# Housing Policy Development

August 3-4, 2021

Provided by the National American Indian Housing Council (NAIHC)
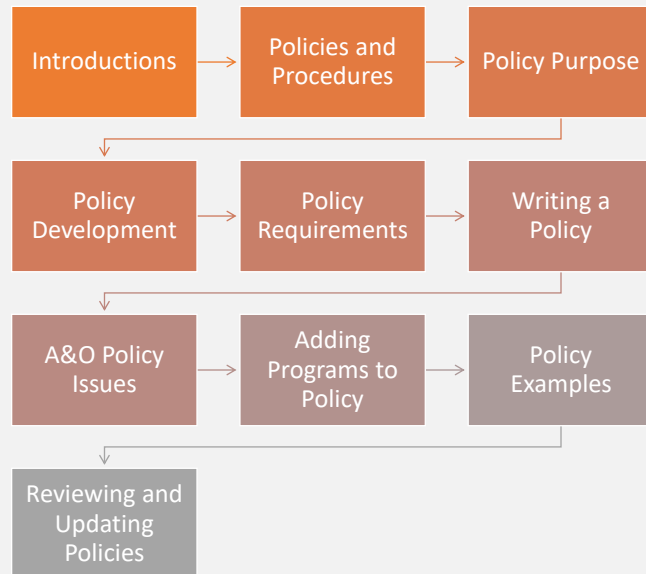
1

## Instructor



- Charles Anderson
- Owner/Manager, Northwest Housing Consultants, LLC

2

## Agenda

Introductions → Policies and Procedures → Policy Purpose

Policy Development → Policy Requirements → Writing a Policy

A&O Policy Issues → Adding Programs to Policy → Policy Examples

Reviewing and Updating Policies

3

## Introductions

- Name
- Tribe/TDHE
- How long working in housing?

4

# Policies and Procedures

What is the Difference?

5

# Is this a Policy or Procedure Matter?

6

## What is a Policy?

It clearly defines modes of conduct.

It reflects the organization's values.

It determines the cultural structure of your organization.

Your policy is your organization's [action plan](#).

7

## What is a Procedure?

Procedures tell what to do when to do it, and who is responsible for doing it.

A procedure establishes the specific way a function is to be performed, assigns responsibility, and describes specific action, whether it be answering a phone, setting up a file, determining income, inspecting a property, preparing a form, or writing a report.

8

# What Makes a Good Procedure?

- Administered properly;
- Delivered in a way that staff know their responsibilities;
- Implemented in a manner that ensures performance objectives are met according to the established policies;
- Consistently delivered;
- Understood and trusted by the public;
- Delivered efficiently, with as many households served as possible;
- More easily delivered by new staff with little interruption to workflow; and
- Understood and accurately described by staff, members of the board and/or tribal council.

9

## Policies and Procedures Comparison

**Policies**
- Widespread application
- Non-negotiable
- Expressed in broad terms
- Statements of what or why
- Answer major operational issues

**Procedures**
- Narrow focus
- Subject to changes and continuous improvement
- Detailed description of activities
- Statements of how, when, or who, and sometimes what
- Detail a *process*

10

## Policies and Procedures Examples

Application Process
- **Policy**:  Families must submit a completed  application before they can be determined  eligible for placement on a waiting list
- **Procedure**:  Upon receiving a completed  application, staff members must notate the date  and time of receipt of the application

Maximum Rental Payments
- **Policy**:  No low-income family will be charged more than 30% of adjusted gross income
- **Procedure**: Calculate anticipated annual  gross income; subtract permitted allowances/deductions; divide by 12 months;  multiply by percentage of income being charged  by program percentage

11

---

"Families must submit a completed  application before they can be determined  eligible for placement on a waiting list"

| Criteria | Yes | No |
|---|---|---|
| Widespread application? | ✓ | |
| Non-negotiable, changes infrequently? | ✓ | |
| Expressed in broad terms? | ✓ | |
| Statement of What or Why? | ✓ | |
| Answer major operational issues? | ✓ | |

Policy or Procedure?

12

**Policy**: "No low-income family will be charged more than 30% of adjusted gross income"

| Criteria | Yes | No |
|---|---|---|
| Widespread application? | ✓ | |
| Non-negotiable, changes infrequently? | ✓ | |
| Expressed in broad terms? | ✓ | |
| Statement of What or Why? | ✓ | |
| Answer major operational issues? | ✓ | |

Policy or Procedure?

13

"Upon receiving a completed application, staff members notate the date and time of receipt of the application, and file in a folder labeled 'Pending Applications'".

| Criteria | Yes | No |
|---|---|---|
| Narrower focus? | ✓ | |
| Subject to change and continuous improvement? | ✓ | |
| More detailed description of activities? | ✓ | |
| Statement of How, When, and/or Who? | ✓ | |
| Detail a process? | ✓ | |

Policy or Procedure?

14

"Calculate anticipated annual gross income; subtract permitted allowances/deductions; divide by 12 months; multiply by percentage of income being charged by program percentage"

| Criteria | Yes | No |
|---|---|---|
| Narrower focus? | ✓ | |
| Subject to change and continuous improvement? | ✓ | |
| More detailed description of activities? | ✓ | |
| Statement of How, When, and/or Who? | ✓ | |
| Detail a process? | ✓ | |

Policy or Procedure?

15

## Policy or Procedure?

1. "Fair market rents for the area as published by HUD annually will be used as the ceiling rents for low-rent units."

2. "Once the move-out is complete, the Occupancy Specialist will notify maintenance of the need for an inspection within 48 hours."

3. "After the inspection is complete, a list of repairs will be made by staff, who then notifies the tenant of any charges that will be included on the next billing."

4. "A Lease Agreement cannot be signed prior to the completion of a Move-in inspection."
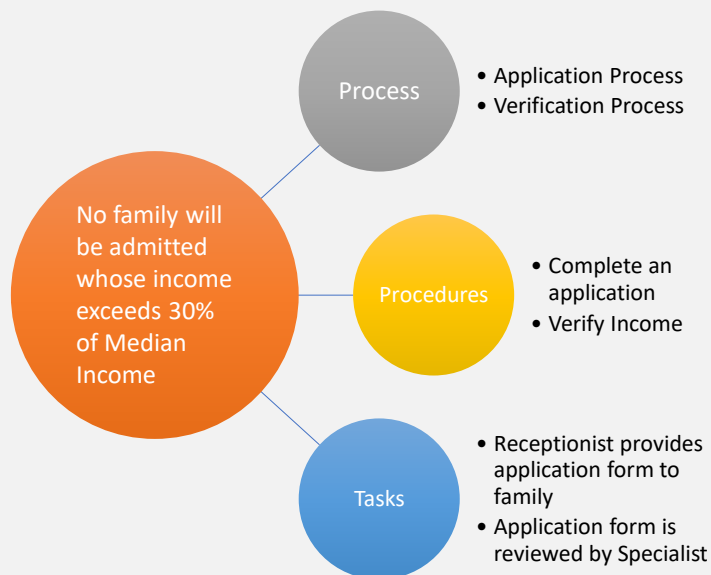
16

# Linking Policies and Procedures



17

---

Goal: provide housing assistance to the neediest families



**Process**
- Application Process
- Verification Process

**No family will be admitted whose income exceeds 30% of Median Income**

**Procedures**
- Complete an application
- Verify Income

**Tasks**
- Receptionist provides application form to family
- Application form is reviewed by Specialist

18

## What's the Best Answer?

What is the primary difference between policies and procedures?
A. Nothing
B. Policies are guiding principles, procedures are a series of steps
C. Policies are localized, procedures are universal
D. Policies are easily changed; procedures require approval from a governing body
E. Policies are specific, procedures are generalized

**B. Policies are guiding principles; procedures are a series of steps.**

19

# What is the Purpose of Policies?

20

# Two Fundamental Premises

1. Tribes/TDHE's exist to make the world operate differently than it would if they did not exist.

2. It takes a good working knowledge of tribal/TDHE housing programs, and the people being served along with practice and critiquing by others for a person to become an effective policy writer.

