

### Key Program Elements ELIGIBLE FAMILIES



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### Mandated NAHASDA Eligibility Requirements

Gross income must be within HUD defined income limits (special exceptions apply)



Must be a Native American family (special exception applies)



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### Who is Eligible? Section 201 (b)

"...shall be limited to **low-income Indian families** on Indian reservations and other **Indian areas**"

"The term 'low-income family' means a **family** whose **income** does not exceed **80 percent** of the **median income** for the area, as determined by the Secretary with adjustments for smaller and larger families..."

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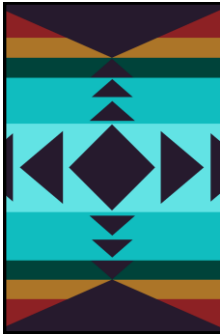
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**What is "Median" Income?**

(15) MEDIAN INCOME-  
 ... means, with respect to an area that is an Indian area, the greater of--  
 (A) the median income for the Indian area, which the Secretary shall determine; OR  
 (B) the median income for the United States.

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**What is a "Family"?**

The term 'family' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.


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**Types of Eligible Families**

- Low-Income
- Non-Low-Income
- Essential
- Law Enforcement Officers

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Key Program Elements  
ELIGIBLE AFFORDABLE  
HOUSING ACTIVITIES



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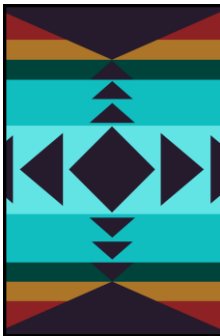
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NAHASDA: Eligible  
Affordable Housing  
Activities

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

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NAHASDA: Eligible  
Affordable Housing  
Activities

**1) Indian Housing Assistance:**

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



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**NAHASDA: Eligible Affordable Housing Activities**

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

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



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**NAHASDA: Eligible Affordable Housing Activities**

**3) Housing Services:**

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



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**NAHASDA: Eligible Affordable Housing Activities**

**4) Housing Management Services:**

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



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### NAHASDA: Eligible Affordable Housing Activities



- 5) **Crime Prevention & Safety Activities:**
  - safety, security & law enforcement measures including activities appropriate to protect residents of affordable housing from crime.
- 6) **Model Activities:**
  - Housing activities under model programs that are designed to carry out the purposes of NAHASDA

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### Key Program Elements PROGRAM ADMINISTRATION



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### Administrative and Planning



- ❖ • A & P limited as follows:
  - 20% of annual grant allocation or Program Year expenditures, whichever is greater, for recipients receiving more than \$500,000
  - 30% of grant allocation or Program Year expenditures, whichever is greater, for recipients receiving \$500,000 or less
- ❖ • HUD may approve higher percentage.

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## Administrative and Planning

Funds may be used for:  
Salaries and Benefits  
IHP Preparation  
Annual Performance Report Preparation  
Monitoring  
Admin Costs Related to Activities



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## Affordable Housing Activities and Administrative Expenses Program Guidance 2010-03

↳ **Guidance:** The document is intended to provide assistance to tribes and tribally designated housing entities (TDHE) when determining eligible affordable housing activities and eligible administrative expenses using Indian Housing Block Grant (IHBG) funds. Please note that this is not a complete list of eligible activities under NAHASDA.



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## Key Program Elements FINANCIAL MANAGEMENT



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### What is Financial Management?

- ❖ Helps housing business to run smoothly
- ❖ Includes:
  - ❖ Effective cost management
  - ❖ Internal controls
  - ❖ Recordkeeping
  - ❖ Auditing

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### Benefits of A Sound Financial Management System

- Long term financial planning;
- Accurately organize grant activities;
- Effective and efficient use of the NAHASDA funds;
- Achieve program objectives and fulfill commitments of the IHP;
- Demonstrates accountability to the Tribe and HUD; and
- Gain confidence of HUD and potential funders.

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### Overview Of Financial Management System

One size does not fit all – tailor to staffing and organizational structure

Refer to 2 CFR 200 Post Federal Award 200.300-309 for financial management system standards

Refer to NAHASDA 1000.26 Administrative Requirements for NAHASDA specific requirements

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### Financial Management System



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### Internal Controls Objectives



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### Key Program Elements REPORTING & RECORDKEEPING



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## Reporting Requirements

- ❖ 2 CFR 200.302(b)(3)
- ❖ The financial management systems must provide...accurate, current, and complete disclosure of the financial results of each Federal award or program in accordance with the reporting requirements set forth in §200.327 (Financial Reporting) and 200.328 (Monitoring and Reporting Program Performance).

