



ONAP Training & Technical Assistance  
*Virtual Sessions*

**Tribal Council Training**

July 14-15, 2021 | 11:00 AM – 4:00 PM / EST

Presented by Shelly Tucciarelli, Turtle Clan  
Development Services, LLC



This virtual training is sponsored by the  
U.S. Department of Housing & Urban Development's Office of Native American Programs and the  
National American Indian Housing Council



## Getting to know the Instructor

Shelly J. Tucciarelli

- Owner and CFO of Turtle Clan Development Services, LLC
- Founder and Executive Director of Visionary Ventures NFP Corporation
- Tribal member of the Oneida Nation of Wisconsin – Reservation near Green Bay
- Previously worked for 20 years at the Illinois Housing Development Authority (IHDA) – State Housing Finance Agency
- Board member for 2 Affordable Housing Nonprofits
- Advisory Board member for 5 New Market Tax Credit –Community Development Entities (CDE)

## Getting to Know You

In the Chat box can you put the following information about yourself:

- Name & Tribe or Organization
- What is your position with the Organization
- The one or two important things I really want to learn are.....

## OBJECTIVE OF TRAINING

This is a two-day interactive course designed to develop the Tribal Council's knowledge of the federal rules and requirements related to accepting Indian Housing Block Grant (IHBG) funding and familiarize attendees with the operation of the Tribally Designated Housing Entity (TDHE) and their role as the Council in this industry. The course will cover the history of Indian Housing to the current statute governing the eligible activities and the required policies. It will also include the planning and controlling aspect of management. The course offers information on conflict of interest, the business meeting, setting agendas, the roles and responsibilities of officers and other helpful tips in conducting business. Other discussion will include the review of applicable federal and tribal laws that may impact the process. Case studies will be reviewed and participants should refer to their own policies in determining the desired outcome when working on the Board exercises.

## Agenda – Day 1

- **Day One**
- 10:45 – 11:00 a.m. ZOOM Sign In & Room Entry
- 11:00 – 4:00 p.m. Introduction and Course Overview
- The History of Indian Housing
- Understanding NAHASDA
- Role of Tribal Council members
- Break out Session
- Management Functions
- Policy Making
- Break out Session
- End of Day One
- 4:00 p.m.
- 1:00 – 2:00 p.m. (EST) Lunch Break

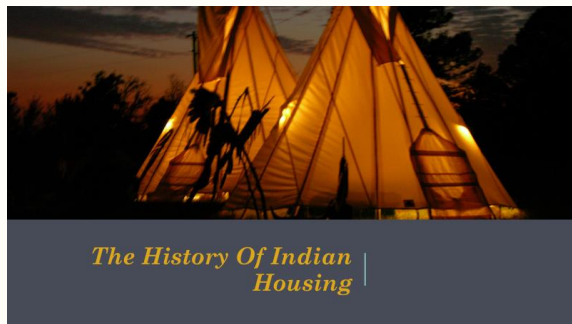
# House Keeping

- Everyone will be muted until we go into the Break out rooms.
- Use the Chat room for any questions
- Everyone will get a copy of the powerpoint presentation
- We will take some breaks, but take a break when you need to

# Indian Housing – Past

## Indian Housing Past – The History of Indian Housing

- United States has a trust responsibility to Native Americans
  - Includes:
    - Health care
    - Education
    - Natural resources
    - Public safety
    - Housing



## Indian Housing – Past

### Indian Housing Past

- The 1937 Housing Act – Promised “safe & sanitary” housing for American’s poor
  - Low Rent & Mutual Help
  - Required establishment of Housing Authority (HUD published sample Ordinance with Board Of Commissioners powers and authority)
  - Programs for rehabilitation of units
  - Housing By Laws governs meetings & roles
  - Housing Authority competed for funds

## Indian Housing – Past

### Indian Housing Past

- The 1937 Housing Act – Did not include Indian Country
- 1949 – Another housing bill – updated the 1937 Act
  - Renewed Federal commitment to safe and sanitary housing

## Indian Housing — Past



### The Kennedy Vow

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1960-John F. Kennedy visited The Pine Ridge Reservation