21

# Primary Focus

For government-funded programs, the primary focus of policies and procedures is always COMPLIANCE.

22

## Another Understanding of How Policies and Procedures Work

- **Official Policy**: A written statement of program direction and intent that is adopted by majority vote of each tribe's/TDHE's governing body and appears in the governing body's official minutes.
- **Actual Policy**: program direction as actually practiced.
- **Effective Policy**: one that works.
- **Effective Procedures**: a set of specific, detailed and sequential steps that, when followed, cause the governing body's desired policy consequences to occur.

23

## Purposes of Policies

| Ensure | Consistency and fairness while also minimizing the potential for disputes or legal actions |
|---|---|
| Provide | A foundation for sound management and supervision |
| Provide | A basis for auditor justification of transactions |
| Ensure | Transparency, reducing the potential for bias |
| Provide | A training tool for new staff |

24

## Practice

- Write a one-sentence *policy* statement related to allowable costs.

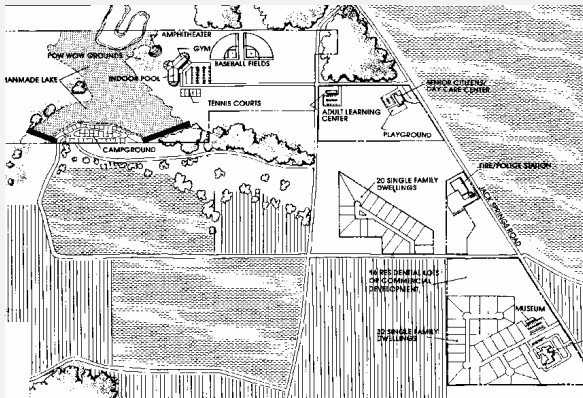- Write a *procedure* related to allowable costs. (required under 2 CFR 302(b)(7).

25

# Policy Development

26

## Policies are a Response to

- A response to a community's needs
- A reflection of a plan to address community needs




27

# Policies

- Policies and procedures are developed after a mission statement, goals, and objectives are established.
- Policies are prepared answers to anticipated problems.
- Policies inform institutions on what is expected and what will be done.

- NAHASDA program requirements for policies require the following:
  - Rents
  - Maintenance and Efficient Operation
  - Insurance Coverage
  - Eligibility for Admission
  - Management
  - Selection

28

# Mission Statement

Understand the mission: What is the organization seeking to accomplish?

Mission statements are not definitions of goals and objectives.

Before developing goals, procedures, and policies; an organization must understand their mission.

29

### Which is the best example of a mission statement?

- Goals : "Be the Number 1 seller"
- Procedures: "File applicant forms after applicant submission"
- Objectives: "Complete Task A before moving on to Task B"
- Policies: "Organize TDHE waiting list based on priority score"
- Accomplish: "Provide housing assistance and opportunity"
- **Accomplish: "Provide housing assistance and opportunity"**
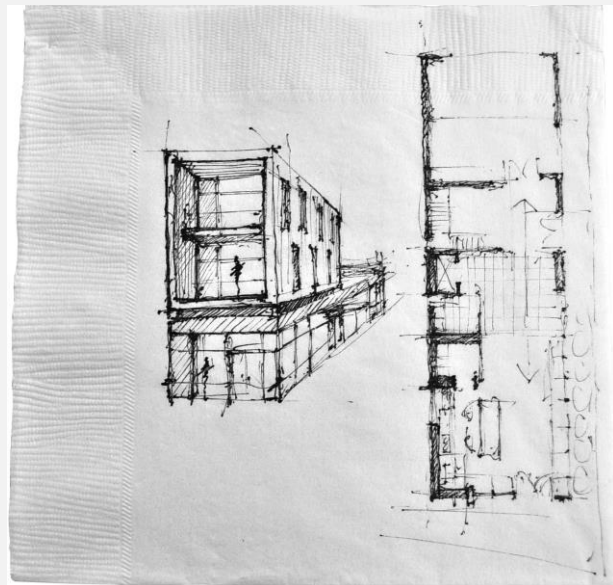
30

## Goals and Objectives

- Statement of development goals and priorities is required as part of a comprehensive housing strategy.
- Goals and objectives should state what the housing strategy plans to do over a certain period of time.
- How and when do we get to writing policies???
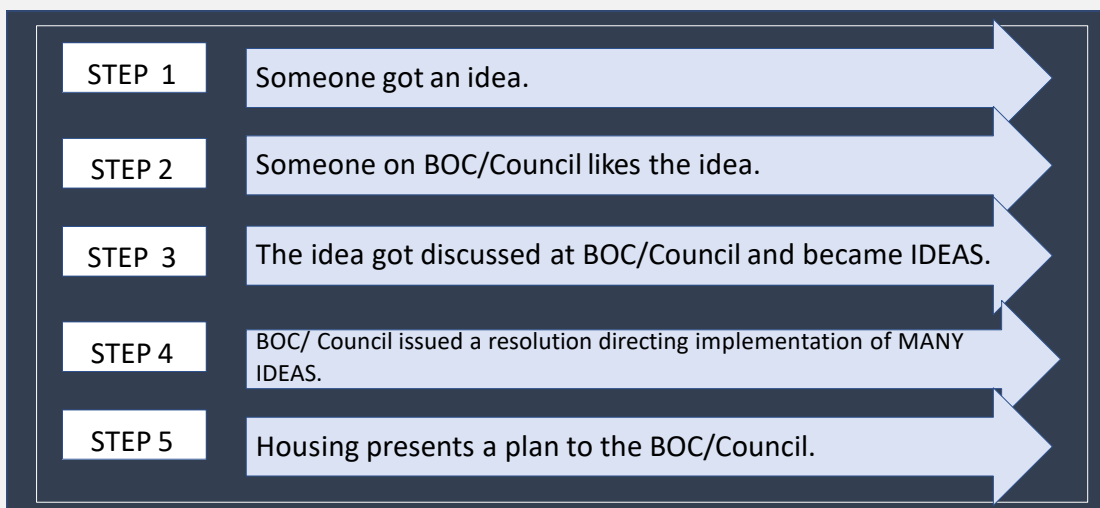
31

