment before resuming debate on the main motion. The Board shall vote on the amendment and upon majority vote, the main motion shall be amended and debate on the main motion as amended shall continue. There shall be only one motion to amend on the floor at any given time. Each motion to amend shall be debated and voted upon before another motion to amend is entertained.

ARTICLE IV – Conduct Of Meetings

SECTION 7 – Substitute Motion:

Any Board member may propose a substitute motion to any main motion. A substitute motion is one which changes the entire motion, and if adopted shall rescind the main motion. A substitute motion must be seconded and shall take precedence over a main motion and a motion to amend, and the Chairperson shall allow debate of the substituted motion before continuing debate on all other motions. There shall be only one substituted motion on the floor at any given time. Each substituted motion shall be debated and voted upon before other motions are entertained.

ARTICLE IV – Conduct Of Meetings

SECTION 8 – Tabling Motion :

Any Board member may motion to table a resolution that is before the Board. A tabling motion must be seconded and shall take precedence over all other motions before the Board. A tabling motion shall include specific directives on when the resolution will be reconsidered. A tabling motion is not subject to debate.

SECTION 9 – Voting:

Every Board member shall vote for or against or abstain on each motion before the Board. Voting shall be done by a show of hands. The Chairperson shall direct recording of the final vote count before considering any further Board Action.

ARTICLE IV – Conduct Of Meetings

SECTION 10 – Executive Session :

Upon a motion by any Board member, a second, and a majority vote, the Board shall resolve itself into an executive session to discuss any business which may require confidentiality and/or is of a sensitive nature. The Chairperson shall direct the meeting place to be cleared, except for such personnel as the chairperson may deem necessary. During the discussion, there shall be no recording and the doors shall remain closed.

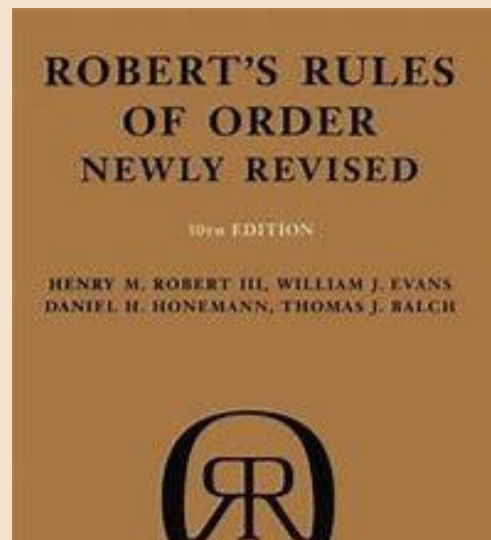
ARTICLE V – AMENDMENTS

SECTION 1 – Amendments to Bylaws :

These bylaws shall be amended only with the approval of at least four Commissioners at any Board meeting provided that at least seven days written notice thereof has been previously given to all Commissioners.

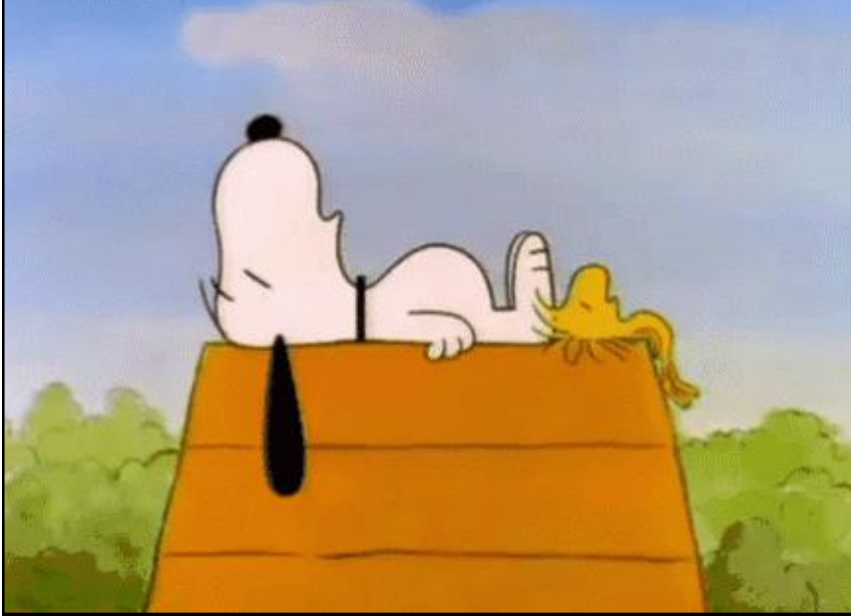
BY-LAWS

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



Time to take a break

TAKE 15
MINUTES



Grant Evaluation
Oversight & Monitoring

GRANT EVALUATION OVERSIGHT AND MONITORING (HQ)

