



NAHASDA Intermediate
May 20, 2021
Day 2 Part 2



LUNCH TIME
1 To 2 PM EST



Conflict Of Interest in Admissions



4 **Conflict of Interest Requirements**

Report a potential conflict of interest to ONAP

Disclose to the public the conflict of interest, the nature of the assistance to be provided the individual, and the specific basis for which there is no conflict.

Conflicts in Admissions

Ensure fair and equitable treatment for all

Determine if a conflict exists

Disclose to the public and report to HUD prior to providing assistance

HUD may make an exception

If family is low-income and qualifies, this is not a conflict, but disclosure is required

If conflict is only apparent or perceived, make disclosure and inform HUD

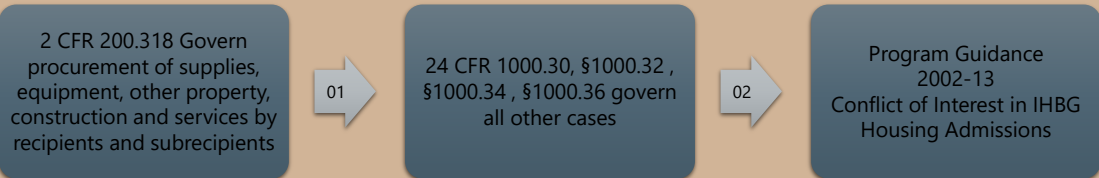
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Conflicts in Admissions

There may be several ways to make the public disclosure. One such way is to make the information available in the same manner that you would provide any other public information, such as posting it in a prominent place. Some programs include a "*public disclosures*" section on their monthly meeting agendas. HUD must be provided with a copy of the disclosure. If the recipient is a TDHE, the disclosure may be provided to the tribe as well.

What REQUIREMENTS regarding conflict of interest are applicable?



24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(a) Applicability. In the procurement of supplies, equipment, other property, construction and services by recipients and subrecipients, the conflict-of-interest provisions of 2 CFR 200.318 shall apply. In all cases not governed by 2 CFR 200.318, the following provisions shall apply.

24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(b) Conflicts prohibited. No person who participates in the decision-making process or who gains inside information with regard to NAHASDA assisted activities may obtain a personal or financial interest or benefit from such activities, except for the use of NAHASDA funds to pay salaries or other related administrative costs. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds thereunder, either for themselves or others with whom they have business or immediate family ties. Immediate family ties are determined by the Indian tribe or TDHE in its operating policies.



24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(c) The conflict-of-interest provision does not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the recipient's written policies for eligibility, admission and occupancy of families for housing assistance with IHBG funds, provided that there is no conflict of interest under applicable tribal or state law. The recipient must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The recipient shall provide the appropriate Area ONAP with a copy of the disclosure before the assistance is provided to the person.



§1000.32 May exceptions be made to the conflict-of-interest provisions?

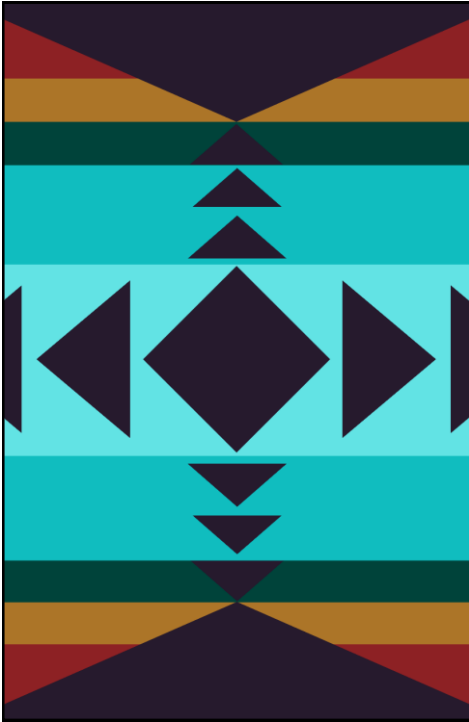
(a) Yes. HUD may make exceptions to the conflict-of-interest provisions set forth in §1000.30(b) on a case-by-case basis when it determines that such an exception would further the primary objective of NAHASDA and the effective and efficient implementation of the recipient's program, activity, or project.

(b) A public disclosure of the conflict must be made and a determination that the exception would not violate tribal laws on conflict of interest (or any applicable state laws) must also be made.

§1000.34 What factors must be considered in making an exception to the conflict-of-interest provisions?

In determining whether to make an exception to the conflict-of-interest provisions, HUD must consider whether undue hardship will result, either to the recipient or to the person affected, when weighed against the public interest served by avoiding the prohibited conflict.





§1000.36 How long must a recipient retain records regarding exceptions made to the conflict-of-interest provisions?

A recipient must maintain all such records for a period of at least 3 years after an exception is made.



No. 2002-13
July 25, 2002

PROGRAM GUIDANCE

PROGRAM: Indian Housing Block Grant (IHBG)

FOR: All Tribal Government Leaders and Tribally Designated Housing Entities (TDHE)

FROM: Ted Key, Acting Deputy Assistant Secretary, PN

TOPIC: Conflict of Interest in IHBG Housing Admissions

Purpose: The purpose of this Guidance is to help IHBG recipients manage those situations where conflicts of interest arise within housing programs governed by the Native American Housing Assistance and Self-Determination Act (NAHASDA) and to ensure fair and equitable treatment for all eligible participants of those programs.

References: NAHASDA Sections: 201(b), 203(d), 207(b) and 408; 24 CFR 85.36(a)(3); 24 CFR 1000.30, 1000.32, 1000.34 and 1000.36

Background: On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs. Over half of the housing entities audited had no process to ensure adherence to the conflict of interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.

Application of Requirements: The conflict of interest provisions apply to anyone who participates in the IHBG recipient's decision-making process or who gains inside information with regard to the IHBG assisted activities. Such individuals would be, but are not necessarily limited to: housing staff, housing or tribal board members, members of their immediate families, and such individuals business associates.

Program Guidance 2002-13 Conflict of Interest in IHBG Housing Admissions

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Over half of the housing entities audited had no process to ensure adherence to the conflict-of-interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.



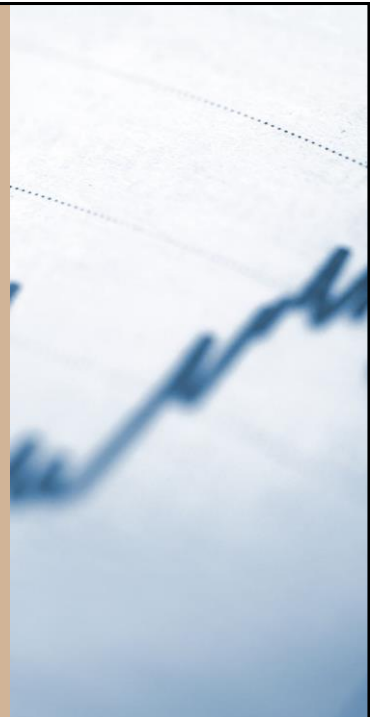
Program Guidance 2002-13 Conflict of Interest in IHBG Housing Admissions

Application of Requirements:

The conflict-of-interest provisions apply to anyone who participates in the IHBG recipient's decision-making process or who gains inside information with regard to the IHBG assisted activities. Such individuals would be, but are not necessarily limited to housing staff, housing or tribal board members, members of their immediate families, and such individual's business associates.

The requirements prohibit any such individuals from benefiting from their position personally, financially or through the receipt of special benefits other than payment of their salary and/or appropriate administrative expenses. This does not prevent housing staff, board members, their family members and/or business associates from receiving housing benefits for which they qualify as low-income individuals.

(See Exceptions to the Requirements In following slides.)






Your Applications should ask..

Do you or any member of your household have a family or business relationship with an employee of the ATHA Housing Authority, Board of Commissioners of the Any Tribal Housing Authority, or a Tribal Council Member?

Application Conflict Of Interest Disclosure

Conflict of Interest Disclosure. The Any Tribal Housing Authority takes seriously any actual or potential conflicts of interest. As we wish to avoid even the appearance of a conflict, we ask all applicants to disclose any immediate family members, or other significant persons, which could potentially cause a conflict of interest. (ATHA Staff, Tribal Council, Housing Board Of Commissioners,) For this purpose, immediate family member includes, but is not limited to, spouse, children, parents and siblings. Please list any relationship here (please print):





Program Guidance 2002-13 Applying the Conflict-of-Interest Requirements in Admission:

In order to effectively comply with the conflict-of-interest requirements, recipients should have in place a set of procedures for determining when a conflict of interest exists and for reporting the conflict to HUD and disclosing it to the public as required by the regulations. Those procedures should include:


A method of determining whether or not there is a potential conflict of interest with an applicant (e.g., does the housing application ask applicants to disclose any personal, family or business relationships with the housing entities decision makers? Does the housing entity maintain a list of persons having immediate family or business ties to its decision makers?);

And administrative steps for reporting a potential conflict of interest to the Area Office of Native American Programs (ONAP) and disclosing to the public the conflict of interest, the nature of the assistance to be provided the individual and the specific basis for which the selection of the individual was made.

Program Guidance 2002-13 Exceptions to the Requirements:

Exceptions may be made to the conflict-of-interest provisions. HUD approval must be obtained through the recipient's local Area ONAP before providing benefits to any individual as an exception to §1000.30(b). Exceptions will be considered on a case-by-case basis and when making the exception can be shown to further the primary objective of NAHASDA [See Section 201(a) of NAHASDA] and the effective and efficient implementation of the recipient's program, activity, or project.

Before any exception may be granted, a public disclosure of the conflict must also be made and a determination that the exception would not violate tribal or any applicable state laws on conflict of interest. All records relating to exceptions made to the conflict-of-interest provisions must be maintain for at least three years after the exception has been granted.