## Visioning Can Begin on a Napkin



32

# Visioning Generates a Concept



33

---

# Discussion: Our policy development process proceeds as follows:

| STEP 1 | Someone got an idea. |
|---|---|
| STEP 2 | Someone on BOC/Council likes the idea. |
| STEP 3 | The idea got discussed at BOC/Council and became IDEAS. |
| STEP 4 | BOC/ Council issued a resolution directing implementation of MANY IDEAS. |
| STEP 5 | Housing presents a plan to the BOC/Council. |

34

## Housing Policy Development Process

**Housing Strategy**
- Conduct an assessment to identify community housing needs and resources

**Goals & Objectives**
- Prepare a strategic plan, establishing goals and objectives for several years

**Concepts**
- Work with stakeholders to visualize solutions that respond to needs and maximum available resources

**Projects & Programs**
- Begin project development and identify programs needed to provide long-term program services

**Policy & Procedures**
- Programs sustain projects by the policies that describe the program's purpose, goals, scope, applicability, and standards.
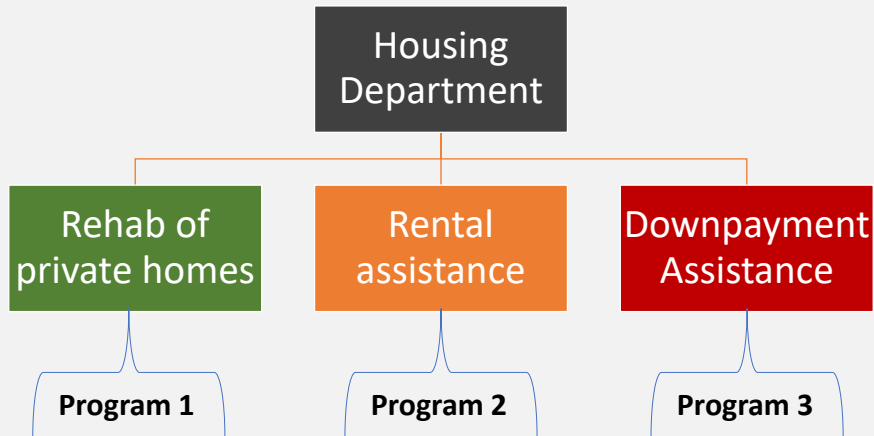
35

## What is a Program?

- "a group of related projects managed in a coordinated way to obtain benefits and control not available from managing them individually"*
- A **program manager** provides leadership and direction for the project managers heading the projects within the program
- Every program requires a **written policy** in order to implement it

36

# Program Examples

```
              ┌─────────────┐
              │  Housing    │
              │ Department  │
              └─────────────┘
      ┌──────────────┼──────────────┐
┌──────────────┐ ┌──────────────┐ ┌──────────────┐
│   Rehab of   │ │   Rental     │ │ Downpayment  │
│ private homes│ │ assistance   │ │  Assistance  │
└──────────────┘ └──────────────┘ └──────────────┘
      │                 │                 │
 **Program 1**      **Program 2**      **Program 3**
```

37

# What is a Project?

A **project** is "a temporary endeavor undertaken to create a unique product, service, or result"

Operations is work done to sustain the business

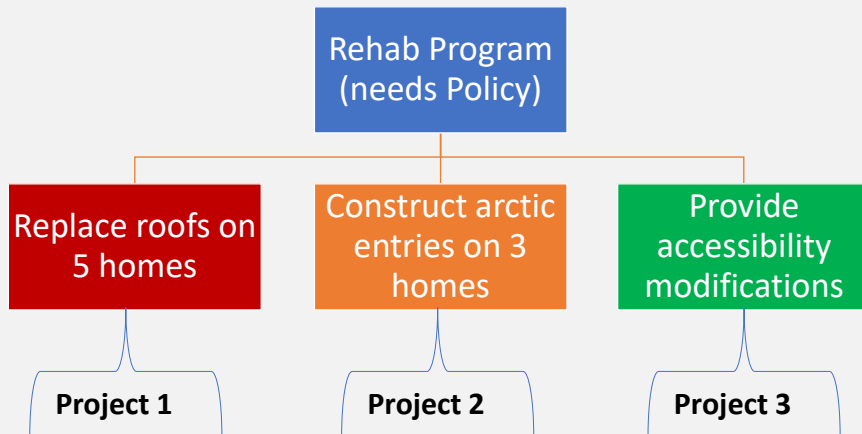Projects end when their objectives have been reached, or the project has been terminated

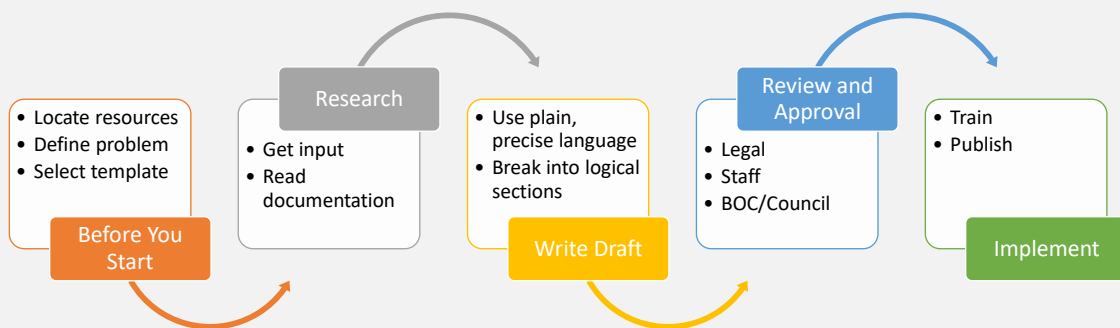Projects are carried out according to **Program Policies** and normally do not require policies of their own

38

# Project Examples

Rehab Program (needs Policy)

Replace roofs on 5 homes

Construct arctic entries on 3 homes

Provide accessibility modifications

**Project 1**

**Project 2**

**Project 3**

39

# Policy Development Process

- Locate resources
- Define problem
- Select template

Before You Start

Research

- Get input
- Read documentation

- Use plain, precise language
- Break into logical sections

Write Draft

Review and Approval

- Legal
- Staff
- BOC/Council

- Train
- Publish

Implement

40

# Regulatory-Required Policies

NAHASDA and Other Regulations

41

---

## Policies are Often Required by Regulations

Native American Housing Assistance and Self-Determination Act (NAHASDA)

Uniform Administrative Requirements (2 CFR 200)