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



Monitoring

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

Monitoring

- ❖ HUD monitoring consists of on-site review and off-site (or remote) review of records, reports, and audits. On-site reviews are conducted at the grant recipients' offices and may include visits to housing sites. Grant recipients may be requested to provide additional information to the Area ONAP after completion of the on-site visit and before completion of HUD's review. Unusual situations aside, the Area ONAP will provide written notice and details of the monitoring visit at least 30 days in advance. A remote review consists of a thorough review of all information available in the Area ONAP's files concerning a grant recipient. The Area ONAP may request submission of information from the grant recipient to supplement information available in HUD's records prior to the completion of the review.



Monitoring

- ❖ Upon completion of either type of review, a draft report will be provided to the grant recipient for comment, per 24 CFR § 1000.528. Once the comment period has expired, HUD will issue a final report that addresses any comments received.

HUD Performance Measures

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

When Should I Do Self-Monitoring?

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

How is Self-Monitoring Conducted? Monitoring for Compliance:

- ❖ Since each Tribe or TDHE is unique in:

Size and amount of funding, Tribes should decide how best to monitor their activities to ensure compliance with requirements of NAHASDA statute and regulations.

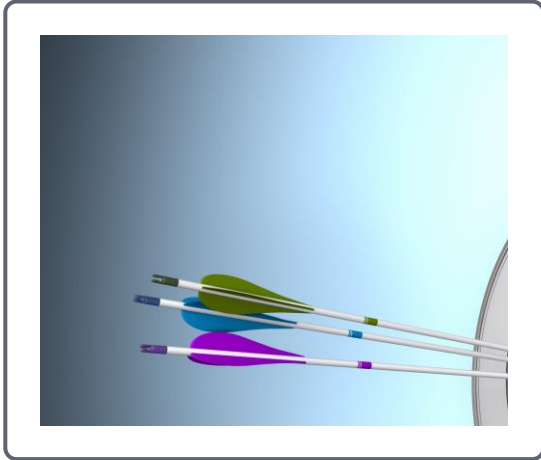
- ❖ Monitoring Performance Goals:

Spreadsheets are useful tools for monitoring progress of goals and objectives in your Indian Housing Plan

Components of a Monitoring System

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

What if you find problems?



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

Assessment Methods

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



Therefore, Self-Monitoring under NAHASDA is:

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

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



Recipient compliance and progress.

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





Guidebooks

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

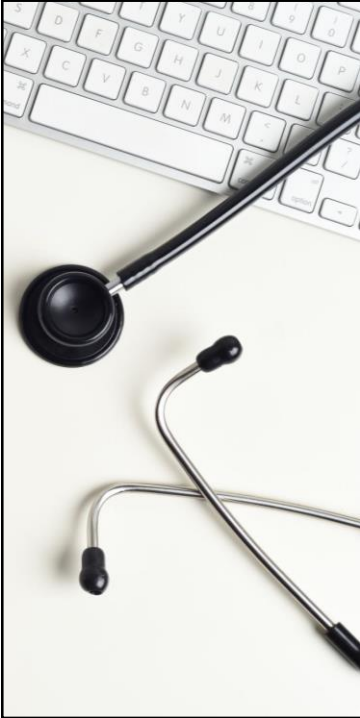
Developed by ONAP to assist Indian Housing Block Grant (IHBG) recipients meet their self-monitoring responsibilities under NAHASDA. This Guidebook is presented in chapters which address various organizational components of a recipient's operation. While the Guidebook is developed for the IHBG program,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

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



Overview

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



Self-Monitoring Requirements

- NAHASDA: Section 403(b)
- PERIODIC MONITORING



Self-Monitoring Requirements

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

IHBG Tribal Recipients

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



IHBG Tribal Recipients

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





IHBG Tribally Designated Housing Entity Recipients

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

IHBG Tribally Designated Housing Entity Recipients

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





Audit Requirements 2 CFR 200 Subpart F

The Single Audit Act consolidates and allows for one audit rather than multiple audits of each federal grant a Tribe receives.