**Requirements**

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## Recordkeeping Requirements

- ❖ 200.302(3): Maintain records that identify adequately the source and application of funds for IH&G funded activities.
- ❖ NAHASDA Part 1000.552 requires financial and programmatic records to be retained for 3 years from the end of the grantees program year or settlement date of any litigation, claim, or audit that was started before the expiration of the three-year period.

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## Recordkeeping Requirements



- ❖ Adopt a policy that includes:
  - ❖ Retention requirements for records (200.333)
  - ❖ How long you keep the records (1000.552)
- ❖ Method to transfer certain records to the federal agency, if required (200.334).
- ❖ Methods for collection, transmission and storage of information (200.336);
- ❖ Access to records: (200.337) – for HUD, the Inspector General's, the Comptroller General of the United States.
- ❖ Restrictions on public access to records (200.337) – for example, Personnel files.

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### Recordkeeping Requirements



❖ Accounting Records to Keep (examples)

- Bank Reconciliation Files
- Journal Entry Files
- Financial Statement Files
- Vendor Files
- Personnel Files –
  - File 1- Application and other general information
  - File 2 - Confidential information (health, grievances)
  - File 3 - Payroll information

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### Recordkeeping Requirements

❖ Program Records to Keep (examples)

- IHPs
- Agreements
- Policies
- APR
- Organizational docs
- Tenant files




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### Recordkeeping Requirements

❖ Procurement Files to Keep (examples)

- • Statement of work and/or work write-up
- • Independent cost estimate
- ❖ Evidence of publication of solicitation with Indian Preference
  - • Solicitation mailing list
  - • Technical Evaluation Plan (RFP – competitive proposals only)
  - • Solicitation, amendments and approvals
  - • Bids or Proposals

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### SELECTING THE RIGHT DELIVERY SYSTEM



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### SELECTING THE RIGHT DELIVERY SYSTEM

- ✦ History of your IHA/Tribal Housing Programs
- ✦ Self-Governance Record
- ✦ Unmet Need
- ✦ Administrative Capacity



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### PROGRAM DELIVERY CHOICES

- ✦ **Each tribe chooses the right entity to:**
- ✦ Design programs
- ✦ Administer programs
- ✦ Deliver programs
- ✦ **Tribe may deliver program directly**
- ✦ **Tribe may designate a TDHE**
- ✦ **Tribe is ultimately responsible**



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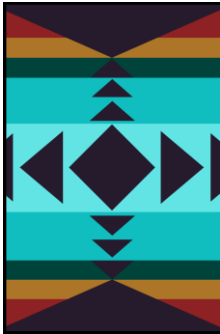
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### WHAT IS A TDHE?

- ❖ **Entity other than tribal government**
  - ❖ Authorized to receive grant (recipient) and provide housing
- ❖ **Designated by:**
  - ❖ Resolution of tribe(s)
  - ❖ Resolution of committee
  - ❖ Default to original IHA
- ❖ **Designation subject to change**

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### EXAMPLES OF TDHEs

- ❖ Indian Housing Authority
- ❖ Non-profit organization
- ❖ For-Profit organization
- ❖ Umbrella organizations



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### TDHE ROLE

- ❖ Accepts responsibility to comply with NAHASDA
- ❖ Tribe defines TDHEs level of authority
- ❖ TDHE reports to tribe regarding housing issues and business

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### TDHE vs. TRIBAL CONTROL

- ❖ **Direct Tribal Delivery**
  - ❖ Tribe retains direct control and decision making
  - ❖ Tribe is actively involved in housing
- ❖ **TDHE Delivery**
  - ❖ Tribe defines TDHEs authority
  - ❖ Tribe ensures NAHASDA compliance
  - ❖ Tribe indirectly involved with housing
  - ❖ Written agreement recommended



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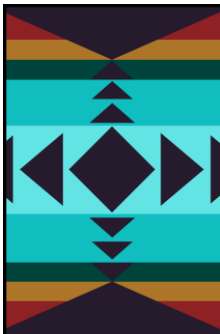
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### ADMINISTRATIVE CAPACITY