Program Guidance 2002-13 Exceptions to the Requirements:

Low-income individuals to whom the conflict-of-interest provisions would normally apply (e.g., housing staff and board members), but who qualify for assistance under the recipient's written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with the assistance for which they qualify [See §1000.30(c)].

However, the recipient must make a public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person. The recipient must also provide its Area ONAP with a copy of the disclosure before the assistance is provided to the person.



Sample Public Disclosure Form

PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE's Conflict of Interest Policy:



To: Tribal Members of Any Tribal Housing Authority

Date: Today's date

Re: Potential Conflict of Interest

Staff:

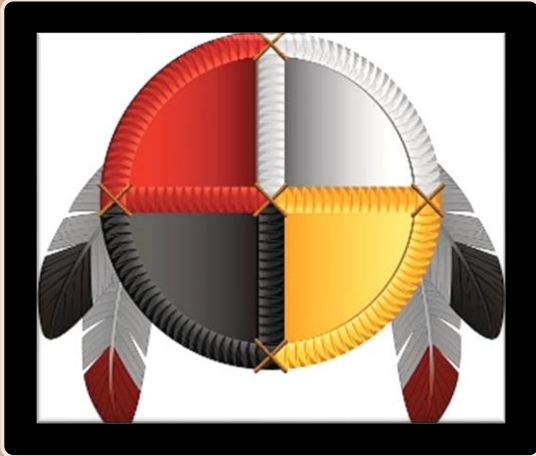
Board:

Council: Immediate family member of a Tribal Council Member

The above has applied and has been determined eligible for services. The nature and basis of the assistance to be provided is as follows:

Rental Assistance-Selection for Rental Unit

Sample Public Disclosure Form
PUBLIC DISCLOSURE NOTICE: In accordance with 24 CFR 1000.30, the following public disclosure is made in accordance with the (ATHA) Any Tribal Housing Authority of the ANY TRIBE's Conflict of Interest Policy:



Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of this posting, as indicated below. All conflict-of-interest comments must be in a sealed envelope, addressed to Any Tribal Housing Authority, "Conflict of Interest Comment", 1111 S 22nd Avenue, Any Tribal Place, BR549. Comments that are received will be reviewed at the next regularly scheduled ATHA Board meeting. The Board will not consider any comments received after the end of the comment period. 12/12/2021 AT 8:05 am EST

This Notice was posted on December 5th, 2021, at this time of 8:00 AM EST at the location: ATHA Office Lobby.
On this day _____ of _____, 2021, at this time of _____. This Notice was taken down by: _____

Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

This Notice was posted on December 5th, 2021, at this time of 8:06 AM EST at the location: ATHA Office Lobby.

On this day 12th of December 2021, at this time of 8:06 AM. This Notice was taken down by: Jane Doe, The Best front Office Staff ever.



Sample ONAP Disclosure Form
Notification of Potential or Appearance of
Conflict of Interest

To: Office of Native American Programs

From: Any Tribal Housing Authority

Date: Today's Date

Regarding the following applicant: Vice-
Chairman's Hunkadunks Sister



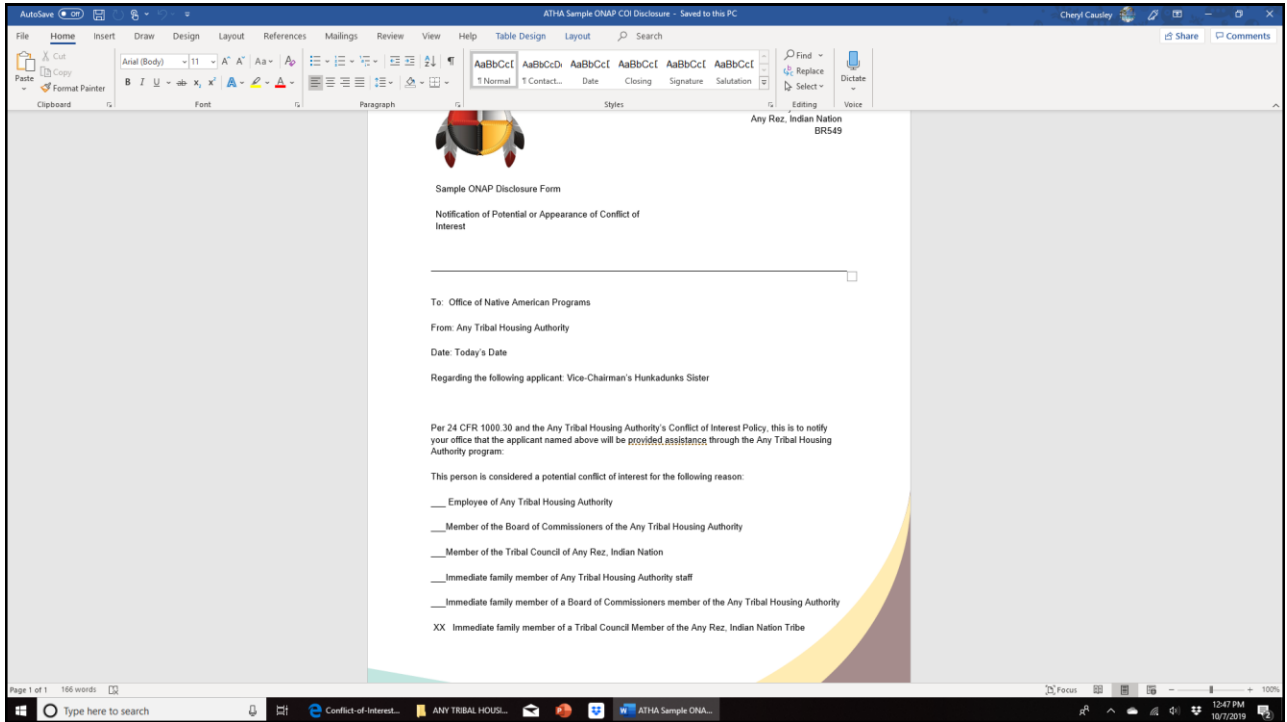
Sample ONAP Disclosure Form
Notification of Potential or
Appearance of Conflict of Interest

Per 24 CFR 1000.30 and the Any Tribal Housing Authority's
Conflict of Interest Policy, this is to notify your office that
the applicant named above will be provided assistance
through the Any Tribal Housing Authority program:

This person is considered a potential conflict of interest for
the following reason:

- Employee of Any Tribal Housing Authority
- Member of the Board of Commissioners of the Any Tribal
Housing Authority
- Member of the Tribal Council of Any Rez, Indian Nation
- Immediate family member of Any Tribal Housing
Authority staff
- Immediate family member of a Board of Commissioners
member of the Any Tribal Housing Authority
- Immediate family member of a Tribal Council Member
of the Any Rez, Indian Nation Tribe





Native American Housing & Self-Determination Act (NAHASDA) Notice of Potential Conflict of Interest

- Per the Department of Housing and Urban Development (HUD) NAHASDA regulations at 24 CFR §§1000.30 – 1000.36, Any Tribal Housing Authority (ATHA) must publicly disclose when an individual directly affiliated with the organization has qualified and been selected to receive assistance through the NAHASDA program.
- A Potential Conflict of Interest is being disclosed due to Housing Assistance being provided to immediate family members of Staff or Housing Commissioners or Tribal Council members of The ATHA Tribe, Vice-Chairman Scott Hunkadunks Applicant Suzy Hunkadunks (Sister) have applied for and met the requirements for participating in the Low Rent Program in Lakeside Apartments, Any Tribal Place. Participant will be provided assistance with Rental Assistance-Selection for Rental Unit #1234 .

Native American Housing & Self-Determination Act
(NAHASDA) Notice of Potential Conflict of Interest

The following applicants have met all requirements for participation:

Applicant: Suzy Hunkadunks
Relationship to Board Member or ATHA: Sister of Vice Chairman Scott Hunkadunks

Specific Basis for the selection:

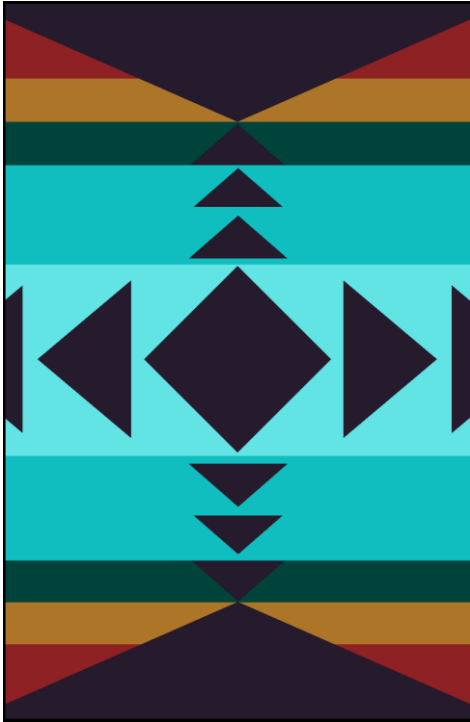
- X American Indian or Alaskan Native
- X Low-income as determined by HUD
- X Primary residence
- X Applicant met all criteria and was next on waiting list



Program Guidance 2002-13
Actions to be Taken:

All IHBG recipients should be sure that they have written and adopted all policies required by NAHASDA (i.e., eligibility, selection, admission, occupancy, rents charged, management and maintenance). These policies must be in accordance with NAHASDA and program regulations and enforced by a set of procedures that ensure that those policies are being adhered to in both the actions of the staff and the decisions of the Board.





Program Guidance 2002-13 Actions to be Taken:

They should also be reviewed to ensure that they do not contain provisions that inherently allow conflicts of interest. If the housing entity does not have the necessary policies, systems, and control procedures to comply with NAHASDA requirements, they should be written and adopted immediately. All policies should be made public, and copies should be available to the public upon request.