1961- President Kennedy - how could his cabinet help to provide Federal assistance to Tribes

## Indian Housing — PAST

### Indian Housing Past - 1961

- In 1961 – Indian Tribes become eligible for housing assistance under federal programs
- Two major events changed Indian housing forever

## Indian Housing — PAST

### Two Changes to Housing in Indian country

- First, Tribal governments could establish Indian Housing Authorities
  - Oglala Sioux tribe on the Pine Ridge reservation in South Dakota created an Indian Housing Authority under tribal law in August of 1961
- Second, States could establish Indian Housing Authority's where a tribal government was not federally recognized

## Indian Housing — Past

### Self-Help or Mutual Help Programs

- In 1962 – The Public Housing Administration announced the program
  - First mutual help program – San Carlos Apache Indian Housing Authority (1964)
  - Homebuyer would contribute one of the following towards the purchase of a home:
    - Land
    - Materials
    - Labor (“sweat equity”)

## Indian Housing — Past

### Indian Housing Present – Problems Encountered

Some Issues Include:

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

## Indian Housing — Past

### The Federal Government's Response to the Problems

- In 1963 – The Public Housing Administration (PHA) and the Bureau of Indian Affairs (BIA) sign first coordination agreement
- BIA provides the construction superintendent for mutual help projects
- BIA lead agency for oversight
- PHA provides technical assistance and to facilitate projects
- In 1965 – The second coordination agreement was signed
  - To cover low-rent projects



## Indian Housing — Past

### Two Major Changes

- BIA – 1965 Established the Division of Housing Assistance
  - Two programs
    - Housing Development and Housing Improvement Program
- HUD – 1965 - Housing and Urban Development created



## Indian Housing — Past

Six former federal agencies were merged under Housing and Urban Development (HUD)

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

## Indian Housing – Past

### Housing and Urban Development Act of 1968

- In 1968 – First reference to HUD's obligation to serve low-income Indian families
  - Modernization program – Comprehensive Improvement Assistance Program (CIAP)
    - CIAP designed to fund major rehabilitation and repairs to low-income units
    - Indian Housing Authorities were not eligible for CIAP until 1979

## Indian Housing – Past

### Logistical Challenges

- HUD Programs – Federal programs were designed more for the urban environment
  - Housing programs needed to address the logistical challenges of developing housing in Indian Country
    - Construction delays
    - Inadequate delivery system controls
    - Untrained local Indian Housing Authority staff

The HUD guidelines and directed housing programs did not work in Indian Country

# Break

- 10 Minute Break

## Indian Housing — Past

### Government Accounting Office (GAO)

- In 1971 - Congressional Report on Indian Housing issued
  - Housing policy recommended
    - Agency coordination
    - Accelerate project completion
- HUD – Published the Interim Indian Housing Handbook (7440.1)
  - Included – Regulations, guidelines and procedures
  - New Mutual Help

## Indian Housing – Past

### Developing Housing in Indian Country

- In 1978 – General Accountability Office issued report
  - 86,500 Indian families in substandard housing
- Lack of Training
  - Failure of top-down administration
  - IHA – No training in housing and administration
- In 1974 – National American Indian Housing Council (NAIHC) in Washington D.C established
  - Provide training and capacity building in Indian country

## Indian Housing – Past

### Decade of Survival

- The 1980's – Indian housing conditions continue to worsen
  - Presidential Budget – No funding for Indian housing programs
  - Only limited resources allocated
  - Housing developed under the 1937 Housing Act
    - Single-family detached, duplexes/triplexes, Elderly and handicapped
    - HUD provided assistance over a 40-year period
    - Tenants paid rent according to their income
    - Mutual Help Homeownership contributions
      - Includes at least one of the following – Cash, labor, land where the home will be located and/or appropriate materials and equipment, such as appliances.
      - Mutual Help and Occupancy Agreement

## Indian Housing — Past

### The Section 8 Housing Program

- Provided assistance to low-income families
  - In section 8 housing
  - Private market
  - Not widely used in Indian country

By 1981 over 30% of Indian Housing Authority's were in trouble and unable to meet financial obligations