- ❖ **Entity (tribe or TDHE) must:**
  - ❖ Demonstrate administrative capacity
  - ❖ Deliver demands of programs
- ❖ **Direct Tribal Delivery**
  - ❖ Tribe assumes administrative and program demands
- ❖ **TDHE Delivery**
  - ❖ Frees tribe to focus on other issues



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### EXPERIENCE

- ❖ **Entity (Tribe or TDHE) should have:**
  - ❖ Understanding of housing issues
  - ❖ Appropriate administrative structure
  - ❖ Adequate and experienced staff
- ❖ **Tribal or TDHE Delivery?**
  - ❖ Make a careful and through comparison



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**OTHER DECISION FACTORS**

- ❖ Entity (Tribe or TDHE) must be able to identify community needs and resources
- ❖ Should have relationship with local organizations and businesses needed for program delivery
- ❖ Must devote time necessary to maximize programs potential

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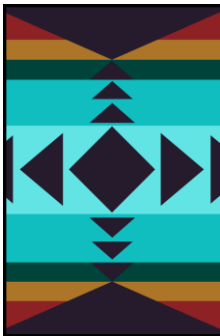
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**SUMMARY**

- ❖ **Direct delivery or TDHE**
- ❖ Decision affects:
  - ❖ How work gets done
  - ❖ How decisions are made
- ❖ Written agreement recommended
- ❖ Different tribes, different decisions

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**Housing Governance Structures  
& The Boards Role** |

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### Housing Governance Structures Indian Housing Authority (IHA)

❖Prior to NAHASDA, all tribes were required to establish an Indian Housing Authority (IHA) in order to be eligible to apply for HUD housing funding. The IHAs were separate corporations of the tribe developed (for the most part) under tribal laws. In Oklahoma and Alaska, housing authorities were developed under state law. Under NAHASDA, tribes are not required to use the Indian Housing Authority model in order to receive funding.

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### Housing Governance Structures Indian Housing Authority (IHA)

❖Many tribes that did not participate in the 1937 Housing Act or that participated through IHAs now receive funds directly under NAHASDA. Some of these tribes were formerly part of umbrella Housing Authorities whereby several tribes formed an IHA together in order to share administrative costs. This was especially advantageous for smaller tribes in areas such as California and the Northwest that received little funding. Many of these tribes now operate their housing program through a tribal department.

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### Housing Governance Structures Indian Housing Authority (IHA)

❖ Many of the tribes that developed and operated Low Rent, Mutual Help and Section 8 Voucher programs under the 1937 Housing Act continue to use the Housing Authority models. Under the 1937 Housing Act there was a standard housing ordinance that all Housing Authorities were required to adopt. It is important for tribes to review their Housing Ordinance because if it was approved prior to NAHASDA, it very likely has outdated language that is no longer supported by statute or regulation.

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### Organizational Transcripts

- Authorizing resolutions creating the TDHE and conferring the power and authority to transact business
- Area of operation established
- Cooperation Agreements/Interagency Agreements
- Bylaws of TDHE
  - Authority name and if applicable, seal
  - Office location and hours of operation
  - TDHE Meetings (types, time/location)
  - Officer positions/duties and elections
  - Provisions for amending bylaws




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### Role of 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 ordinances as they deem necessary.




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### Role of Tribal Council

Some Tribal Council functions include:  
 Selection and/or removal of Board of Commissioners.  
 Empower the Board of Commissioners consistent with Federal rules and regulations.




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### NAHASDA Options

❖ Since NAHASDA came into effect tribes have had to make decisions as to how their IHBG program would operate since they are the beneficiaries of the grant. The options are:



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### NAHASDA Options

1. To dissolve the existing Housing Authority and incorporate housing into the tribe as a subordinate department. In this case the tribe has total control of the housing program and acts as recipient of the funds. In some cases, the IHAs have been dissolved and replaced by a new corporation, but in most cases, there was no significant change in operations. (Housing Authorities in Oklahoma and Alaska cannot be dissolved by the tribe they were created under State law. However, the tribe may exercise one of the options that follow.)

- ❖ Tribe may implement itself or may designate a TDHE (§1000.202)
- ❖ The tribe can designate itself the recipient by (§1000.204);
- ❖ Resolution of the tribe
- ❖ Resolution of a delegated committee



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### NAHASDA Options

❖ 2. To become the recipient of the block grant by tribal resolution and provide some or all the funding to the Indian Housing Authority to maintain existing housing stock and administer the existing housing program. In this case, the tribe is basically acting as a passthrough for quality and program control but having the IHA do the actual work. This would require the tribe and IHA (TDHE) to enter into a sub-recipient or contractual agreement.