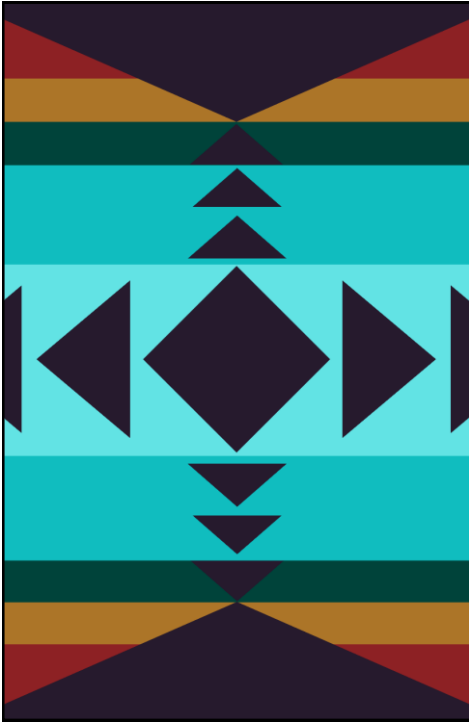
Program Guidance 2002-13 HUD Approval:

If the person receiving assistance is low-income and they qualify for eligibility, admission and occupancy, only public disclosure and HUD notification is required [See §1000.30(c)].

However, as stated above, HUD approval for an exemption is required when there is a potential conflict of interest that would be in violation of §1000.30(b).

An example of a situation requiring HUD approval for an exemption to the conflict-of-interest provision would be housing assistance to a TDHE Board member whose income is between 80% and 100% of median income.





Program Guidance 2002-13 Review:

A recipient's compliance with conflict-of-interest requirements should be included in the tribe and/or TDHE's, self-monitoring program. HUD will also review conflict of interest policies, procedures, and performance during its regular monitoring of a recipient compliance with program requirements.

Conflict Of Interest in the Administration of Contracts.



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What Is A Conflict Of Interest

When someone in a position of trust has competing professional and personal interests

When someone makes a decision in an official capacity, and they stand to profit personally

When your interests have the potential to conflict with the best interest of the organization or those you represent



2 CFR 200.318 (C) (1)

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

2 CFR 200.318 (C) (1)

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

2 CFR 200.318 (C) (1)

However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

Gifts, Entertainment and Gratuities

An employee may accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting, or other meeting where an employee may properly be in attendance; or may accept unsolicited advertising materials such as pens, calendars or other items of a nominal value.



Gifts, Entertainment and Gratuities

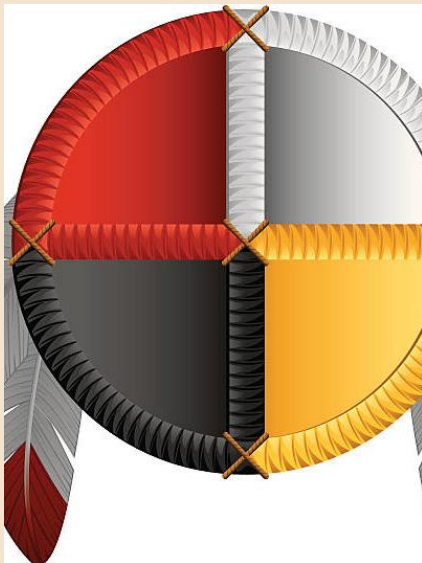
An employee shall not solicit or accept directly or indirectly any gift exceeding \$100.00 value, gratuity, favor, loan or any other thing of monetary value from a person or organization who has (in the past, or tends to seek to obtain) a contractual, business or financial relation with ATHA or who has interests which may be affected by the performance or nonperformance of the employee's official duty.



200.318(c)(1): General Standards

Written standards of conduct required

- No employee, officer, or agent may participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest.
- Conflict of interest: when the employee, officer, or agent, or a member of his/her immediate family, has a financial or other interest in, or a tangible personal benefit from a firm considered for a contract. [Also §1000.30 (a) for IHBG]
- Must maintain written standards of conduct with respect to organizational conflict of interest.



CODE OF CONDUCT

• ***Conflict of Interest***

- The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from participating directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
 - An officer, employee, or agent involved in making the award;
 - His/her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister;
 - His/her partner; or,
 - An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

Gifts, Gratuities, and Use of Confidential Information

The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from soliciting or accepting gratuities, favors, or anything of monetary value (other than unsolicited items of nominal intrinsic value) from contractors, potential contractors, or parties to subcontracts, and the knowing use of confidential information for actual or anticipated personal gain.



Violations

Disciplinary action will be taken to remedy violations of this code and may include verbal or written warning, formal reprimand, suspension, or dismissal. The level of disciplinary action will depend on the severity of the violation, the individual's prior behavior, and the nature of the individual's position. Notice the Any Tribal Indian Housing Authority communicates the requirements of this code during orientation, at trainings, in the bylaws of the Board of Commissioners, and in its personnel and procurement policies.



Conflict Of Interest and One Year Prohibition

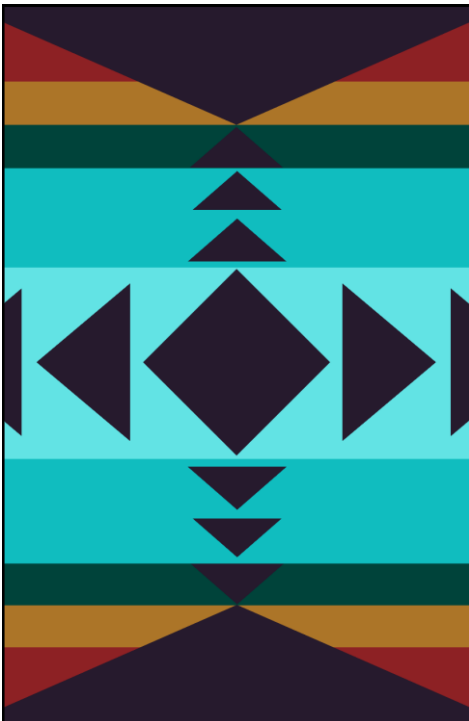
- During his tenure and for one year thereafter, no commissioner, officer or employee of the Authority, or any member of any governing body of the Tribe, or any other public official who exercises any responsibilities or functions with regard to the project, shall voluntarily acquire any interest, direct 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.

Conflict Of Interest and One Year Prohibition

If any commissioner, office 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 of 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.

Conflict Of Interest and One Year Prohibition

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 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 .



Use of Confidential Information.

Disclosure of confidential information to any person not authorized by the Contracting Officer to receive such information shall be a breach of the ethical standards.

Confidential information includes but is not necessarily limited to the contents of a bid (prior to bid opening) or proposal (prior to contract award using competitive proposals), names of individuals or firms that submitted bids (prior to bid opening) or proposals (prior to contract award);

Use of Confidential Information

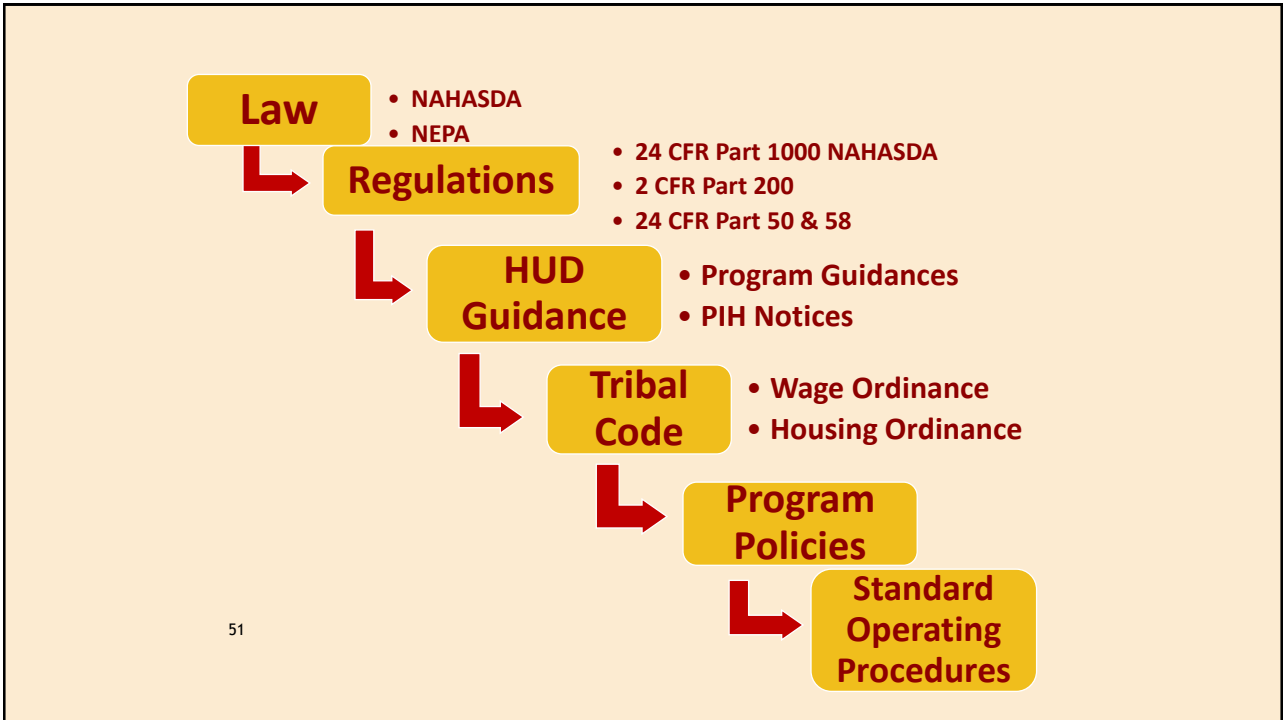
IHA generated information related to a procurement (including IHA cost estimates, contractor selection and evaluation plans, specifications [before solicitation is issued]); and any other information the disclosure of which would have a direct bearing upon the contract award or the competitive process.