- \$750,000 or more in federal funds spent in the fiscal year must have a single audit or program-specific audit in accordance with the provisions of Subpart F of 2 CFR 200.
- Conduct in accordance with 200.514 Scope of audit.



Prepare For The Audit

1. Procure an Auditor.

Remember the new requirement: Peer Review must be requested from Auditor. Non-submission or submission of "fail" peer review may disqualify the auditor from consideration.

2. Be prepared to provide several items to the selected auditor and you must give them access to your records.

3. Know all your federal awards (CFDA, Award Number, etc.)

4. Prepare the Financial Statements, Schedules & Schedule of Expenditures of Federal Awards (SEFA)

5. Be timely: – Complete the Audit – Submit to Federal Audit Clearinghouse on time! **Earlier of:** • 30 days after receipt of the auditor's report, or • 9 months after the end of the audit period.



IHBG Tribally Designated Housing Entity Recipients

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





Subrecipient Monitoring

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

Subrecipient Monitoring

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



Subrecipient Monitoring

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



ONAP Monitoring

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

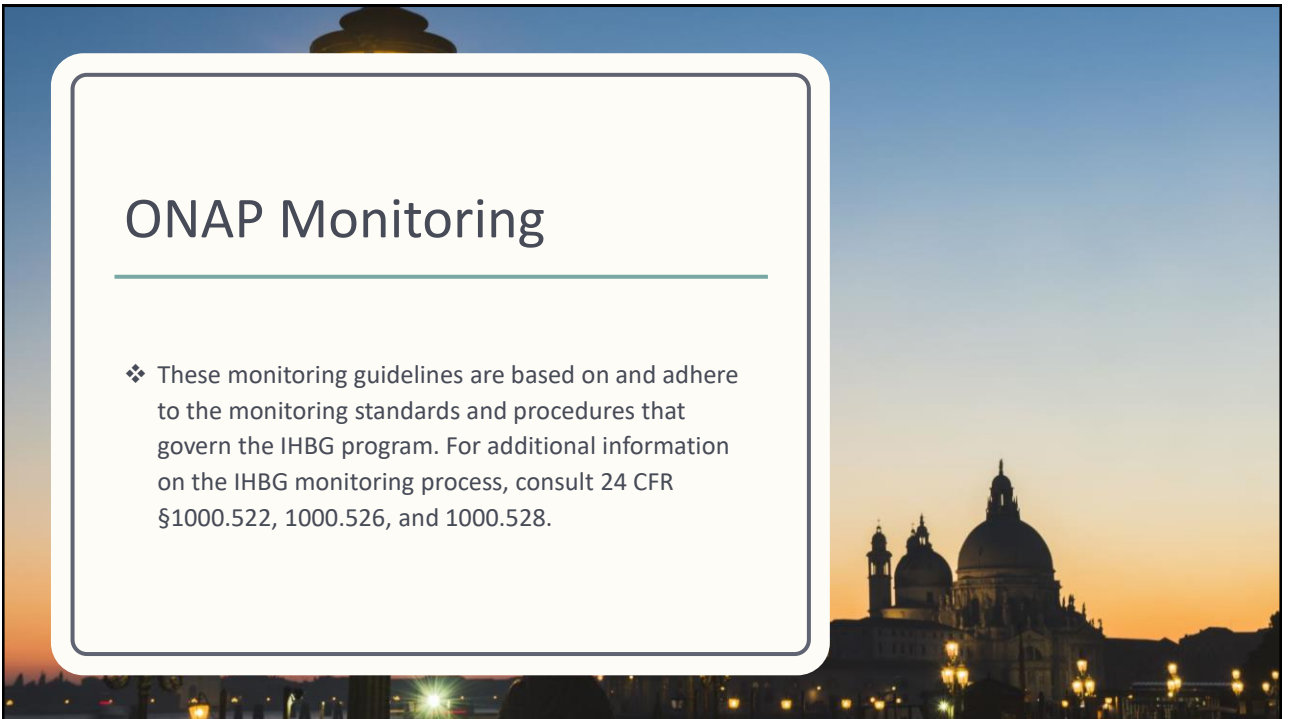
ONAP Monitoring

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



ONAP Monitoring

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



ONAP Monitoring

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

ONAP Review of Self-Monitoring

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

ONAP Review of Self-Monitoring

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

ONAP Review of Self-Monitoring

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



Monitoring Plans for Recipients