American Disabilities Act

Generally Accepted Accounting Principles

Uniform Relocation Act

42

# Regulatory References

| Governing Documents | Reference |
|---|---|
| Tribal ordinance creating the IHA | 1937 Housing Act |
| IHA designated as TDHE | NAHASDA |
| Bylaws for Board of Commissioners | Tribal ordinance |
| Rent and Homebuyer Payments | NAHASDA 203(a)(1) |
| Eligibility, Admissions and Occupancy | NAHASDA 203(d) |
| Maintenance | NAHASDA 203(e) |
| Tenant and homebuyer selection | NAHASDA 207(b) |
| Procurement | 24 CFR 1000.26; 2 CFR 200.318-.326 |
| Indian Preference | 24 CFR 1000.52 |
| Conflict of Interest | 24 CFR 1000.30; 2 CFR 200.318(c)(1) |
| Drug-free Workplace | 24 CFR 1000.46; 24 CFR Part 21 |
| Cash Management | 24 CFR 1000.26; 2 CFR 200.302(b)(4) |
| HUD Section 3 | 24 CFR 1000.42 |
| Investment and Internal Controls | PIH 2015-08; 2 CFR 200.303 |
| Self-Monitoring and Evaluation | 24 CFR 1000.502 |
| Real Property Acquisition/Disposition | 24 CFR 1000.14; 2 CFR 200.311 |
| Allowable Costs | 2 CFR 200.302(b)(7) and Subpart E |

43

# Rents and Homebuyer Payments

- A policy regarding rents and homebuyer payments charged for dwelling units assisted with NAHASDA funds (Section 203(a)(1).
- Including the methods by which rents and homebuyer payments are determined.
- This policy would also address the tribe/TDHEs requirements for collection of payments.

44

# Eligibility, Admission, & Occupancy

- **Eligibility** – Address the three type of eligible participants, including low-income Indian families, non-low-income Indian families, and non-Indian families (Section 203(d)).
- **Admission**
  - 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.
- **Occupancy** – Address requirements for continued occupancy and grounds for termination of a housing lease or sales contract.

45

# Management and Maintenance

- 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 could include policies such as Personnel, Grievance, Capitalization, Disposition, etc.

46

## Tenant and Homebuyer Selection

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; and

- Provide for: a) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forward in the Indian Housing Plan for the tribe that is the grant beneficiary of such grant amounts; and  b) the prompt notification in writing to any rejected applicant of the rejection and the grounds for the rejection.

47

## Native 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 24 CFR 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.

48

# Real Property Acquisition and Relocation

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

- The regulations at 49 CFR 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.

49

# Financial Management

- Per 2 CFR 200.302, the financial management system of each non-Federal entity must provide for written procedures to implement the requirements of 2 CFR 200.305 (Payments).

- Costs must be consistent with policies and procedures that apply uniformly to both federally-financed and other activities (2 CFR 400.403).

- Tribes/TDHE's must provide for written procedures for determining the allowability of costs in accordance with 2 CFR 200 subpart E and the terms and conditions of the Federal award.

50

## Internal Controls

- The uniform guidance requires nonfederal entities (NFEs) to have written policies and procedures as part of a system of internal control (§200.303).

- "These internal controls should be in compliance with guidance in Standards for Internal Control in the Federal Government issued by the Comptroller General of the United States and the Internal Control Integrated Framework, issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO)."

51

## Conflict of Interest

The tribe/TDHE must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts (2 CFR 200.318).

52

## Other Policy Requirements

- **Travel**:  Travel costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used results in charges consistent with those normally allowed in accordance with *written travel reimbursement policies.  Grantees must use Federal travel standards in the absence of a travel policy* (2 CFR 200.475).

- **Procurement**:  Tribes/TDHE's must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations for the acquisition of property or services required under a Federal award or subaward (2 CFR 200.318).

53

## Other Policy Requirements

- **Investment and Internal Control**:  Recipients who seek approval to invest IHBG funds must comply with Notice PIH 2001-21, Administrative Requirements for Investing Indian Housing Block Grants.  This Notice requires recipients to have an Internal Control Policy and an Investment Policy.

- **Housing Standards**:  NAHASDA regulations regarding Revisions to Cost Limits for 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 (TDC) limits published periodically by HUD.
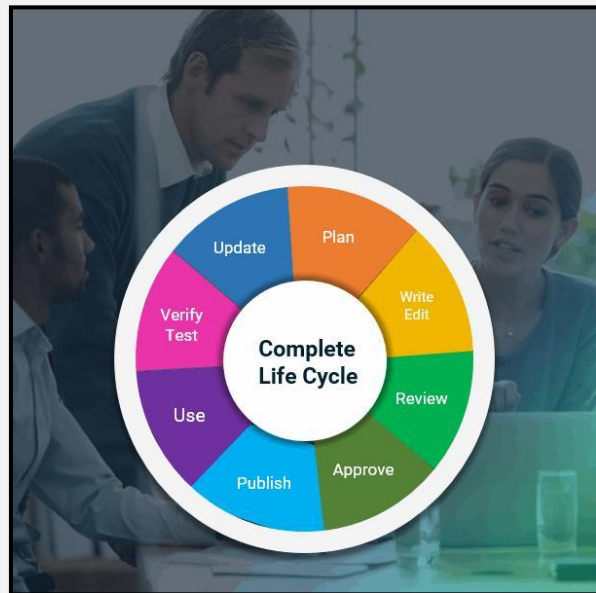
54

# Writing a Policy

55

# Policy Life Cycle



56

## How are Policies Developed?

- Internally
  - Staff
  - Committee
- Externally
  - Consultant
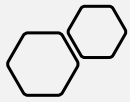  - Attorney
- Approval – always by governing body

57

## Don't "reinvent the wheel"

- Use boilerplate policies as a starting point.
  - Adapt to suit your needs
  - Be sure to add your personal information (TDHE/tribe, etc.)
- Use policy libraries
  - NAIHC
  - Regional Associations
  - Internet



58

# Writing Tips

Policies are written in clear, concise, simple language.

Policy statements address what is the rule rather than how to implement the rule.

Policy statements are readily available to the community and their authority is clear.

As a body, policies represent a consistent, logical framework for action

59

# Policy Writing Checklist

❑Consider asking someone not directly involved in the process to draft the document to add perspective and potentially avoid jargon.

❑Use precise language and explanations to avoid misunderstandings.  For example, "Outside cubicle walls are to be kept clear".  Might consider adding "including Christmas lights, cartoons, or even work-related items such as printouts."

❑Decide on consequences of disciplinary actions for breaking policy

❑Verify that the policies adhere to regulations.  Having legal sign off on policies can strengthen your position in the event of regulatory challenges.

❑Send draft for review to all those impacted by policy.

❑Obtain final approval from BOC/Council.

60

## Level of Detail

- General rule is that the level of detail must be both sufficient and appropriate for your audience and your subject.
- Sufficient usually means the right type of information and the right amount of it.
- Appropriate usually means fitting for the topic and the audience.
- Contains only "need to know" information; eliminate "nice to know".

61

## Policies: Level of Detail

### Too Much
- Complex
- Hard to understand

### Too little
- Vague
- Prone to mistakes

62

## Level of Detail:  Examples

**Too much information**

"To be eligible for this program and all other programs assisted with IHBG (often referred to as NAHASDA) funds, including programs assisted with as little as $1 (or less) of funds, even if combined with funds from other sources, all families, with some exceptions, regardless of composition, must have an Annual (not monthly) Income, before adjustments but after deducting exclusions, equal to or less than 80% of the median income for the area in which the family is being served (the formula area), or the United States, whichever is greater, as defined by one of three different definitions."