It is a breach of ethical conduct for any current or former employee, officer, or agent to knowingly use confidential information for actual or anticipated personal gain or for actual or anticipated personal gain of any other person



Required Statutory & Regulatory Policies





SECTION 7: INDIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE NAHASDA § 102(b)(2)(D)

By signing the IHP, you certify that you have all required policies and procedures in place in order to operate any planned IHBG programs.

Policies and Procedures

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



NAHASDA POLICY ISSUES

- ❖ Eligible Families
- ❖ Tribal Preference in Selection
- ❖ Applicable Income Limits
- ❖ Definition of Low-Income
- ❖ Definition of Gross Annual Income
- ❖ Eligible Activities
- ❖ Required Policies



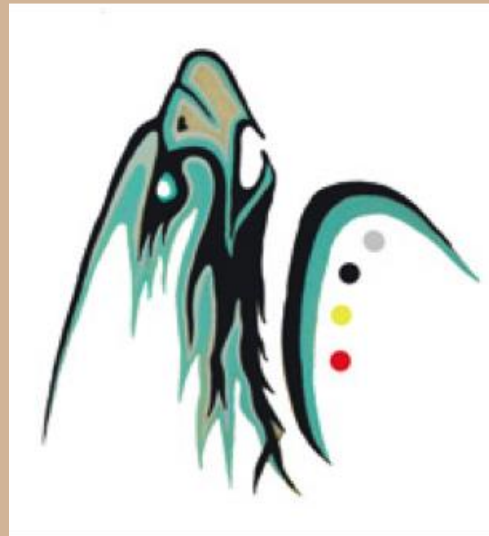
NAHASDA POLICY ISSUES



- ❖ Maintenance
- ❖ Inspections
- ❖ Useful Life
- ❖ Uniform Relocation Assistance
- ❖ Conflict of Interest
- ❖ Procurement
- ❖ Total Development Costs (TDC)
- ❖ Financing
- ❖ Personnel

1. Rents and homebuyer payments policy.

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



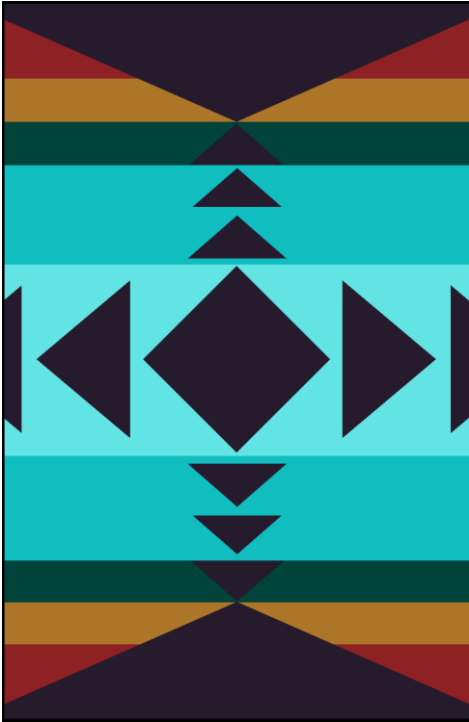
2. Eligibility, admission, and occupancy policies.

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



2. Eligibility, admission, and occupancy policies.

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



The IHA should include in its A&O Policy: IHA Succession Policy:

- A description of any circumstances in addition to death or mental incapacity that would require a successor;
- The qualifications that the successor must meet in order to be accepted by the IHA;
- The actions the IHA will take if no successor has been designated by the homebuyer.
- Conversations need to take place about Incarceration of tenants, Sexual Offenders, Banned Tribal Members.

Life Estate

A. Death of Homeowner: In the event of the death of the homeowner, the provisions of the following Life Estate Code may apply.

Enrolled members of the ATIHA Tribe may bequeath by a Will a life estate to their non-enrolled spouse and or their non-enrolled children. The non-enrolled spouse and or the non-enrolled children shall be permitted to use and occupy the home during the course of their lifetime subject to the same terms and conditions of the enrolled deceased member, which may include any outstanding mortgage. The non-enrolled spouse and or non-enrolled children can never inherit the land or any improvements thereon.

Upon the expiration of these life estates the leasehold interest in the land and any improvements thereon shall be transferred and conveyed to an enrolled member pursuant to the terms of the deceased enrolled Members Will.

In the event that an enrolled member dies intestate (without a will), his non-enrolled surviving spouse and or non-enrolled children may elect to take a life estate in the home and any improvements thereon. The non-enrolled spouse and or the non-enrolled children shall be permitted to use and occupy the home during the course of their lifetime subject to the same terms and conditions of the enrolled deceased member, which may include any outstanding mortgage.

The non-enrolled spouse and or non-enrolled children can never inherit the land or any improvements thereon. Upon the expiration of these life estates the home and any improvements thereon shall be transferred, conveyed and sold to ATIHA pursuant to 43 CFR Part 4 at the appraised value. The non-enrolled spouse and or non-enrolled children may decline to take a life estate in the home and sell to ATIHA the home pursuant to 43 CFR Part 4, Tribal Purchase of Interests Under Special Statutes.

3. Tenant and homebuyer selection policy.

This policy must include criteria which:

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

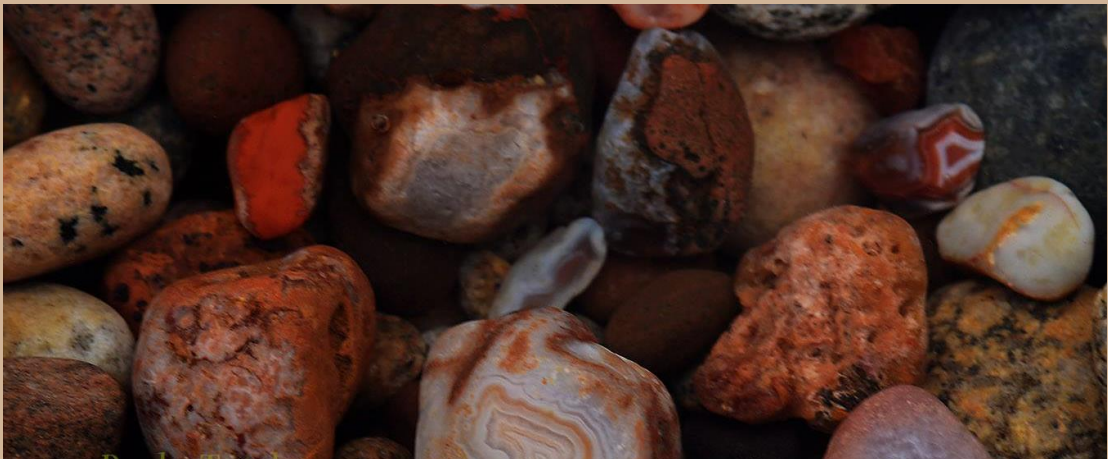


Tenant and Homebuyer Selection Policy- Conflict of Interest

- (A) In order to ensure fair and equitable treatment for all eligible participants of any of the Any Tribal Indian Housing Authority programs, the following policy is designed to eliminate any undisclosed conflicts of interest and preferential treatment on the part of Housing Authority staff and anyone else who participates in the decision-making process or who gains inside information with regard to housing activities.
- (B) This policy prohibits anyone from benefiting from their position personally, financially or through receipt of special benefits other than payment of their salary and/or administrative expenses. This does not prevent housing staff, their family members and/or business associates from receiving housing benefits for which they qualify as low-income individuals.
- (C) Any exceptions to this Conflict-of-Interest Policy must be in accordance with applicable HUD regulations. See [§1000.30(c)].



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





4. Management and Maintenance Policies

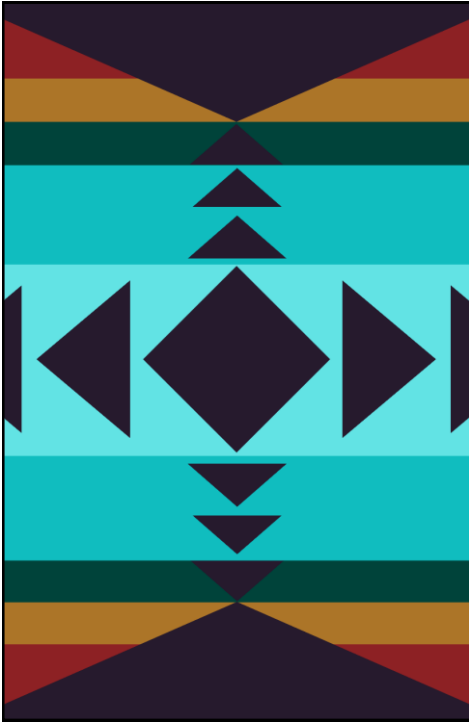
Policies addressing the management and maintenance of housing assisted with NAHASDA funds (Section 203(e)). Although not specifically specified by statute or regulation, management policies should include policies such as:

- Personnel
- Grievance- You need two separate Policies
Employee/Tenant
- Capitalization
- Disposition



Capitalization Policy

The capitalization policy shall provide all parties associated with the housing programs of ATHA with a comprehensive statement of policy and actions which will be used as the criteria for governing the control and accountability of capitalized property of the housing authority.