## Indian Housing — Past

### Indian Housing Act of 1988

- In 1984, Office of Indian Housing was established
  - 1988 - Indian housing was legislatively separated from public housing
  - 1992 – The Act helped to create the Office of Native America Programs (“ONAP”)
  - 1993 – All regional ONAP offices were under the direction of the central ONAP office of HUD

## Indian Housing – Present

### Indian Housing Present – NAHASDA

- Native American Housing Assistance and Self-Determination Act (NAHASDA)
- Enacted 1996 – Regulations at 24 CFR 1000
- In process of Reauthorization
- Funds allocated to tribes
- Tribes determines recipient
  - Tribe/Tribally Designated Housing Entity (TDHE)
- Oversight for Housing Authority is = Board of Commissioners
- Oversight for tribal program = Housing Committee or Tribal Council
- Day to day operations of the Housing Authority = Executive Director

## NAHASDA OBJECTIVES

- Assist & promote affordable housing activities that develop, maintain, and operate affordable housing
- Ensure better access to private mortgage markets
- Coordinate activities to provide housing with economic and community development
- To plan for and integrate infrastructure resources with housing development
- Promote the development of private capital markets in Indian Country

## NAHASDA Requirements

- 1937 Act units must be operated and maintained
- Eligibility, admission, and occupancy policies
- Tenant and homebuyer selection policy
- Policy for rents & homebuyer payments, including collections
- Insurance – must be maintained
- Management policies – personnel, grievance, disposition
- Maintenance – managing and maintaining the housing

## Indian Housing – Present

### NAHASDA Key Points

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

# NAHASDA: Eligible Affordable Housing Activities

## NAHASDA: Eligible Affordable Housing Activities

Areas of Eligible Affordable Housing Activities are:

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

# BREAK FOR LUNCH

LUNCH for 1 Hour



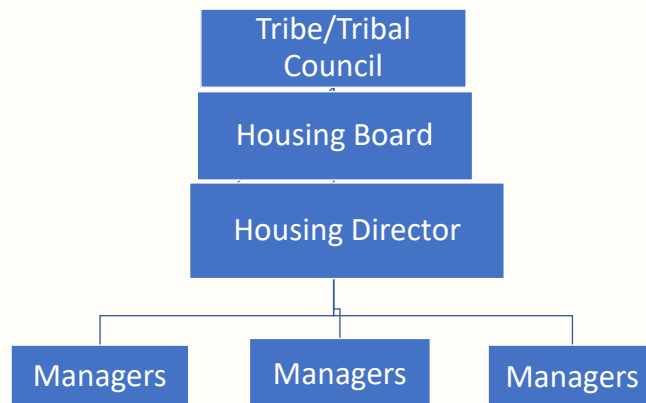
# Role of Tribal Housing

- Executive Director's Roles & Function
- Who are the Responsible Parties – the Organizational Structure
  - Tribe/Tribal Council
  - Housing Board
  - Housing Director
  - Managers
  - Employees/staff



[https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/tribalhousing#RTH](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/tribalhousing#RTH)

## Organizational Structure – Sample Organization Chart Typical Housing Program



## Organization Structure

- Roles – hierarchy
- Divisions of Labor – who does what
- Reporting Relationships – who is subordinate to whom
  - Tribe or Tribal Council
  - Housing Board
  - Housing Director
  - Managers
  - Employees
- Communication Channels – how information flows

## Break-out Session

- Pick one of your housing organization in your group and do an organization chart
- Pick one person to write it in the Chat box - example below
  - Tribe or Tribal Council
  - Housing Board
  - Housing Director
  - Managers
  - Employees
- Let's take about 15 to 20 minutes to get to know each other and discuss the organization chart. We will get a volunteer to tell us about your Indian Housing Authority Structure

## Management/Executive Director Functions

- Policy Making – development of certain policies to govern your housing program
- Planning – setting goals and objectives (Indian Housing Plan)
- Organizing – assigning work, resources and activities
- Staffing – insure proper staffing and training
- Leading – directing efforts, enthusiasm to work hard, ethical issues, conflict of interest
- Controlling – performance report, compliance and audit

## Management Functions



## Director/Tribal Council & Board Functions

- Director is responsible for day-to-day management of program
  - Policy making, planning, organizing, staffing, leading, and controlling
- Tribal Council/Board members
  - #1 – Policy Makers
  - #2 – Involved in planning
  - #3 – Involved in controlling
  - #4 – Involved in leading

We will have a break out session later to discuss Housing Director vs Tribal Council and Board functions

## Very Important

The Tribal Council, Housing Board and the Housing Director **MUST** all work together.