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### NAHASDA Options

3. To designate the Indian Housing Authority or some other qualified organization as the TDHE for the tribe. While the Indian Housing Authority becomes the recipient, the tribe still has the option to either approve the Indian Housing Plan (IHP) and Annual Performance Reports (APR) before they are submitted to HUD, or to waive this approval and allow the TDHE to submit them without prior approval. The tribe is also responsible for monitoring the activities of the TDHE.

- ❖ Tribe may implement itself or may designate a TDHE (§1000.202)
- ❖ The tribe can designate itself the recipient by (§1000.204)
- ❖ Resolution of the tribe
- ❖ Resolution of a delegated committee




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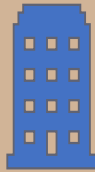
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### Tribally Designated Housing Entity (TDHE)

Many tribes have continued to have their tribal housing programs administered by the Indian Housing Authorities (IHAs) established under the 1957 Housing Act. This is accomplished by designating the IHA as the Tribally Designated Housing Entity (TDHE). Under this form of housing delivery structure, the TDHE has its own organizational chart, holds regular meetings, keeps minutes of the meetings as a public record, and takes actions by board resolution or a vote of the Board. The entity is legally responsible for its actions and can enter/execute contracts.




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### Tribally Designated Housing Entity (TDHE)

❖ A tribe may also designate an entirely different organization as the TDHE. Examples of possible alternative TDHEs include non-profit housing organizations and public housing authorities. As with designating an IHA as the TDHE, the tribe can designate any responsible entity as the TDHE by having them submit an Indian Housing Plan, approved by the tribe. The TDHE would then become the recipient of the Indian Housing Block Grant funds and be responsible for carrying out the activities described in the Indian Housing Plan.




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### Tribal Department

❖ A tribe may also decide to have a tribal Housing Department administer their housing program. A tribal department is not a TDHE but is rather included in the tribal organizational chart (instead of shown as a separate entity) and normally takes advantage of the services offered to other tribal departments such as financial/accounting services, human resources, legal services, and employee benefits. In this case, normally the Housing Director is under the direct supervision of the tribal administrative officer or, in the case of smaller tribes, the principal leader of the tribe.

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### Tribal Department

❖ Most tribes operate programs that are funded by the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environmental Protection Agency (EPA) and other federal departments. When managing a tribal Housing Department, tribes must ensure that policies comply with federal regulations applicable to NAHASDA. The federal regulations on how to oversee and manage programs operated with federal funds are fairly consistent across the board between different federal funding sources.



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### Tribal Department

❖ The tribe may require the Housing Department to provide funds into the indirect cost pool as the department is taking advantage of services offered by the Tribe. There are several methods used to determine how the costs will be paid by the department. For example, most tribes take the costs of all expenditures paid for with the federal funds (except the direct services) and multiply them by a percentage. This normally runs in the range of 20-30% of the non-direct services. Other tribes consider only the personnel costs and multiply that by a percentage that normally runs about 35-45%.



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### Tribal Department

❖ In both cases the tribes determine the costs for administrative services such as finance, human resources, etc. and negotiate with the Office of the Inspector General (usually within the BIA) on the rate and method they will use for charging the federal programs. The negotiated rate is known as the Indirect Cost Rate.



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### Tribally Designated Housing Entity (TDHE)

❖ Note: In many cases, an indirect cost rate that may appear excessively high can benefit a tribe if most of the tribe's funding is from the BIA and/or IHS. This is because the BIA and IHS fund the indirect cost pool from a different funding source. It should be pointed out, however, that HUD does not provide funds specifically for indirect costs. Therefore, all approved indirect costs come directly from the grant amount and must be charged to the line item "Administration and Planning."



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### Tribally Designated Housing Entity (TDHE)

❖ An alternative method of allocating administrative costs is to charge the program for actual costs expended for housing. This works well for such things as legal costs and office supplies but is more difficult for overhead items such as utilities. **Whatever method is used, it is important that NAHASDA not pay more than its fair share of tribal overhead costs. This will be looked at when ONAP conducts a review of the NAHASDA program.**



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**PERCENTAGE OF IHBG FUNDS TO BE USED FOR ADMINISTRATION AND PLANNING:** The recipient's annual grant amount determines the percentage of IHBG funds that can be used for administration and planning. A recipient may request HUD approval to exceed the 20 or 30 percent spending cap.