**Too little information**

• "To be eligible families must not be over income according the regulations."



63

---

What Makes a Good Policy

Easy to understand

Covers all known situations

Accessible

Adaptable

64

## Attributes of an Effective Policy

### Endorsed
- The policy has the support of management and the governing body

### Relevant
- The policy is applicable to the organization

### Realistic
- The policy makes sense

### Attainable
- The policy can be successfully implemented

65

## Policy Document Template and Format

Header Block

Background

Purpose

Disclaimers

Acknowledgements

Scope

Definitions

Policy Statements

Related Policies

References/Citations

66

## Header Block

- Policy title
- Identity of department
  - Drafting
  - Reviewing
  - Enforcement
- Approval/effective dates
- Contents (pages)



67

## Policy Background

- Explain the context
  - Law
  - Regulations
  - Program(s)
- Relation to other policies
- Explain application of policy
- Disclaimers
- Acknowledgement Statements

68

## Disclaimer Example

"This Policy is designed to assist in the resolution of complaints by program applicants and Residents and to afford them a fair and reasonable opportunity to have their responses heard and considered by the Recipient's Manager. It is not intended to provide a forum for the aggrieved party to challenge the Recipient's policies, tribal, federal, or state codes, requirements and/or regulations, to settle domestic disputes or resolve matters that are a police or court matter."

69

## Acknowledgement Statements Examples

Employees

"I have received a copy of the handbook/policy/procedure. I understand that it is my obligation to read and understand this material to abide by the rules established by the organization. I also understand that I am governed by these policies and procedures and that organization may change them at will."

Residents

"I have received the tenant handbook, which outlines both my obligations and my privileges as a tenant. I agree to familiarize myself with the contents of this book and to seek clarification of any item that I do not understand. I also agree to comply with the standards and rules outlined in this document."

70

# Policy Purpose

What the policy is designed to achieve

Defines the intent and objectives of the policy

Should be short and direct

Begin with active verbs

- "To promote …."
- "To comply …."
- "To ensure …."

71

# Policy Purpose:  Example

"The purpose of the TRIBE/TDHE's Financial Management and Internal Controls Policy is to establish guidelines for control of the administration and implementation of the TRIBE/TDHE's funds in accordance with the TRIBE/TDHE's goals and objectives; to properly safeguard the assets of the TRIBE/TDHE to make sound financial decisions and provide accurate financial reports."

72

# Policy Scope

Explains the range of application of the document in terms of covered persons, facilities, sites, etc.

73

# Policy Scope:  Examples

- "TRIBE/TDHEs are non-federal entities administering federal programs and are therefore required to account for and present their basic financial statements according to Generally Accepted Accounting Principles (GAAP) standards set by the Governmental Accounting Standards Board (GASB)."
- "This Policy governs the financial management system of the TRIBE/TDHE and complies with the provisions of Title 2, Part 200 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Grant Guidance")."

74

## Policy Definitions

- Terminology used that requires understanding and clarification in order to meet the intention of the policy document.
- Might be legal terms of specific to the tribe/TDHE or the type of work.
- May be necessary to cite the authority for the definitions used.
- For IHBG, use statute definitions – NAHASDA Section 1(b)(4); or 24 CFR 1000.10.

75

## Policy Statements

Provides the basic objectives of the organization and a description of the general guiding principles or rules of the policy.

76

## Related Policies

- Ensures that other policies addressing similar or related issues are linked for consistency.
- Provides additional documents that may be helpful for staff to comply with the policy.

77

## Policy References/ Citations

- Used for legal and regulatory citations and government guidance documents (PIH Notices, for example).
- Also used for citing internal organization documents (Code of Conduct, for example).

78

## Using Government Documents

- Policy language can be a restatement of government documents
  - Statutes
  - Regulations
  - Notices
  - Guidances
- Ensures accuracy
- Saves time
- Take care to avoid too much detail

79

## Discretionary Wording

- "This policy is a guideline only. Circumstances may arise in which we find it necessary to take other steps not specifically designated here. We reserve the right to do so at our discretion. "
- "The Recipient reserves the right to make modifications to these rules if needed for health or safety purposes, programmatic purposes, management purposes, or necessitated by a change in Tribal Code, and applicable federal law or regulations."
- "The reasons for a determination of ineligibility are based on the Recipient's policies and other applicable program concerns or regulations. Although an Applicant may meet the basic criteria for eligibility, any one of several reasons can form the basis of a determination of ineligibility. "
- "The Recipient has the discretion to determine if any other group of persons qualifies as a family."
- "The following does not represent an exhaustive list of reasons an Applicant may be denied for final selection as a Tenant; however, it is illustrative of many common reasons for a determination of ineligibility."

80

## Formatting Tips

- Include a table of contents in Word or PDF format or with hyperlinks if online.
- Name the document clearly, so users can easily identify its purpose.
- Organize the material logically and label sections clearly, so readers can easily find the content they need.
- Make sure the links to the document from other documents and from other websites are working and up to date.
- Break the text into chunks to aid panning and scanning — include bulleted and numbered lists, graphics, charts, diagrams, well-written headings, and numbered paragraphs.
- Order topics and sections logically and use clear headings.
- Consider numbered paragraphs, which make content easier to locate in lengthy documents. However, limit organization to three levels. The first level is numbered 1, 2, 3; the second level is 1.1, 1.2, 1.3; the third level is 1.1.1, 1.1.2, 1.1.3.
- Use white space to avoid crowded text.
- Templates tend to have predefined sections and often subdivide sections, which can aid users in quickly finding the information they need.

81

# A&O Policy Issues

82

# Policy Decisions You Need to Make

| Eligibility |
| Waiting List |
| Preferences |
| Occupancy Standards |
| Payments |
| Recertifications |
| Inspections |
| Covenants |
| Terminations |

83

# Eligibility

- "To be eligible for this program, families must be Low-Income, as defined, and reside on the reservation."
- "To be eligible for this program, the family must meet the definition of Elderly, as defined (head or spouse 62 years of age or older or disabled."
- "To be eligible, the participant must be a full-time student, and must maintain a grade point average 2.0 or higher."



84

## Waiting List Issues

- "After being determined eligible, the family will be notified in writing of the determination and be placed on the waiting list according to date and time of application."
- "The waiting list will be updated every six months by requesting all applicants to declare their continued interest in writing."
- "A separate waiting list will be kept for each program, specifying the family size and date and time of application.  Offers of housing shall be noted on the waiting list."



85

## Preferences

- "Preference for all housing programs will be given to members of this tribe."
- "Families will be selected in the following order for this program:
  - Elderly families
  - Single-parent families
  - Families whose head or spouse is a veteran, as defined."
  - All other families by date and time of application."