## Executive Director Role 1 – Policy Making

One of the major function of the Executive Director is Policy Making.

- A policy is defined as:
  - A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions.
  - A high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.

## Tribal Housing Program Policies

Policies are approved by the Housing Board of Commissioners if the housing program is run by the TDHE.

If a housing department, depends on the ordinance, the Tribal Council may review and approve all required housing policies. Policies outline the course of action to guide decisions.

## REQUIRED POLICIES

Section 203 of NAHASDA requires recipients of Indian Housing Block Grant (IHBG) funds to develop written policies governing:

- Eligibility, Admissions, and Occupancy
- Rents and Homebuyer Payments
- Management and Maintenance

Section 207 of the statute requires the adoption of:

- Tenant and Homebuyer Selection Policies

## Other Policies

Other Housing Program policies:

- Travel
- Procurement
- Personnel
- Drug-Free Workplace
- Other policies that may vary

## Tribal Council/Responsibilities

Any new Tribal Council should:

- Obtain copies of current policies
- Review and become familiar with current policies
- Understand what services are available
- Who qualifies for assistance
- Amendments to current policies

## Board Involvement

- Consider amendments to current policies
- Develop policies for new programs
- Drafts are usually prepared by staff
- Supporting staff in carrying out policies

## Role of the Tribal Council

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

## Role of Tribal Council (Cont.)

Some Tribal Council functions include:

- Selection and/or removal of Board of Commissioners
- Empower the Board of Commissioners consistent with Federal rules and regulations



## Break -10 minutes

## Policy -Versus- Ordinance

- **ORDINANCE** is the legal foundation enacted by the Tribal Council
- Establishes the Housing Program or the Tribally Designated Housing Entity (TDHE).
- Ordinance provides the purpose and authority of the TDHE or Housing Department including the responsibilities of the
- Includes responsibilities of the Housing Board of Commissioners or Committee.
- Is the tribal law that governs the housing services
- Can only be amended by the Tribal Council.

## POLICY

- **POLICIES** are approved by the Housing Board of Commissioners if the housing program is the TDHE
- If a housing department, depending the ordinance, the Tribal Council may review and approve all required housing policies.
- Policies outline the course of action to guide decisions.

## BREAK-OUT SESSION

- HOUSING DIRECTOR'S WORK -VERSUS- TRIBAL COUNCIL/BOARD MEMBER'S WORK
  - FIRST – LET EVERYONE INTRODUCE THEMSELVES, SAY WHERE THEY ARE FROM AND WHAT TRIBE OR ORGANIZATION THEY REPRESENT
  - SELECT ONE PERSON TO WRITE DOWN 2-3 RESPONSIBILITIES OF THE TRIBAL COUNCIL AND 2-3 RESPONSIBILITIES OF THE HOUSING DIRECTOR
    - AFTER THE BREAKOUT SESSION IS OVER – We will have an open discussion

## TRIBAL COUNCIL MEMBER

- WHAT MAKES A GOOD Tribal Council Member?
  - PUT YOUR ANSWERS IN THE CHAT BOX

Would someone like to tell us what they think makes a good Tribal Council member?

## Agenda – Day 2

### Day Two

- 10:45 – 11:00 a.m.
- 11:00 – 4:00 p.m.

ZOOM Sign In & Room Entry  
 Planning & Controlling (Indian Housing  
 Plan & Annual Performance Report)  
 SWOT Analysis - Break out Session  
 Management Functions  
 Leading, Ethical Issues  
 Break Out Session  
 End of Day Two

- 4:00 p.m.

- 1:00 – 2:00 p.m. (EST)

Lunch Break

# Questions?

- Do you have any questions on what we covered today?

THANK YOU EVERYONE!

- See at tomorrow's session