Inventory Records for Capitalized Equipment

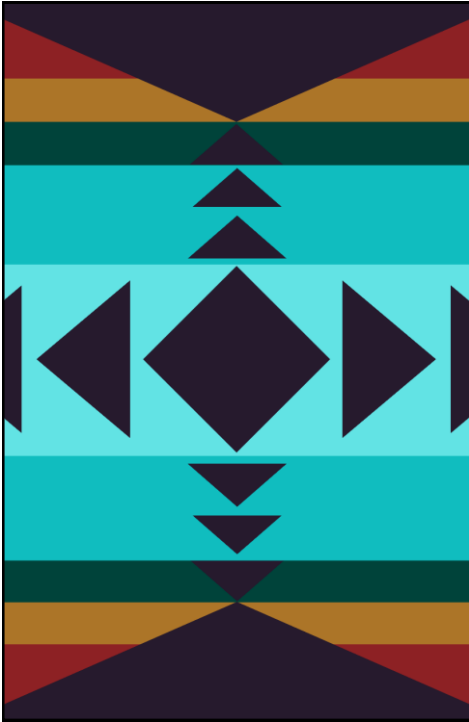
ATHA shall establish and maintain complete and accurate inventory records for all capitalized equipment. The records will provide the following information:

- a. Description of item
- b. Serial and/or model number
- c. Purchase price of item
- d. Purchase date of item
- e. Quantity of item
- f. Location of item
- g. Sale or disposal date of item.

Annual Inventory of Capitalized Equipment

ATHA shall take a physical inventory of all capitalized equipment at least once each fiscal year. The physical inventory shall be compared with the accounting inventory records and reconciled to the property accounts. Any differences between the inventory records and physical inventory shall be investigated and appropriate entries made in the books of account to correct or adjust the differences.





CAPITAL ASSETS

Capital assets means tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with GAAP. Capital assets include:

- Land, buildings (facilities), equipment, and intellectual property (including software) whether acquired by purchase, construction, manufacture, lease purchase, exchange, or through capital leases; and
- Additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations or alterations to capital assets that materially increase their value or useful life (not ordinary repairs and maintenance).

The TRIBE/TDHE shall comply with its capital asset policy and procedures that provides guidance for employees to manage and safeguard the TRIBE/TDHE's capital assets, including active management of assets with processes in place for tracking additions through purchases and donations, disposition, and depreciation

CAPITAL ASSETS

Donated assets shall be recorded at their fair market value (FMV) at the time of donation. The TRIBE/TDHE may depreciate the donated asset but is prohibited from charging the value of the donated item, or costs associated with the donated asset to the federal award.

Depreciation of assets is allowable using the straight-line method. Any other depreciable method used by the TRIBE/TDHE must be pre-approved by HUD.

Adjustments for depreciation should be made as necessary and tracked with a capital asset depreciation schedule. At a minimum, the schedule should include: Capital asset classification (for example, Land, Equipment, Building), description of the assets, initial costs or FMV of the donated asset, depreciable life, date purchased, accumulated depreciation, current year depreciation, and net asset value at the end of the year.





CAPITALIZATION PROCEDURES

Physical assets, such as property and equipment, are an integral part of the operation of the TRIBE/TDHE and shall be safeguarded in much the same manner as cash assets.

- II. All Department property and equipment shall be stored in a secure place.
- III. The Finance Department of the TRIBE/TDHE shall maintain a property ledger in the book of accounts of the Department, which shall include a list of all capitalized items for inventory control purposes.
- IV. Detailed records of individual capital assets shall be kept and periodically (at least annually) balanced with the general ledger accounts.

CAPITALIZATION PROCEDURES

All property and equipment owned by the TRIBE/TDHE (other than real estate) shall be divided into two categories: Expendable items or Nonexpendable items, defined as follows:

- i. Expendable items are purchased or donated items having a useful life of less than twelve (12) months and costing less than \$5,000.00 and can be expended.
- ii. Non-expendable items are purchased or donated items having a useful life of more than twelve (12) months and costing more than \$5,000.00





CAPITALIZATION PROCEDURES

The Finance Director of the TRIBE/TDHE or his/her designee for budgeting and financial control purposes shall capitalize non-expendable items.

Detailed records of individual capital assets shall be kept and periodically (at least annually) balanced with the general ledger accounts. Adjustments for depreciation should be made as necessary.

VII. The TRIBE/TDHE shall make a physical inventory of all equipment and property (other than real estate) at least annually, which shall be reconciled to the general ledger accounts.

REAL PROPERTY PROCEDURES

- I. The TRIBE/TDHE shall maintain a property ledger for all units developed and improvements made to real estate in order to ensure that amounts expended comply with applicable Total Development Costs ("TDC") and/or Dwelling Construction and Equipment ("DC&E") requirements. The amount of IHBG assistance (including TDC, DC&E and/or any amounts expended on repair and modernization) shall be tracked for useful life purposes.
- II. The TRIBE/TDHE shall track and determine whether the income derived from units developed under the 1937 Housing Act should be classified as program income upon conveyance of each unit. Income shall be classified as program income if the rehabilitation and modernization costs attributed to any unit developed under the 1937 Housing Act exceeded forty percent (40%) of the DC&E amount of such unit.

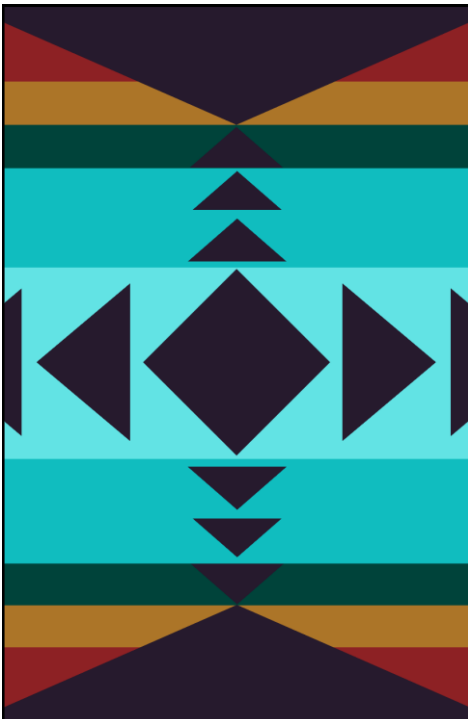
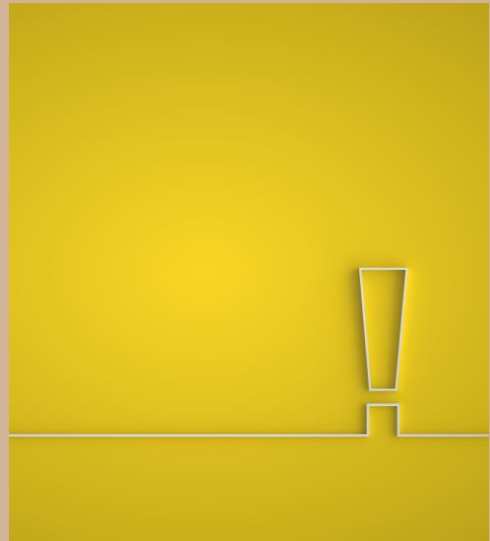


5. Fiscal and Financial Management

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

Financial Management & Internal Controls Policy required by 200.302

Refer to NAHASDA §1000.26 Administrative Requirements for NAHASDA specific requirements



RECORDS AND INFORMATION MANAGEMENT

The TRIBE/TDHE shall apply uniform rules for the TRIBE/TDHE's records (including financial) and information which meet legal standards and best practices for effective records and information management for existing records and yet to be created records and shall apply to all employees and contractors who generate information for the TRIBE/TDHE. The TRIBE/TDHE shall ensure:

Control of all the TRIBE/TDHE's information, regardless of media form;

RECORDS AND INFORMATION MANAGEMENT

Records are retained in accordance with legal, business and federal, state, and local government program requirements;

- Records are maintained and stored in a manner that is secure and accessible through the retention period;
- Appropriate safeguards are in place against illegal access, removal, loss, or destruction of the TRIBE/TDHE's records and information;
- Disposal of records and information is performed in accordance with an approved records retention schedule.



RECORDS AND INFORMATION MANAGEMENT

In addition to the TRIBE/TDHE's general records and information retention policy, the TRIBE/TDHE shall also comply with the NAHASDA program requirements on records management in accordance with 1000.552, wherein:

Records must be retained for 3 years from the end of the tribal program year during which the expenditures occurred.

If any litigation, claim, negotiation, audit or other action involving the records has been started before the expiration of the 3-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular 3-year period, whichever is later.



6. Procurement and Contract Administration.

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



7. Tribal or Indian preference

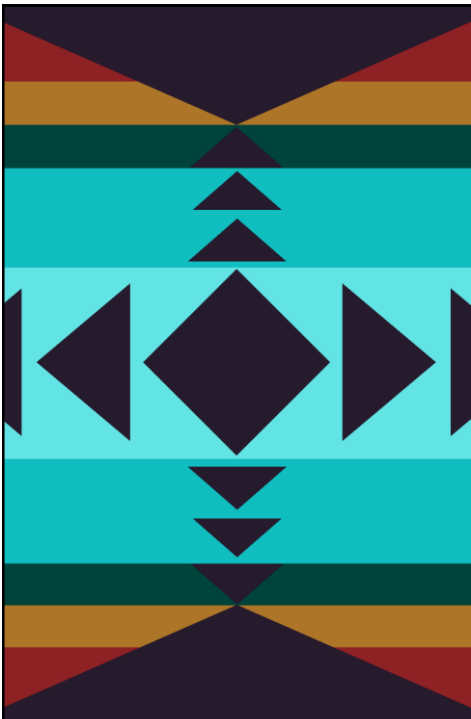
This may be incorporated into the procurement policy or may be a separate policy. IHBG recipients are subject to section 7(b) of the Indian Self-Determination and Education Assistance Act and Section 3 of the Indian Financing Act of 1974, in accordance with §1000.48. Section 1000.52 (a) (1) requires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



Indian Preference

You should have the following Documents in place regarding Indian Preference:

- Your Indian Preference Policy
- Your Indian Preference Qualification Application
- Your Indian Preference Determination Letter
- Your Indian Preference Complaint Procedure



Indian Preference Complaint Procedure

ATIHA shall not issue a notice to proceed until all complaints and appeals have been resolved.