- ❖ ONAP provides IHBG recipients with sample monitoring plans that they may use when conducting self monitoring. Use of these sample monitoring plans is optional; however, the plans are designed to provide tribes and TDHEs with an effective, structured approach to evaluate performance and determine compliance with program requirements.
- ❖ The sample monitoring plans can also be used to conduct similar reviews of the Indian Community Development Block Grant (ICDBG), Rural Housing and Economic Development/Rural Innovation Fund (RHED/RIF), and Resident Opportunity and Self-Sufficiency (ROSS) programs. The plans are “living” documents and may change over time.
- ❖ Always use the plans available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/grants/oversight.

Monitoring Plans for Recipients

The sample monitoring plans include those below.

- ❖ APR and IHP Compliance Monitoring Plan
- ❖ Lead-Based Paint Monitoring Plan
- ❖ Environmental Review Compliance Monitoring Plan
- ❖ General Instructions to Monitoring Plans
- ❖ Labor Standards Monitoring Plan
- ❖ Maintenance and Inspection Monitoring Plan
- ❖ Organization and Structure Monitoring Plan



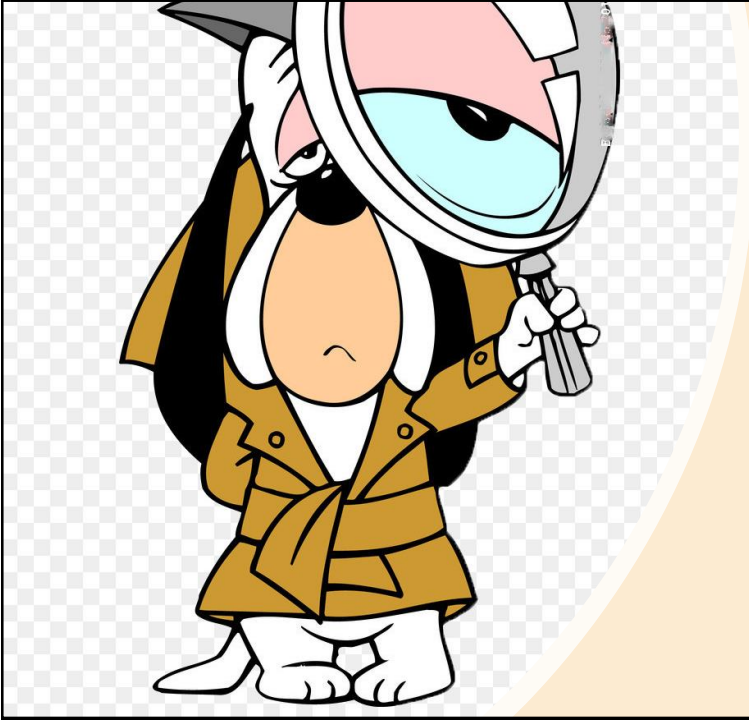
Monitoring Plans for Recipients

- ❖ Other Programs (ICDBG, ROSS & RHED/RIF) Monitoring Plan
- ❖ Procurement and Contract Administration Monitoring Plan
- ❖ Relocation and Real Property Acquisition Monitoring Plan
- ❖ Section 504 Accessibility Monitoring Plan
- ❖ IHBG Self-Monitoring Plan
- ❖ Subrecipient Agreements Monitoring Plan
- ❖ Admissions and Occupancy Monitoring Plan
- ❖ Occupancy Review Form
- ❖ Occupancy Tenant Files Review Forms

Monitoring Plans for Recipients

- ❖ Financial and Fiscal Management Monitoring Plan
- ❖ Financial and Fiscal Management: -Finance System Controls
- ❖ Financial and Fiscal Management: – Cash Management
- ❖ Financial and Fiscal Management: – Indirect Costs Cost Allocation
- ❖ Financial and Fiscal Management: – Reserve Balances
- ❖ Financial and Fiscal Management: – TDCs
- ❖ Financial and Fiscal Management: – Program Income
- ❖ Financial and Fiscal Management: – Investments
- ❖ Financial and Fiscal Management: – Insurance