86

# Occupancy Standards

- "Families shall be housed so that not more than two persons share a bedroom."
- "Families shall be housed according to the following schedule:

| Family Size | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|---|---|---|---|---|---|---|---|---|
| Minimum BR | 1 | 1 | 2 | 2 | 3 | 3 | 4 | 4 |
| Maximum BR | 1 | 2 | 3 | 4 | 4 | 4 | 4 | 4 |

87

# Payment Calculations

- "The Rent Payment shall be calculated at 30 (20, 10, etc.) percent of the family's Monthly Adjusted Income, as defined."
- "Rental Payments shall be as follows:
  - 2 Bedroom:        $400 per month
  - 3 Bedroom:        $600 per month
  - 4 Bedroom:        $750 per month

  However, in no event shall monthly payments exceed 30% of the family's Monthly Adjusted Income, as defined."
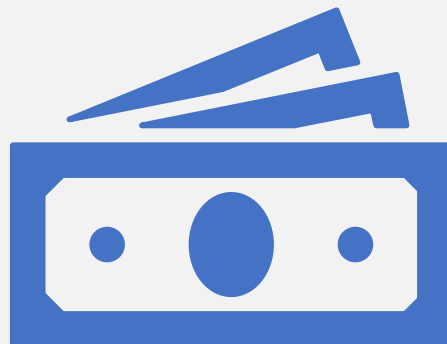
88

# Recertifications

- "All families shall have their Annual Income recertified no later than every twelve months."

- "Families living in rental housing shall have their income recertified every twelve months.  Families living in homeownership housing do not require income recertification."

89

# Inspections

- "On or before the Anniversary Date of the family's housing Agreement, an inspection of the home shall be conducted."

- "Except for Elderly families, all housing units shall be inspected at least once each year.  Elderly family units shall be inspected at least once every two years."

90

# Covenants

"All families living in the Willowbrook housing development shall be required to comply with all Project Covenants, which are attached as Appendix A to this policy."



91

# Terminations

- "A breach of the Rental Agreement may result in termination. Families shall be given notice of the breach and an opportunity correct prior to the termination."

- "The following actions shall result in immediate termination: violent criminal activity (as defined), threatening a housing or tribal employee, and sale/manufacture of drugs."
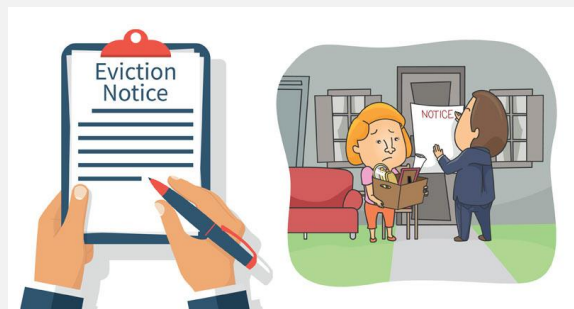


92

# Adding Programs to Housing Management (A&O) Policy

Example:  Rental Assistance

93

Rental Assistance Program Policy Considerations

- Definitions
- Eligibility
- Unit requirements
- Amount Assistance
- Term of Assistance
- Leases
- Housing Standards
- Transfers
- Recertifications
- Terminations

94

## Definitions

- Probably use the same as for most IHBG-funded programs
  - Adjusted Income
  - Annual Income
  - Family Types
  - Low Income
  - Indian Tribe
- Some definitions may only apply to Rental Assistance
  - Full-time Student
  - Payment Assistance
  - Housing Standards
  - Housing Assistance Payment Contract

95

## Eligibility Decisions

- Might be the same as other programs
  - Low-income
  - Native American
- Might be targeted to special populations
  - Full-time Students
  - Working families
  - Moderate income
  - Those facing eviction due to non-payment
- Might exclude certain persons
  - Former program recipients
  - Graduate students
  - Related to Landlord

96

## Unit Requirements

- Type of housing
  - House
  - Apartment
  - Mobile home
  - Boat
- Location of housing
  - On reservation
  - Within County
  - Within State
  - Anywhere in US





97

## Term of Assistance Decisions

How long will assistance be provided?
- Defined period (one year, two years, etc.)
- During participation in a certain program (training, rehab, etc.)
- While maintaining GPA and/or full-time student status, or until graduation

98

## Amount of Assistance

- Limited to costs associated with moving to new house/apartment
  - First/last month's rent
  - Security deposit
- Fixed monthly amount
  - ($300, $500, etc.)
  - Must ensure family's share does not exceed 30% of monthly adjusted income
- Based on income
  - Difference between rent and 30% of monthly adjusted income
  - Can place maximum assistance based on Fair Market Rents

99

## Owner Lease Considerations

- Owner Lease with Addendum or tribe/TDHE lease
- Lease term
- Renewable?
- Converts to Month-to-Month?
- Unlawful provisions

100

## Housing Standards

- Minimum Housing Quality Standards (HQS)?
  - Federal standards
  - Tribal standards
- Inspections
  - Before entering into HAP Contract?
  - Before annual renewal?
  - Landlord required to do repairs?

101

## Transfers

- Due to lease termination
  - Non-payment
  - Tenant damages
  - Other lease violations
- Due to Owner violations
  - Failure to make repairs
  - Harassment
- Upon Owner agreement (within 1$^{st}$ year)
  - Family needs larger unit
  - Relocation for work or school

102

## Terminations

- By the Owner
  - Lease violations
  - Owner wants unit for personal use
  - Non-payment
- By the Family
  - After first year
  - Owner failure to make repairs

103

# Adding Programs to Housing Management (A&O) Policy

Example: Home Repair Assistance

104

## Home Repair Assistance Program Policy Considerations

- Policy Statement
- Purpose
- Approval Process
- Allowable Uses
- Inspections
- Eligibility
- Useful Life



105

## Policy Statement - example

The Board of Commissioners of the (NAME OF TDHE/TRIBE) recognizes the need to establish procedures regarding the rehabilitation of both privately and (NAME OF TDHE/TRIBE) owned homes that belong to tribal members who are unable to acquire assistance from other agencies.  The (NAME OF TDHE/TRIBE) will provide assistance, within approved budget amounts, for the rehabilitation of privately owned homes that are owned by enrolled members of the (NAME OF TRIBE).

106

# Purpose - example

This policy describes the type of work that is allowable and the steps that must followed to request payment for the rehabilitation work. The homeowner that requests this assistance will not be allowed to use rehabilitation funds for luxury items, as determined by the (NAME OF TRIBE/TDHE).  Each request will be considered on a case-by-case basis.

107

# Approval Process - example

The (NAME OF TRIBE/TDHE) will require the homeowner to submit the following documents.

- A written request to use the rehabilitation funds for betterment, replacement or additions to the unit.
- Proof of ownership of the structure to be rehabilitated.
- The TRIBE/TDHE shall determine who has approval or denial authority subject to the availability of funds.