The following procedures are applicable to complaints arising out of any methods of providing Indian preference:

The burden of proof shall be on the complainant to demonstrate a violation of the policy(ies) or procedure(s).

1. Each complaint shall be in *writing, signed, dated*, and filed with the *ATIHA*.
2. A complaint must be filed with the *ATIHA* no later than *20 calendar* days from the date of the action (or omission) upon which the complaint is based.
3. Upon receipt of a complaint, the *ATIHA* shall stamp the date and time of receipt upon the complaint.
4. Within *20 calendar* days of receipt of a complaint, the *ATIHA* Executive Director or their designee, shall either meet, or communicate by mail, e-mail, or telephone, with the complainant in an effort to resolve the matter.
5. The *ATIHA* Executive Director shall make a determination on the complaint and notify the complainant, in writing, within *30 calendar* days of the submittal of the complaint to the Executive Director. The decision of the Executive Director shall constitute final administrative action on the complaint.

8. Real property acquisition and relocation

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

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



Real Property Acquisition and Relocation

The tribe shall follow the relocation and real property acquisition regulations set out in 24 C.F.R. 1000.14 in relocating tenants and homebuyers and acquiring real property. Under section 702 of NAHASDA no lease of restricted allotments or town site lands shall exceed 50 years.

You will still need to develop minimum standards for appraisals, as well as criteria for determining the minimum qualifications of appraisers.

9. Section 3

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

On Oct 23, 2020, a Dear Tribal Leader letter was issued.

Please See Appendix Documents:
#1 Dear Tribal Leader-Section 3 Oct 23, 2020
#2 Section 3 Final Rule Sept 29, 2020

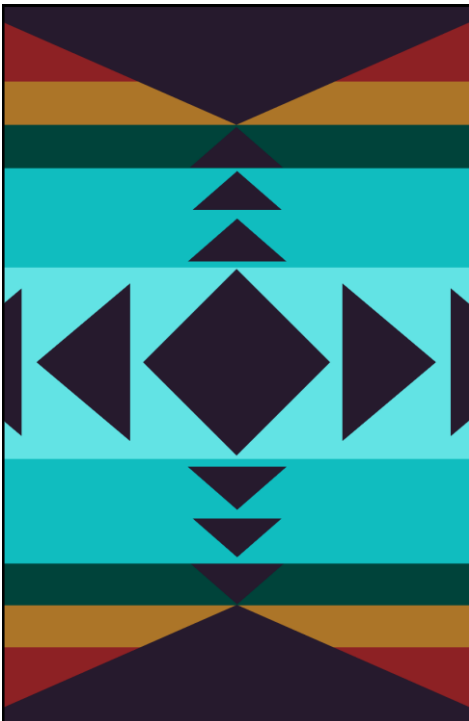


9. Section 3.

On September 29, 2020, the U.S. Department of Housing and Urban Development (HUD) published a final rule entitled "Enhancing and Streamlining the Implementation of Section 3 Requirements for Creating Economic Opportunities for Low- and Very Low-Income Persons and Eligible Businesses" (Section 3 Final Rule) in the Federal Register (FR) at 85 FR 61524.

As you know, Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) requires that recipients of certain HUD funds make economic opportunities available for low- and very low-income individuals, especially recipients of government assistance for housing, living in the areas where HUD funds are spent.

The Section 3 Final Rule makes changes to the Section 3 regulations, now codified in 24 CFR Part 75 and effective on November 30, 2020, designed to focus on economic opportunity outcomes while simultaneously reducing regulatory burden. These changes improve the effectiveness of Section 3, streamline some processes that have not yielded significant benefits, and encourage HUD grantees to focus on sustained employment for low- and very low-income individuals.



9. Section 3

The Section 3 Final Rule does impact our Native American programs in important ways that I wanted to share with you. The Final Rule provides that "Contracts, subcontracts, grants, or subgrants subject to Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)) or subject to tribal preference requirements as authorized under 101(k) of the Native American Housing Assistance and Self-Determination Act (25 U.S.C. 4111(k)) must provide preferences in employment, training, and business opportunities to Indians and Indian organizations, and are therefore not subject to the requirements of" 24 CFR Part 75.



9. Section 3

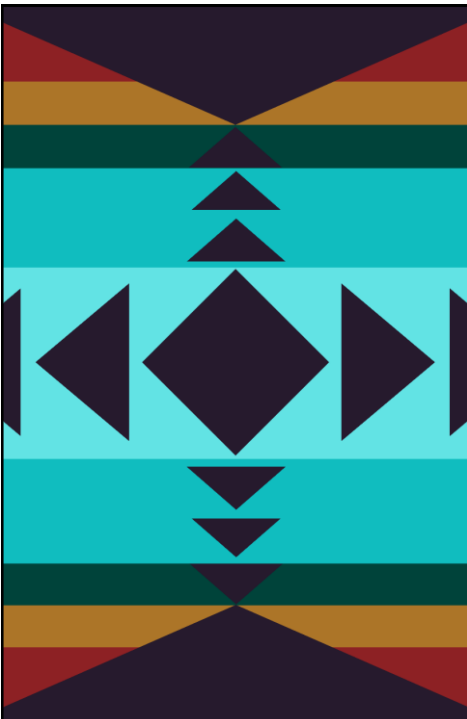
Accordingly, beginning on November 30, 2020, the effective date of the Section 3 Final Rule, Tribes and Tribally Designated Housing Entities (TDHEs) will no longer be required to comply with Section 3 requirements. Additionally, the Final Rule makes conforming technical changes to the Indian Housing Block Grant (IHBG) regulations at 24 CFR 1000.42 clarifying that IHBG recipients are no longer subject to Section 3 requirements.





10. Cash Management

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



CASH MANAGEMENT POLICY-SAMPLE

The TRIBE/TDHE recognizes the importance of cash management to insure there are sufficient funds to pay for the expenses of operating the TRIBE/TDHE's housing programs. The Finance Director shall be responsible for monitoring the daily cash flow and balances of all cash funds, including investments.

On a monthly basis, the Finance Director shall provide a report that shows the cash position from all sources that are accounted for in the cash accounts and investment accounts, along with bank and investment statements. The TRIBE/TDHE's cash and investment funds may be from a variety of sources such as NAHASDA IHBG funds, non-restricted funds, unused donations, and program income.

CASH MANAGEMENT POLICY-SAMPLE

The Finance Director shall be responsible for providing monthly reports to the Executive Director, to include:

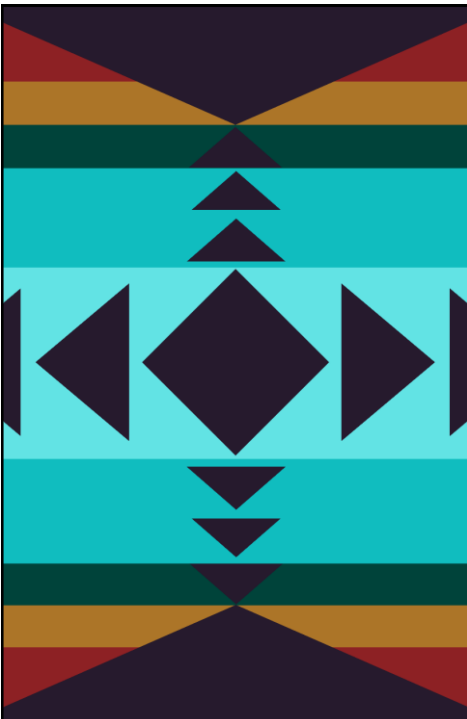
- Book cash and investment position reports;
- Cash flow projections for the following month;
- Investments statements from the depository or the broker that show the activities of the accounts, such as amounts deposited and withdrawn, investment revenues, fees, and gains or losses on investment.



CASH MANAGEMENT POLICY-SAMPLE

If at any time, the Finance Director finds the TRIBE/TDHE in a potential cash deficiency situation, the Council/Board and the Executive Director must be notified immediately.

Any cost allocable to a particular Federal award may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. For example, the TRIBE/TDHE shall not divert funds between programs and/or activities, even when such programs/activities are each assisted by HUD (for example, the HUD-funded Indian Housing Block Grant ("IHBG") and Indian Community Development Block Grant ("ICDBG") programs).





11. Travel

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

12. Drug-free workplace

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

Drug-free workplace

As described in the Drug-Free Workplace Act, it is the policy of the Authority to provide a drug-free workplace and for all employees to abide by this policy. Accordingly, an employee of the Authority is prohibited from engaging in the unlawful manufacture, distribution, dispersion, possession, or use of a controlled substance in the workplace. Violations of this or other prohibitions on drug use by Authority employees may result in disciplinary action, to include dismissal.



Drug-Free Workplace Written Statement

- **In effect:** _____ (Date) until further notice
- I have read and been informed about the content, requirements, and expectations of the Drug and Alcohol-Free Workplace Policy for employees of Any Tribal Indian Housing Authority. I have received a copy of the policy and agree to abide by the policy guidelines as a condition of my employment and my continuing employment at ATIHA.
- I understand that if I have questions, at any time, regarding the Drug and Alcohol-Free Workplace Policy, I will consult with the Executive Director, my immediate supervisor, or Tribal Human Resources staff members.
- *Please read the Drug and Alcohol-Free Workplace Policy carefully to ensure that you understand the policy before signing this document.*
- _____
- _____
- Employee Signature: _____
- Employee Printed Name: _____
- Receipt By: _____
- Date: _____

Credit Card Control Policies & Procedures

1. With the advice and consent of the Council/Board of the TRIBE/TDHE, credit cards may be made available to designated employees of the TRIBE/TDHE consistent with their job duties and demonstrated professional responsibility.
2. Credit cards are for authorized business expenditures of the TRIBE/TDHE and are not intended to be used by employees as a substitute for personal credit cards.
3. The Executive Director must authorize business expenses before charges are incurred on company credit card(s) in accordance with applicable TRIBE/TDHE policies, procedures and practices, including but not limited to the Travel and Training Policy and the Procurement Policy. The Executive Director may authorize valid business expenses in writing retroactively.