Annual IHBG Grant	Administrative and Planning Spending Cap
\$500,000 or Less	30%
More than \$500,000	20%

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Poll Question # 1

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### Roles and Responsibilities

❖ The roles and responsibilities of the parties involved in housing vary based on the size of the program, how it is organized, and how it is managed. The roles and responsibilities that are identified here are not all-inclusive but are rather a compilation of those that are basic to the successful management of a housing program.



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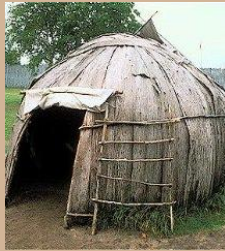
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### Roles and Responsibilities

Housing normally has four (4) key players with roles critical to the programs' success. They are the:

1. Tribal Council
2. Housing Board/Committee
3. Housing Staff
4. Participants/Residents/Applicants



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### Tribal Council The duties of the Tribal Council may include:

- ❖ Cooperating in the enforcement of all housing policies
- ❖ Allocating funds for infrastructure (road development, water/sewer, electric, etc.)
- ❖ Planning use of Indian Community Development Block Grant (ICDBG) and other funds
- ❖ Working closely with Housing staff to develop short- and long-term housing goals and objectives



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### Tribal Council The duties of the Tribal Council may include:

- ❖ Establishing housing as a priority through adoption of a tribal housing ordinance/law
- ❖ Confirming or appointing Housing Commissioners or Committee members
- ❖ Donating or making tribal lands available for housing sites
- ❖ Approving housing sites (dependent upon land status and restrictions)




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### Housing Board/Committee

❖ Tribal housing programs are often governed by a Board appointed in accordance with a tribal ordinance or State law. If Housing is operated through a tribal department, it is sometimes overseen by a committee (which may be called a Board) that makes recommendations to the full Tribal Council, who makes the final decision.

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### Housing Board Committee

❖ In the case of a TDHE, the Board makes the final decisions. There may be other types of governance that a tribe determines to be in their best interest, but these two are the most common.

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### Housing Board - Committee

In general, a Housing Board-Committee for the Housing Authority or the Tribal Housing Department is responsible for or may be involved in:

- Reviewing, adopting, revising and monitoring adherence to policies.
- Keeping the Tribal Council informed through regular communication.
- Cooperating/communicating with other agencies or tribal departments.



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### Provide for proper management and oversight of TDHE operations

- ❖The Board is responsible for securing the management of the TDHE and ensuring that TDHE operations are undertaken in accordance with the laws and program requirements, and the board's priorities and policies.



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### Housing Board - Committee

- ❖Entering into contracts for the purpose of carrying out the objectives of the program
- ❖Authorizing check signers
- ❖Approving various budgets and annual operating budgets and funding applications
- ❖Maintaining the official record of the housing program
- ❖Hiring the Housing Director to administer day-to-day business



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### Housing Board/Committee

- ❖ Investing funds/maintaining bank accounts
- ❖ Leasing/purchasing property
- ❖ Renting, leasing, or buying existing homes
- ❖ Terminating contracts by court action or mutual agreement
- ❖ Adopting by-laws




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### Housing Board/Committee

❖ It is recommended that the By-Laws state that Board members may be participants in the housing programs but to avoid conflicts of interest should not participate as a member in any meeting of the Board concerning his/her individual rights, obligations, or status as a tenant or homebuyer.




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### Housing Board/Committee

- ❖ If you should have a Tribal Council Liaison on your Board it is recommended that the By-Laws address the following:
- ❖ Do you count them to determine a Quorum?
- ❖ Do they vote?
- ❖ Do they receive a Board Stipend (If the other Board Members receive one)?