108

## Allowable Uses - example

- Rehabilitation of home to make accessible to persons with disabilities including bathroom(s), doorways, entrance ramps, etc.
- Repairs and/or replacement of items that have been identified in a home inspection. Damage items that that create a hazard to the life, health, or safety of the occupants or cause serious damage to the property shall have priority over other requests.
- Improvements such as installation of carpet, upgrade of windows, cabinets, doors, lighting and plumbing fixtures, electrical, insulation, wood stoves, fencing, or other items as determined by the (NAME OF TRIBE/TDHE).
- Replacement of appliances such as kitchen stoves, refrigerators, water heaters, furnaces and other items as determined by the (NAME OF TRIBE/TDHE).
- Building additional bedrooms, living space, decks, or garages.
- Repairs shall be made in accordance with the TRIBE/TDHE's prioritization schedule.

109

## Payments - example

- The (NAME OF TRIBE/TDHE) will make direct payment to the party performing the work or to the vendor where the purchase for material was made using the (NAME OF TRIBE/TDHE) Purchase Order System.  At no time will payments be made directly to the homebuyer for any material or contractor invoices.
- For the construction of additions or major improvements, payments shall be processed in accordance with the adopted Procurement Policy and/or contract documents.
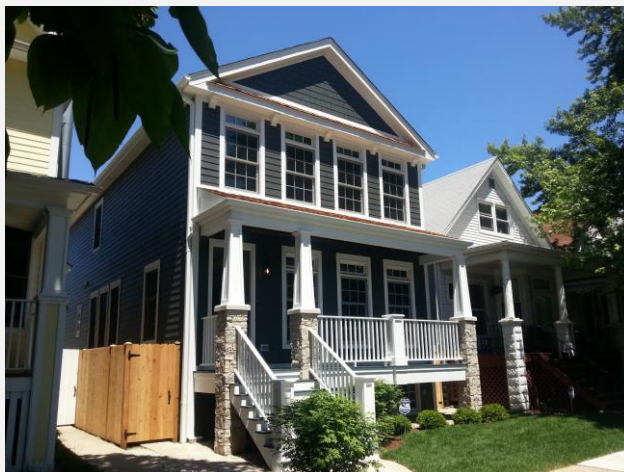
110

## Inspections

- Prior to Agreement to develop Scope of Work
- During work to ensure work done meets standards
- Upon completion of work prior to final payment



111

## Eligibility

- Low Income
- Preference for tribal members?
- Location of residence
  - On reservation
  - Within service area
  - Within State (need to do inspections)
- Not a rental



112

## Binding Agreements - example

"Documents for the Home Repair Program shall include resale restrictions. (For example, if the owner sell or transfers title to the home within a timeframe established by the tribe/TDHE, the entire amount or a designated % of the cost of rehabilitation the home may be required to be paid back to the tribe/TDHE."

"If, at any time, the owner sells or transfers title to the home, the owner must repay the tribe/TDHE any balance due."

113

## Other Considerations (optional)

If the Home Repair program is a forgivable loan program, the homebuyer/homeowner shall be required to carry any tribe/TDHE required insurance coverage on the home during the term of the loan.

The homeowner shall be responsible for having warranty work performed on any manufactured appliances or materials used in the rehabilitation of their home.

The tribe/TDHE may establish warranty periods (for example, 1 year) on workmanship and products used in rehabilitation activities.

The tribe/TDHE may require the participants in any Home Repair program to participant in counseling programs sponsored and paid for by the tribe/TDHE).

All eligible applicants selected to participate in the rehabilitation program should sign a Home Repair Program Agreement with the tribe/TDHE, stating the obligations of all parties.

114

# Looking at Some Policy Examples*

- Collections and Compliance
- Financial Management
- Procurement
- Down Payment Assistance

*All policies can be found at http://naihc.net/project/3153/

115

# Reviewing/Updating Policies

116

# Policy Life Cycle



117

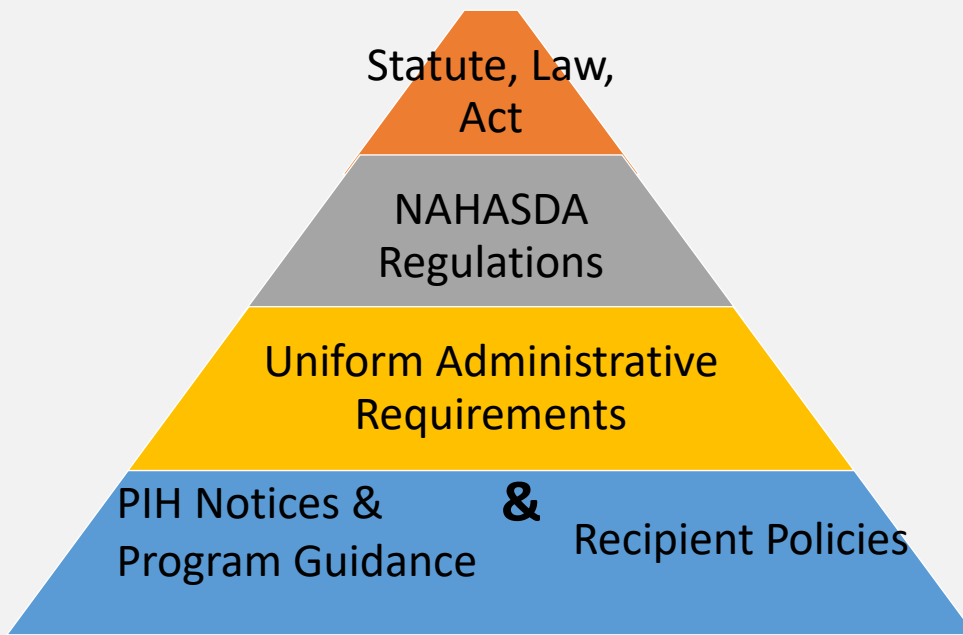# Updating Policies and Procedures

- While all tribes/TDHE's should have written policies and procedures in place, there are always revisions, updates and changes in the case of new regulations.

- For example, recent regulatory changes now allow for employees to request reimbursement for the cost of dependent care when traveling for their employer. *However, this benefit would likely not be allowable if it was not included in the tribe/TDHE's written policies.*

118

## Regulatory Changes

- Regulatory or statutory do not automatically result in changes to policies - they must be adopted by the governing body.
- For example, the micro purchase threshold recently changed from $3,000 to $10,000. This is the amount below which procurement requirements may be waived. However, if the policy still says $3,000, then the tribe/TDHE must continue to use the lower amount.

119

Statute, Law, Act

NAHASDA Regulations

Uniform Administrative Requirements

PIH Notices & Program Guidance  **&**  Recipient Policies

120

# Reasons for Review/Updating

| | | | |
|---|---|---|---|
| ⚖️ | ✓ | | |
| ENSURE COMPLIANCE WITH CHANGING REGULATIONS | ENSURE CONSISTENCY WITH NEW PROGRAMS | OPPORTUNITY FOR TRAINING NEW STAFF | REINFORCES INTERNAL CONTROLS |

121

# Are Your Policies …

- Accurate
- Up-to-date
- In compliance
- Complete
- Understandable

122

## Policy Consistency

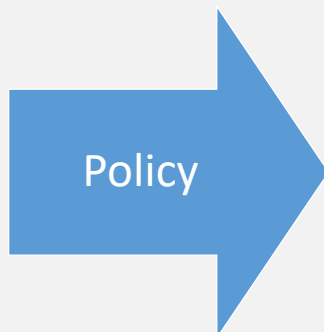Housing Management Policy: "Immediate family shall mean spouse, children, siblings, and grandparents."