FBI Criminal History Record Information

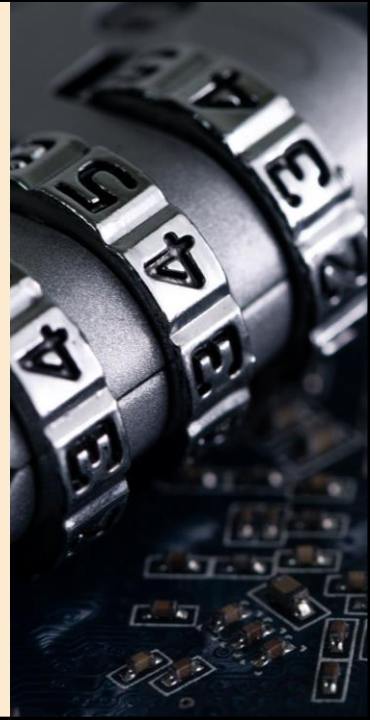


No. 2019-05 December 30, 2019

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

PROGRAM GUIDANCE 2019-05

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



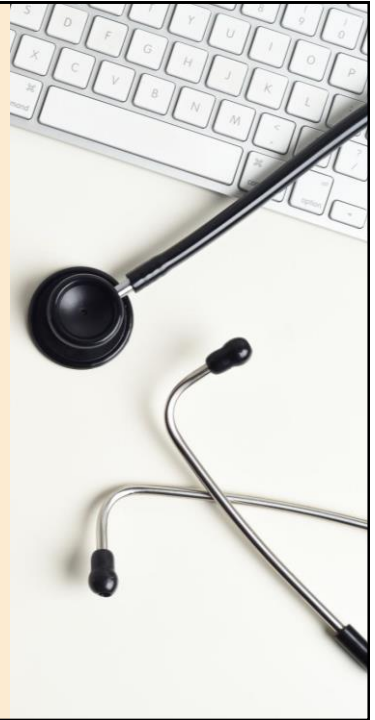
FBI Criminal History Record Information

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



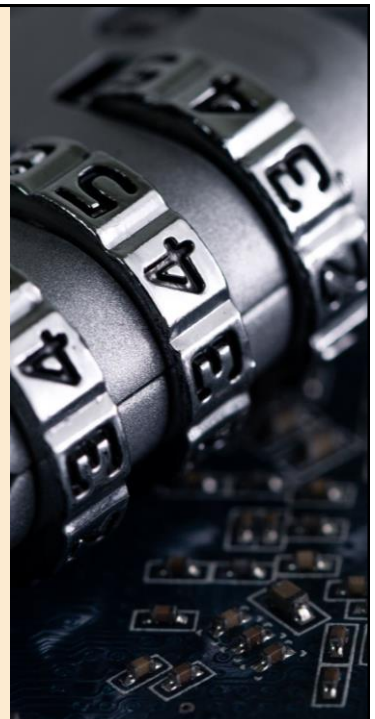
Confidentiality:

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



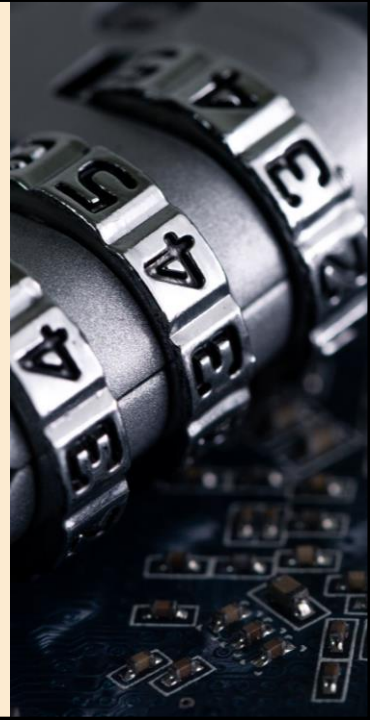
Overview: Recipients wishing to check applicants and residents have several options. They can:

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



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

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



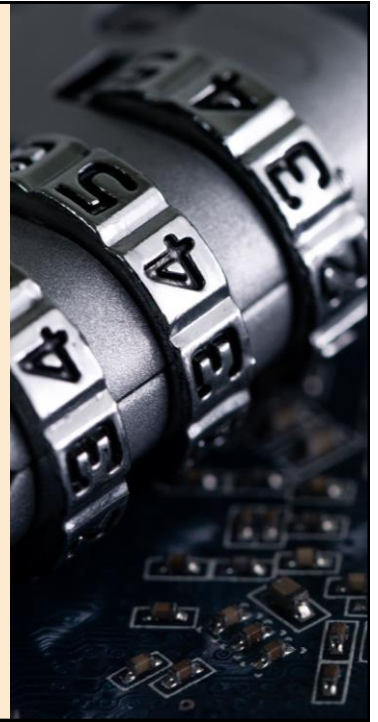
Overview:

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



Overview:

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



Issuance of ORI Numbers:

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



Issuance of ORI Numbers:

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



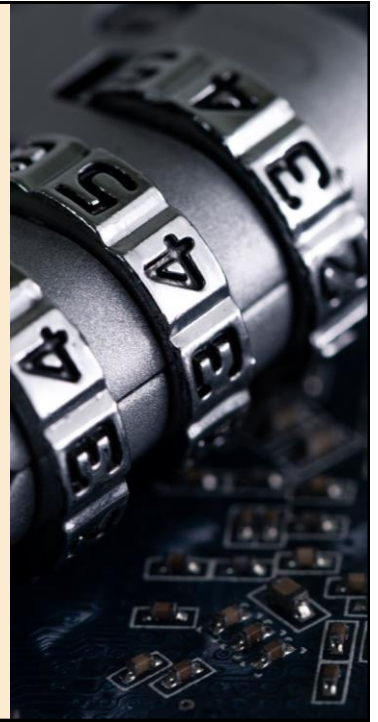
Instructions for Obtaining Criminal History Records:

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



Instructions for Obtaining Criminal History Records:

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



Instructions for Obtaining Criminal History Records:

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



Instructions for Obtaining Criminal History Records:

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



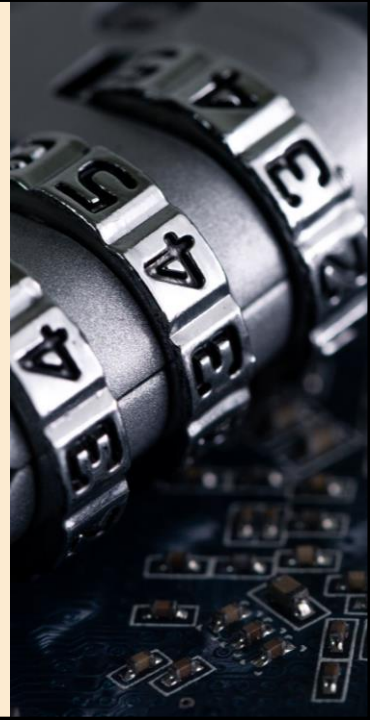
Channeling

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



Channeling

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



Channeling

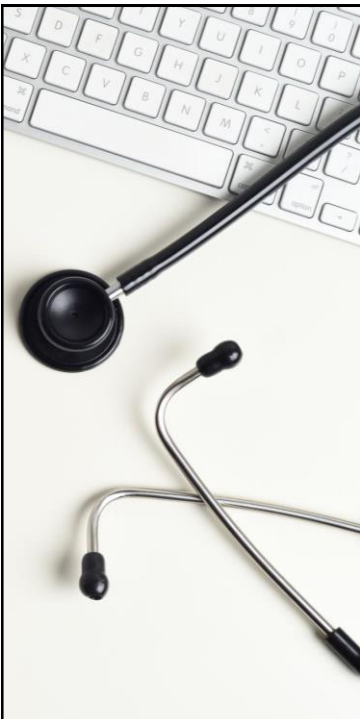
- ❖ The process for making a request through a Channeler is consistent with FBI submission procedures. Additional fees may apply above the FBI fee for requests submitted through a Channeler. Contact each Channeler for processing times and fees.
- ❖ Each recipient that does not choose to channel through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





Maintenance of Criminal Conviction Records

- ❖ Your Policy should also have a statement –with similar language
- ❖ ATIHA will keep all the criminal conviction record information it receives from official law enforcement agencies in files separate from all other housing records.
- ❖ 2. These criminal conviction records will be kept under lock and key and be under the custody and control of the ATIHA Executive Director and/or his designee for such records.



Access to Criminal Conviction Records

- ❖ These criminal conviction records may only be accessed with the written permission of the Executive Director and/or his designee and are only to be used for the purposes stated in section 208 of NAHASDA and these regulations.
- ❖ NOTE* you must designate within your Policy the name and position of the other staff member allowed to access these records.



QUESTIONS



LUNCH TIME
1 To 2 PM EST