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# Poll Question 2




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# CREATE AND ADOPT A CODE OF ETHICS




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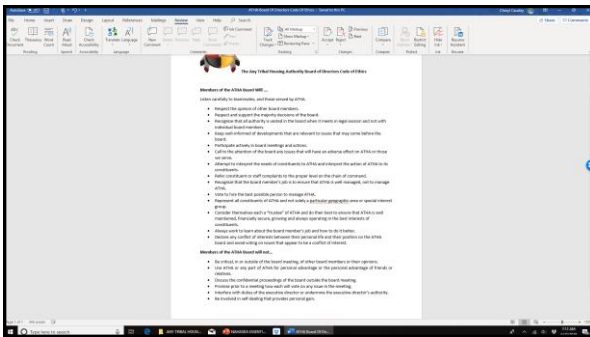
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**The New York Times Publishing Authority Board of Directors Code of Ethics**

**Members of the Board shall:**

- Report to the Board on the activities of the Board members.
- Report and support the findings of the Board.
- Report to the Board on any conflict of interest or other matter that may affect the Board's ability to perform its duties.
- Report to the Board on any other matter that may affect the Board's ability to perform its duties.
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**Members of the Board shall:**

- Be ethical in all actions of the Board members in their capacity as Board members.
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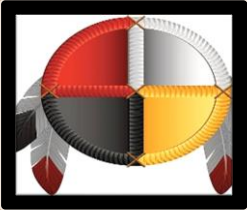
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The Any Tribal Housing Authority Board of Directors Code of Ethics

- **Members of the ATHA Board Will ....**
- Listen carefully to teammates, and those served by ATHA

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### Members of the ATHA Board Will ....

<b>Respect</b> • Respect the opinion of other board members.	<b>Respect and support</b> • Respect and support the majority decisions of the board	<b>Recognize</b> • Recognize that all authority is vested in the board when it meets in legal session and not with individual board members.	<b>Keep</b> • Keep well-informed of developments that are relevant to issues that may come before the board.
<b>Participate</b> • Participate actively in board meetings and actions.	<b>Call</b> • Call to the attention of the board any issues that will have an adverse effect on ATHA or those we serve.	<b>Attempt</b> • Attempt to interpret the needs of constituents to ATHA and interpret the action of ATHA to its constituents.	

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### Members of the ATHA Board Will ....

<b>Refer</b>	Refer constituent or staff complaints to the proper level on the chain of command.
<b>Recognize</b>	Recognize that the board member's job is to ensure that ATHA is well managed, not to manage ATHA.
<b>Vote</b>	Vote to hire the best possible person to manage ATHA.
<b>Represent</b>	Represent all constituents of ATHA and not solely a particular geographic area or special interest group.
<b>Consider</b>	Consider themselves each a "trustee" of ATHA and do their best to ensure that ATHA is well maintained, financially secure, growing and always operating in the best interests of constituents.
<b>Work</b>	Always work to learn about the board member's job and how to do it better.
<b>Declare</b>	Declare any conflict of interests between their personal life and their position on the ATHA board and avoid voting on issues that appear to be a conflict of interest.

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### Members of the ATHA Board will not...

- 01 Be critical, in or outside of the board meeting, of other board members or their opinions.
- 02 Use ATHA or any part of ATHA for personal advantage or the personal advantage of friends or relatives.
- 03 Discuss the confidential proceedings of the board outside the board meeting.
- 04 Promise prior to a meeting how each will vote on any issue in the meeting.
- 05 Interfere with duties of the executive director or undermine the executive director's authority.
- 06 Be involved in self-dealing that provides personal gain.

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### Mitigation Measures

- Recusal – declare yourself disqualified to participate
- Code of Ethics – policies that prohibit certain activities or conduct
- Third-parties – independent, well-qualified individual outside the organization
- Disclosure – sharing information not previously known

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### Sample Ethical Standards Found in Appendix Items

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### Housing Board/Committee

Board members should not be considered for employment within the program except under extremely unusual circumstances, which must be fully documented. These steps help to avoid conflicts of interest (See Section 1000.30 and 32 of NAHASDA).

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### Housing Board/Committee

✦ Since Housing is directly overseen by the Board or Council, it is critical to the success of the housing program that members be people with sincere interests in the tribal housing program.




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### Housing Board/Committee



It is the responsibility of the Housing Director, as the recognized housing professional, to ensure that the Board and/or Council members are adequately trained in their roles and responsibilities related to housing. In addition, the Director must ensure that the Board or Council is provided the information needed to make sound decisions.

NAIHC offers training for Board of Commissioners periodically throughout the country, or you can request a I & IA provider to come to your reservation to provide training to your Board (Free of Charge). Or it can be provided virtually if requested.