Procurement Policy: "Immediate family shall mean spouse, children, brothers, sisters, mother-in-law, and father-in-law."

What steps would you take to correct these inconsistencies? Or would you?

123

---

**Policy** → ← **Actual Practice**

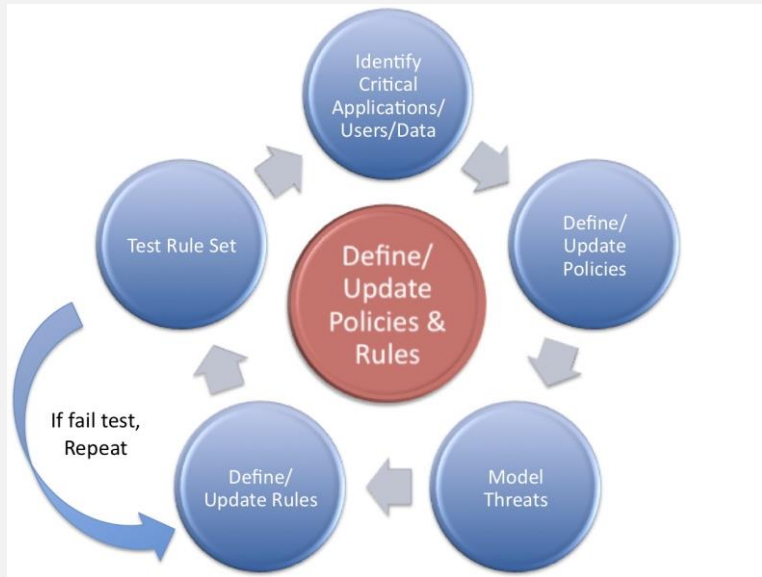"The tribe/TDHE will give preference to families living on the reservation."

The tribe/TDHE is assisting families living off reservation ahead of families living on the reservation.
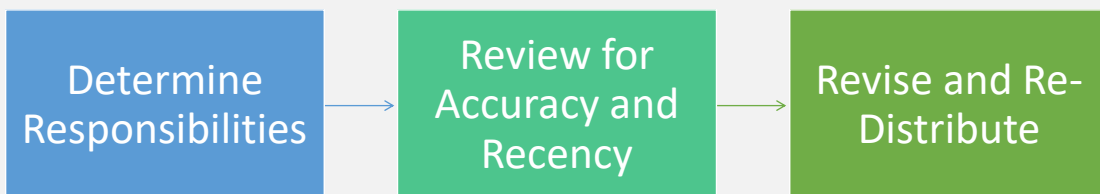
124

# Update Process



Identify Critical Applications/ Users/Data

Define/ Update Policies

Define/ Update Policies & Rules

Test Rule Set

Model Threats

Define/ Update Rules

If fail test, Repeat

125

# Three-step Update Process

Determine Responsibilities → Review for Accuracy and Recency → Revise and Re-Distribute

126

## Determine Responsibilities

- In many larger organizations, human resources staff are responsible for reviewing policies and updating them
- In smaller organizations the senior managers may be responsible for updating policies.
- Because policies must comply with relevant legislation and regulations it's a good idea to have them reviewed by an attorney periodically, as well.

127

## Review for Accuracy and Recency

- Review all policies to ensure they are still relevant and up to date. For example, a company policy regarding manual time sheets collected by supervisors would be no longer relevant if your tribe has installed an automatic electronic attendance system recently.
- You should also review for up-to-date compliance with both federal and state legislation and regulations, review policies for current HR practices and procedures, and current products and services.

128

# Revise and Re-Distribute

- Policy manuals are typically produced as paper copies of written policies put together in either binders or printed as book-bound publications. However, many tribes post their manuals in digital formats that staff and the public can access on their computers.

- A great approach is to keep your original copies intact and categorize your updated revisions with a numbering system so that your changes are documented and dated. These updates are then made to the digital version for distribution to all involved so they are informed of the policy change.

- A signed acknowledgment of receipt of the updated policies can be required, if you feel this is needed.

129

# Categorizing Updates

- To avoid confusion, each update needs to be categorized, or numbered and dated, to ensure staff is using the most recent version.

- A log of all policy updates should be kept showing the date the policy update was approved by the BOC/Council, and other related information.

- The BOC/Council meeting minutes should reflect all policy updates.
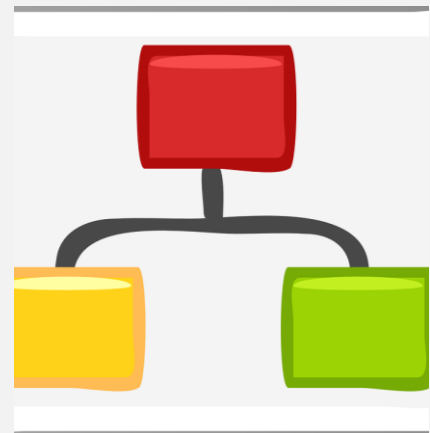
130

## Policy Change Log

### September 2016 - Present

| Date | Section Number | Sub-Section Number | Section Name | Sub-Section Name | Change | Additional Information: Form changes, links, etc. |
|---|---|---|---|---|---|---|
| 06/04/2021 | 24 | | Payments to Students | | New section to clarify various ways to pay and reimburse students. This section cross references other sections of the MBP and provides examples of the various ways student can receive a payment/reimbursement. | |
| 5/30/2021 | Summary of Approval Language for Sections Below | | | | Standardized language for approvals - see chart. | Summary Of Position Approval Roles.pdf |
| 5/30/2021 | 45 | IV.A.1 | Food and Beverage, Business Functions | Retreats, Workshops, Committee and Faculty/Staff Meetings | Standarized language for approvals to be Provost, Vice President, Dean, including Assistant and Associate positions, or College/MAU level Budget Officer, Chief of Staff or CFO. | College/MAU level Budget Officer, Chief of Staff and CFO was added. |
| 5/30/2021 | 45 | VII | Food and Beverage, Business Functions | Home Entertainment | Standarized language for approvals to be Provost, Vice President, Dean, including Assistant and Associate positions, or College/MAU level Budget Officer, Chief of Staff or CFO. | College/MAU level Budget Officer, Chief of Staff and CFO was added. |
| 5/30/2021 | 47 | I.A.5 | Membership Dues, Sponsorships and Donations | Membership Dues | Standarized language for approvals to be Provost, Vice President, Dean, including Assistant and Associate positions, or College/MAU level Budget Officer, Chief of Staff or CFO. | College/MAU level Budget Officer, Chief of Staff and CFO was added. |
| | | | | | Standardized language for approvals to be Provost, Vice President, Dean, including | College/MAU level |



132

133