Credit Card Control Policies & Procedures

4. Employees shall submit receipts for all expenses charged to company credit card(s) to the Finance Director of the TRIBE/TDHE or his/her designee within one week of the transaction.
5. The Finance Director of the TRIBE/TDHE or his/her designee shall examine billings for all company credit cards to ensure that all charges are valid. If there are incorrect charges, the Finance Director or his/her designee shall notify the Executive Director immediately and shall complete and return any forms necessary to dispute such charges to the credit card company. If an employee with knowledge of an incorrect or disputable charge fails to report such charge within a reasonable time, he or she may be liable to the TRIBE/TDHE for any resultant charges and may be subject to disciplinary action up to and including termination of employment.

Credit Card Control Policies & Procedures

6. Employees who incur ineligible or disallowed costs on company credit cards shall reimburse the TRIBE/TDHE for such charges within thirty (30) calendar days of the date such charges were incurred and may be subject to disciplinary action up to and including termination of employment.

7. Finance charges, late fees and/or penalties associated with credit card use shall be avoided and shall not be paid with IHBG funds under any circumstances.

8. Charges shall not be incurred in excess of the credit card's established credit limits. If a higher limit is required, a request for a new credit limit and supporting documentation shall be submitted to the Executive Director for approval.

Credit Card Control Policies & Procedures

9. Lost or stolen credit cards shall be reported to the TRIBE/TDHE and to the credit card company immediately and not later than the first business day after discovery of the loss. Employees who fail to report lost or stolen credit cards may be held liable for any charges and may be subject to disciplinary action up to and including termination of employment.

10. Employees shall surrender company credit card(s): (1) upon demand by the TRIBE/TDHE, (2) when there is no longer a business need for the card and/or (3) upon termination of employment. Cancelled credit cards shall be returned immediately to the TRIBE/TDHE and properly destroyed. Surrender or cancellation of a credit card does not discharge any responsibilities incurred up to and including the date of such action.

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



Investment and Internal Control

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

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



Housing Standards

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

More information regarding these requirements can be found in Notice PIH 2010-47, Total Development Costs (TDC) for Affordable Housing under (NAHASDA). ONAP Guidance 2004-02 outlines these policy requirements.



SOME MORE SPECIFICITY:

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

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

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

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

2 CFR 200.318(a) – Procurement Procedures

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

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



SOME MORE SPECIFICITY:

2 CFR 200.474.(d) – Travel

24 CFR 1000.14 – Relocation and Property Acquisition

24 CFR 1000.26 – Overarching Administrative Requirements

24 CFR 1000.42 – Section 3 –See Appendix Documents

24 CFR 1000.46 – Drug-Free Requirements

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

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

24 CFR 1000.54 – Complaints/Issues stemming from Indian Preference

INDIAN OR TRIBAL PREFERENCE REFERENCES:

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

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



INDIAN OR TRIBAL PREFERENCE REFERENCES:

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

INDIAN OR TRIBAL PREFERENCE REFERENCES:

Tribal Preference – A Tribe may adopt a tribal preference law in housing assistance, employment and contracting, that tribal preference will be given to, and allow, preferential treatment of tribal members over other Indians not members of the tribe. Tribal preference laws may also specify any preferences in workforce reductions or layoffs. See ONAP Program Guidance 2013-07.

Indian Preference - Section 7(b) of the Indian Self-Determination and Education Assistance Act allows preference to Indians for housing assistance, employment and training and to Indian organizations and Indian-owned economic enterprises in the award of contracts and subcontracts under the IHBG program.

OTHER GUIDANCES:

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

NAHASDA Other Federal Law Requirements

Non-Discrimination Laws:

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



Other Federal Requirements

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

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

- National Environmental Policy Act (NEPA) of 1969
- Flood Disaster Protection Act of 1973
- Lead-based Paint Poisoning Prevention Act of 1973
- Section 3 of the Housing and Urban Development Act of 1968 -training & employment opportunities for low-income persons-DNA After 11/30/2020
- Uniform Administrative Act (2 CFR Part 200) — Consolidation of all former OMB Guidance for Uniform Administrative requirements, Cost Principles, and Audit Requirements for Federal Awards



Some of the major requirements include but are not limited to:

- ❖ National Environmental Policy Act (NEPA – 42 USC 4321) NEPA requires that you determine, prior to the expenditure of any funds, that the activity will have no harmful effects on the environment. Tribes may accept the responsibility for conducting environmental reviews (under 24 CFR Part 58) or may choose to have HUD complete the review for them (under 24 CFR Part 50).
- ❖ Davis Bacon Act (DBRA) The Davis Bacon Act (46 Stat 1494: 40 USC Chapter 3 Section 276 and all subsections) requires workers be paid no less than a determined wage for projects over \$2,000. The tribe can adopt its own prevailing wage rates that supersede Davis Bacon.

Some of the major requirements include but are not limited to:

- ❖ Indian Civil Rights Act (ICRA) The Indian Civil Rights Act (925 USC 1301-1303) requires that the tribe and subordinate entities provide due process.
- ❖ Indian Self-Determination and Education Assistance Act The Indian Self-Determination and Education Assistance Act [25 USC 450 e (b)] requires preference for Indians in employment when using federal funds under certain circumstances.

(1) In accordance with applicable statutes, the recipient certifies that: It will comply with title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes.

(2) In accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that: There are households within its jurisdiction at or below 80 percent of median income.

(3) The following certifications will only apply where applicable based on program activities.

- a. The recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD;
- b. *Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA;*
- c. Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA; and
- d. *Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.*



Things To Consider in your Policies



FRAUD WARNING

- TO ALL APPLICANTS:
- The HUD Regulations establish administrative procedures for imposing civil penalties and assessments against person(s) who file false claims or statements while applying for housing benefits. This regulation, which implements the Program Fraud Civil Remedies Act of 1986, applies to all applicants for Indian Housing Programs, as well as tenants and homebuyers.
- The Program Fraud Remedies Regulations apply to any person(s) who misrepresents or omits information from applications for housing, income verification(s), re-examination(s) of information, family composition, age(s) of family member(s), etc. HUD Inspector General may investigate, and the applicant(s) may be subject to the following penalties:
 - 1. Up to \$5,000.00 for filing such a claim; or
 - 2. Up to \$5,000.00 plus up to twice the amount of benefits which were fraudulently received; and
 - 3. In any case, whether or not benefits were actually received by the individual family, any other remedy which may be prescribed by law will still apply. (This means that the fines do not preclude criminal charges or legal actions against the person(s) committing the fraud.)

FRAUD WARNING

- Some of the areas where such fraud may occur:
 - • Families reporting less than all sources of income, (e.g., only reporting husband's income when both spouses are working; or not reporting all or part of part-time income or other seasonal income.)
 - • Families listing more dependents than are eligible or who live in the household.
 - • Families misrepresenting age to either get benefits for "elderly" or claim children as dependents after they reach age 18.
 - • Families not reporting all assets, such as bank accounts, real estate/homes owned (other than Trust Land, which is not as asset for this program.)
- All household members age 18 or older or Emancipated Minor sign below:
 - Head of Household Signature: _____ DATE _____
 - Other Adult Signature: _____ DATE _____
 - Other Adult Signature: _____ DATE _____
-

Release of Information form Expires

- Who Must Sign the Consent Form: Each member of your household who is 18 years of age or older must sign the consent form. Additional signatures must be obtained from new adult members joining the household or whenever members of the household become 18 years of age. PHA requesting release of information; (Cross out space if none) IHA requesting release of information: (Cross out space if none) (Full address, name of contact person, and date) (Full address, name of contact person, and date) U.S. Department of Housing and Urban Development Office of Public and Indian Housing Original is retained by the requesting organization. ref. Handbooks 7420.7, 7420.8, & 7465.1 form HUD-9886 (07/14) Signatures: _____
 Head of Household Date _____ Social Security Number (if any) of _____
 Head of Household _____ Spouse Date _____
 _____ Other Family Member over age 18
 _____ Other Family Member over age 18
 Date _____
 18 Date Consent: I consent to allow HUD or the HA to request and obtain income information from the sources listed on this form for the purpose of verifying my eligibility and level of benefits under HUD's assisted housing programs. I understand that HAs that receive income information under this consent form cannot use it to deny, reduce or terminate assistance without first independently verifying what the amount was, whether I actually had access to the funds and when the funds were received. In addition, I must be given an opportunity to contest those determinations. **This consent form expires 15 months after signed**

Make sure you have your tenants sign off that they received policies..

ATTACHMENTS PROVIDED TO EXISTING RESIDENTS

LESSEE(S) SIGNATURE OF RECEIPT

- Maintenance Policy
- Housing Counseling Policy
- Move-In Inspection Checklist
- Move-Out Preparation Checklist
- Drug Policy
- Copy of Lease Agreement

ATTACHMENTS PROVIDED FOR NEW MOVE-INS

LESSEE(S) SIGNATURE OF RECEIPT

- Maintenance Policy
- Housing Counseling Policy
- Move-In Inspection Checklist
- Move-Out Preparation Checklist
- Drug Policy
- Copy of Lease Agreement

Other Items you should Include: Lease Language

SEVERABILITY CLAUSE

If any portion of this agreement shall be found to be void or unenforceable, it shall in no way effect the validity and enforceability of any other provision hereof. If any portion of this Lease Agreement shall be found to be in conflict with any of the provisions of the ATIHA policies as they now exist or as they may hereafter be revised or added to by the ATIHA, the provisions of the ATIHA policies shall prevail.