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The Board should engage in the following activities:



- ❖ Short-/long-term planning for affordable housing
- ❖ Outreach to families in need of housing
- ❖ Establishing relationships with governmental agencies
- ❖ Designing and developing decent, safe, sanitary, and affordable housing

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The Board should engage in the following activities:



- ❖ Professional management of the program
- ❖ Coordinating and obtaining social services for residents
- ❖ Providing training and employment opportunities for residents and staff
- ❖ Identifying ways to leverage IHBG and other eligible HUD funds with other funds (e.g. Tax Credits, USDA – Rural Development, etc.) to achieve goals and objectives

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### Housing Staff

The housing employees are responsible to the members of the Tribe for carrying out the activities outlined in the Indian Housing Plan (IHP). The staff must follow all federal laws, regulations and policies to provide assurance and build public trust in the program.

In order to do this, employees should have the authority to:




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### Housing Staff



- ❖ Manage the day-to-day operations of the housing program
- ❖ Ensure funds are well managed
- ❖ Represent the Housing program within the community
- ❖ Ensure compliance with federal laws, regulations, and local policies
- ❖ Develop and administer various programs
- ❖ Plan the use of resources, and organizing those resources to do their jobs
- ❖ Ensure that work is of high quality, delivered on time, and benefits those most in need

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### Housing Staff



- ❖ Put participants first within the constraints of the program
- ❖ Possess or obtain skills needed to effectively perform their jobs
- ❖ Treat everyone fairly and equally
- ❖ Create an environment that assures quality services
- ❖ Carry out the goals and objectives in the IHP

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### Housing Staff

❖ The success of the program also hinges on the quality of the employees. They should have effective communication skills that help them work with participants, other staff members, and supervisors. Careful and thoughtful consideration should be given to the hiring process. The best person for any job is the one who possesses the skills necessary to perform the duties required of the position.




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### Participants/Residents/Applicants

❖ As the primary beneficiaries of the Housing programs, renters and homebuyers also have responsibilities. These responsibilities are detailed in the lease or agreement signed by the family at or before the time of occupancy of the home.



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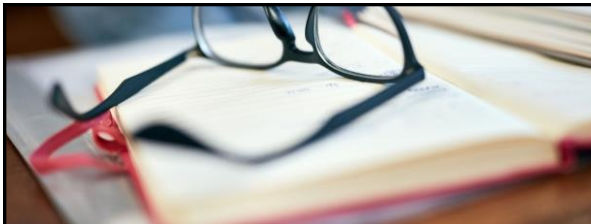
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### The Board's Role |

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### Provide for proper management and oversight of TDHE operations

❖ The Board is responsible for securing the management of the TDHE and ensuring that TDHE operations are undertaken in accordance with the laws and program requirements, and the board's priorities and policies.



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### Securing Management for the TDHE

- Select a qualified Director or administrator. Have a clear understanding of the skills and qualifications needed, duties to be performed, compensation to be provided, and other terms and conditions of employment or contract.
- Monitor and evaluate performance.

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### The Boards Role

- Board Meetings
- Board Business
- Board Minutes

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### Order of Business

- ❖ Call to order
- ❖ Roll call
- ❖ Approval of agenda
- ❖ Approval of minutes
- ❖ Reports
- ❖ Old business
- ❖ New business
- ❖ Announcements
- ❖ Adjournment
- ❖ Most Boards open with a prayer, which is held immediately before or after the call to order



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## Board Meetings

- ❖ It's a business meeting – And should be conducted in a businesslike manner
- ❖ Most TDHEs use parliamentary procedures
- ❖ Meetings should be productive (exchanging ideas, deliberation and taking action) and not used for gathering information
- ❖ Each board member was appointed for their perspective – Always strive to be respectful




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## The Board Minutes

- ❖ Date/Time
- ❖ Type of meeting (regular, special, annual)
- ❖ Identify members present & absent; who's presiding over meeting
- ❖ Executive Director's report (the issues, background information and recommendations)
- ❖ Motions and their disposition
- ❖ Notations (references to supporting materials in packet)
- ❖ General Notes
  - ❖ Minutes from previous meeting
  - ❖ Financials & financial notes (statistics, explanation of budget variances, other information as appropriate)
  - ❖ Committee reports (brief report, with recommendation to full board)




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## Board Business-Minutes

- ❖ Notice of board meetings, agendas, board minutes, and resolutions are official records of the board's proceedings, and as such, should clearly and accurately reflect the board's undertakings. Care must be taken to safeguard the official records of the board's actions.
- ❖ No dialogue required in minutes
- ❖ Motions identified and response
- ❖ Voting – It is not necessary to identify individual votes, but you can