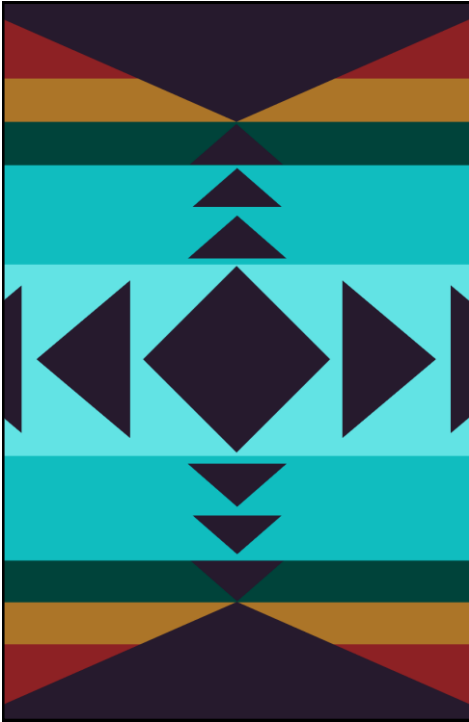


Abandonment of Property-Lease Language

- **ABANDONMENT OF PERSONAL PROPERTY:** Upon expiration of the term of this lease or earlier termination the ATIHA may dispose of any item of personal property abandoned by the Lessee in any manner deemed suitable by the ATIHA. Proceeds, if any, after such disposition, may be applied to the payment of amounts owed by Lessee to Lessor.

CONFIDENTIALITY POLICY

- CONFIDENTIALITY POLICY
 - PROTECTING RESIDENTS & APPLICANTS
 - RESOLUTION NO. 2021-
- WHEREAS the Any Tribal Indian Tribal Housing Authority provides decent, safe and sanitary housing to low-income Native households in accordance with HUD guidelines; and
 - WHEREAS the Any Tribal Indian Housing Authority seeks to protect the interest of residents and applicants by prohibiting the exploitive use of personal information: to the extent permitted by Tribal and State Law. The Housing Authority is also mandated by the U.S. Department of Housing and Urban Development confidentiality requirements to protect tenant information and Housing Authority records. In all cases, the release of Housing Authority records requires the prior written approval of the Housing Authority's executive director.
 - NOW, THEREFORE, BE IT RESOLVED that it is the policy of this Housing Authority to protect the interests of the people we serve to the maximum extent permitted by Law. All employees and members of the Authority including the Housing Commissioners and Tribal Council are required to abide by this standard. Only inspectors, auditors, investigators, and others who are engaged in their normal functions as approved by the Department of Housing and Urban Development may have access to confidential information concerning residents and applicants.



Questions that should be on Application

Do you or any member of your household need special accommodations for a disability? Yes No
If yes, please explain (please provide verification)

*This will help with future Request/Service Animals

Does your policies address?

Emancipated Minors- Do you allow for them to apply for Housing?

Do you address in your policy the continuation of services for someone who is no longer an Essential Family?

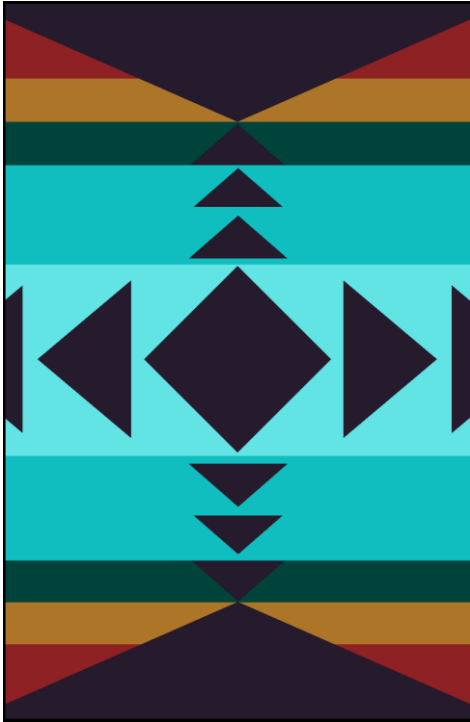
Does your policies address continued services if your tenant family is no longer low income?



Maintenance of Criminal Conviction Records

• **Maintenance of Criminal Conviction Records**

- 1. 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.
- 3. 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.



Board Of Commissioners Stipend

- 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).*

Tribal Council Liaison

If you have a Tribal Liaison on your Board, Your Bylaws or policy should Address:

- If they can vote
- If they receive a Board Stipend
- Do you use their presence to determine a quorum



The Virtual Board Meeting

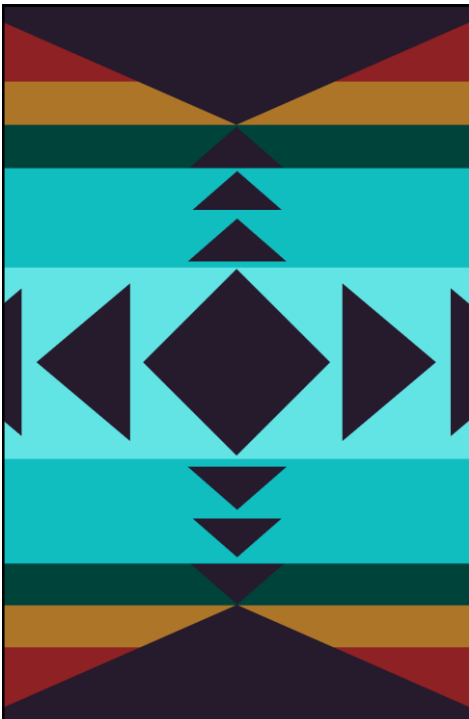


The Virtual Board Meeting

While going digital was once a choice, The Pandemic has forced many Housing Boards to host virtual board meetings right now. It has forced many to shift operations online, closing Housing Offices to the public and sometimes limiting housing staff at office.

There are several areas that need to be explored.

Your own bylaws and governance. Review the terms of your board governance. If your Bylaws specifically allows for virtual or remote board meetings, you can move forward. If it does not specifically mention virtual board meetings, you'll want to first speak with your Executive Director, the Board Chair and Tribal Council as well as legal counsel to amend your bylaws.



The Virtual Board Meeting

The entire board and staff may participate in the Virtual board meetings, or does it allow select members to attend a meeting from wherever they choose during the actual meeting, instead of reviewing written notes after the fact. Remote attendees must use a computer or other device with an internet connection to join, so they can participate in the meeting.



The Virtual Board Meeting

Because Housing Board Meetings are supposed to be open to the public, you will have to have a method to allow public participation if requested.

I have seen this done several ways, The General Public can request a zoom link or a link to whatever meeting method that is being utilized.

I have also seen where one staff member must be at the Housing Authority office and online and connected to the meeting, if someone requests to participate.

The Virtual Board Meeting

As you get started with video conferencing tools, share these best practices with attendees:

- Test your Wi-Fi connection as well as video and audio equipment prior to joining the call.
- Mute your microphone when you're not speaking.
- Raise your hand or submit a chat to indicate that you have input or a question.
- Be camera-ready with proper attire.
- Close any unnecessary tabs to eliminate external distractions.

When you have a completely remote board meeting, board meeting etiquette is more important than ever. By laying down the groundwork upfront, everyone will be more mindful as you continue hosting virtual board meetings.

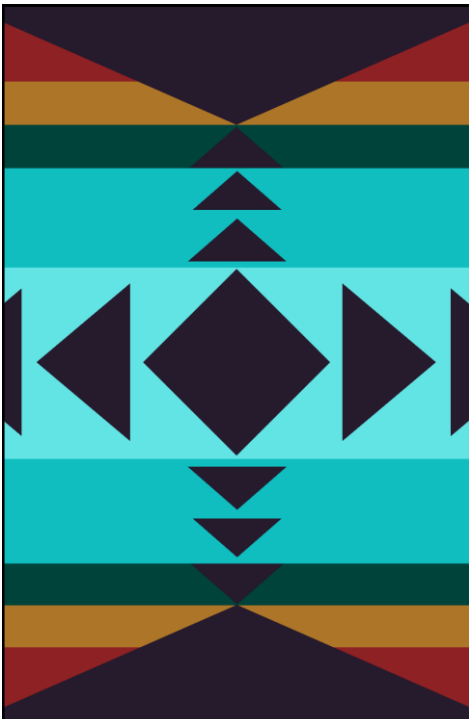


The Virtual Board Meeting

TECH REQUIREMENTS

With virtual board meetings, staff need to be aware of the specific tech requirements, both for their leadership and for their board members.

It's important to be mindful that all Board members may not have adequate technical proficiency, so be sure to provide easy to understand instructions. Make sure to provide Board Members with sufficient instructions for joining and participating in relevant polls and discussions as they arise. Otherwise, you'll risk wasting everyone's time as you address technology-related issues during the virtual board meeting itself. You should have a staff person assigned to provide assistance if needed and BOD members should have their contact information.





QUESTIONS

55

A 3D graphic featuring a white, stylized human figure sitting in a thinking pose. The figure is surrounded by three curved, ribbon-like shapes: a red one at the top with the text "QUESTIONS?", a blue one on the left with "COMMENTS?", and a green one on the right with "CONCERNS?". The entire graphic is set against a white background. To the right of this graphic, the word "QUESTIONS" is written in a simple, black, sans-serif font. Below the graphic, the number "55" is visible.

MIIGWECH

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



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