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### Board Meetings

- ❖ Voting on resolutions or other actions is only permitted when a quorum (majority of board members) is established
- ❖ A majority vote is required to pass a resolution

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### Resolutions

- ❖ A formal expression of opinion, will or intent voted by an official body or assembled group
- ❖ The official record of decisions made by the board
- ❖ Usually attached to proposed policies, budgets, or other items of business
- ❖ Typically prepared by director or staff




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### Resolutions

- ❖ Sequentially numbered
- ❖ Approved by board
  - ❖ Signed
  - ❖ Dated
  - ❖ Indexed
  - ❖ Kept in safe place

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Presides at meeting	Opens meeting on time	Announces business
Recognizes speakers	Maintains quorum	States motions and puts to vote
Maintains order and enforces rules	Expedites business	Adjourns the meeting
Signs documents		

**Officers and Duties**

- ❖ Chairperson – chosen based on qualifications to lead
- ❖ should be familiar with by-laws, rules, and parliamentary procedures

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In the absence of the Chair, assumes their responsibilities

By-laws may include further responsibilities

**Officers and Duties**

- ❖ Vice-Chair  
Chosen based on capabilities to perform duties of the Chair

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**Meeting Planning**

- ❖ Meeting schedule should be known well in advance (1 year)
- ❖ Schedule election of officers, director's evaluation, housing conferences, budget review, etc.
- ❖ Agenda should be established in advance
- ❖ Meeting packets should be provided in advance to allow review prior to the meeting (i.e., Director's report, financial, committee reports, etc.)

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**Meetings**

- Regular meeting – monthly
  - Provide 24-hour public notice
- Special meeting – between regular mtgs.
  - Provide 48-hour public notice
- Emergency meeting – as needed
  - Provide notice ASAP
- Adjourned meeting – to resume business not completed at previous meeting




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**Executive Sessions**

**Entire meetings or portions of meetings held in private**

- ✦ Convene in public
- ✦ Majority vote to enter executive session
- ✦ Only board, invitees, necessary staff attend
- ✦ Only for hiring or dismissing employees, disciplinary action, or purchase or appraisal of property
- ✦ Records and discussions are confidential
- ✦ Board may be required to resume open meeting and conduct any required votes




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**TDHE Bylaws**

Bylaws establish:

- How often board meets
- Location of meetings
- Date and time
- Meeting attendance policy
- Regular agenda

Consider the use of technology (email-Skype-fax) for more efficient communications between members and the Executive Director




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### Chairperson's Role

- ❖ Chairperson approves agenda (although each board member has input)
- ❖ Exercises control over the meeting
- ❖ Establishes whether a quorum is met
- ❖ Recognizes visitors/welcomes them



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### Meeting Room Protocol

Chairperson should sit at the head of table, with fellow board members and Executive Director) at table. Members of the public do not sit with the board, nor do invited guests (attorney, accountant, auditor, etc.) until such time as the Chairperson invites them. Meeting minutes should be recorded.



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### Resources



- ❖ Network with other TDHE staff and officials and develop partnerships with other governmental and community organizations.
- ❖ Housing Associations and Training Organizations (NAIHC)
- ❖ Other technical experts as may be necessary

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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.

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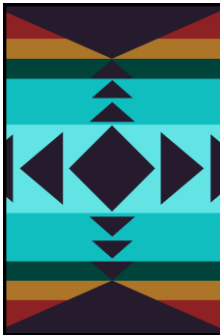
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### 24 CFR 1000.30 What prohibitions regarding conflict of interest are applicable?

(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.

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### §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.

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§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.



Seven horizontal lines for writing an answer to §1000.34.

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

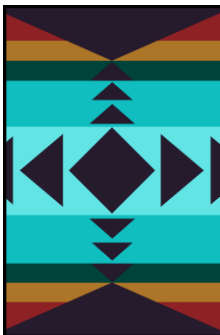
A recipient must maintain all such records for a period of at least 3 years after an exception is made.



Seven horizontal lines for writing an answer to §1000.36.

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.



Seven horizontal lines for writing an answer to Program Guidance 2002-13 Review.





### 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.



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#### 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.



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### 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.

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Conflicts  
Prohibited: 2 CFR  
200.211

Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

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QUESTIONS

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### MIIGWECH

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



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



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