


Executive Director Training
September 30, 2021
11:00 AM-4:00 PM E.S.T.
Part 1 A



This webinar
is being
recorded.



Getting to Know
You Introductions

Please type some
information about yourself
in the Chat box...

What is your name and
where are you from?

What do you do as it
relates to Housing?

What is the length of time
you have been involved in
Indian Housing?

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Getting to know The Instructor

Greetings my name is Cheryl
 My Anishinaabe name is Red Bird Woman
 I am Loon Clan and I come from Gnoozhekaaning (Place of The Pike), Bay Mills
 Bay Mills is a Reservation located in the Upper Peninsula of Michigan, we are at the top and our waters border Canada.
 I served as my Tribes Director of Housing for over 28 years.
 I was honored to serve as the Chairwoman of the National American Indian Housing Council (NAIHC) for Four years and on the Board of Directors as Vice-Chair and Secretary for an additional 12 years.
 I also served as The Chairwoman of the Great Lakes Indian Housing Association for 7 years.



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Executive Director Training September 30, 2021

11:00 – 11:15 AM EST Zoom Sign In & Room Entry
 11:15 – 4:00 Welcome & Introductions
 Roles & Responsibilities of an Executive Director
 Required Statutory & Regulatory Policies
 Other Areas of NAHASDA Compliance & Federal Requirements
 How to NAVIGATE HUD resources (NAHASDA Statute, Regulations- CFR Part 1000, Part 200 Uniform Administrative Requirements, Program Guidance & HUD Notices)
 Required Monitoring & Reports
 1:00 – 2:00 EST Lunch Break
 *We will also try and get a small morning & afternoon break, if time permits....



Appendix Day # 2

- App # 1 NAHASDA STATUTE
- App # 2 Regulations CFR Title 24 Part 1000
- App # 3 2 CFR Part 200 Uniform Administrative Requirements
- App # 4 Model Housing Code
- App # 5 Sample Ethical Standards
- App # 6 PG 98-13 BOC Stipends
- App # 7 Assisting Non-Low Income PIH Notice 2014-02
- App # 8 CFR Title 24 Part 50 Protection & Enhancement of EQ
- App # 9 CFR Title 24 Part 58 Environmental Review Procedures



Roles & Responsibilities of an Executive Director



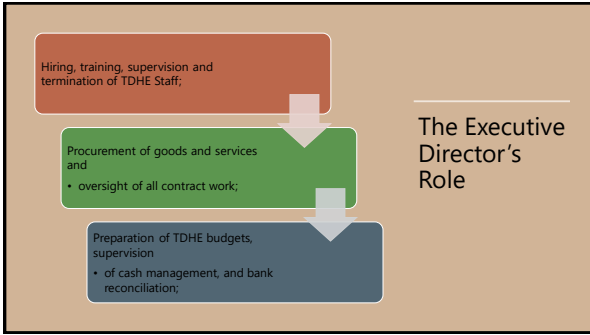
The Executive Director (or Tribal Administrator's) Role is.....






The Day-To-Day Administration of the TDHE and its programs.

And everything else that walks in the door!




The Executive Director's Role

- ❖ Enforcing the lease and homeownership obligations ;
- ❖ Monitoring operations for fraud and abuse;
- ❖ Maintaining overall compliance with Federal laws, as well as board-adopted policies and procedures;
- ❖ To act as the Contracting Officer
- ❖ To assure that the Environmental Assessments & Reviews are completed



The Executive Director's Role

Keeping the Commissioners/Board informed of any problems such as audit concerns, legal issues, major resident issues, financial status, changes to laws, and other important issues.



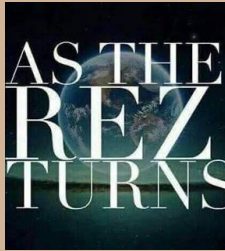
Authorizes new contracts, budgets, payments, and Applications for Funding

❖ Approve, review and monitor budgets, contracts and other financial documents to ensure expenditures are in compliance with Federal and local laws or other requirements, and otherwise follow good business practices for safeguarding the financial integrity of the TDHE and preventing fraud, waste, mismanagement and abuse.



And Try to keep politics out of your office!

Your Housing Organization has more regulations and guidelines than the majority of Tribal Programs, and you as the ED or Tribal Administrator are expected to be aware of and follow all the rules!



Required Statutory & Regulatory Policies



Policies and Procedures

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



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NAHASDA POLICY ISSUES

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



NAHASDA POLICY ISSUES



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

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

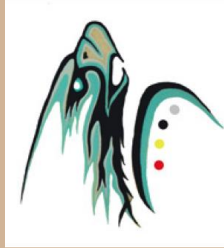
By signing the IHP, you certify that you have all required policies and procedures in place in order to operate any planned IHBG programs.

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1. Rents and homebuyer payments policy.

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



2. Eligibility, admission, and occupancy policies.

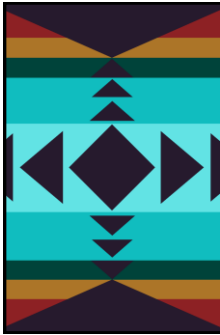
Policies addressing the eligibility, admission, and occupancy of families for housing assisted with NAHASDA funds (Section 203(d)). Following are subjects that should be addressed in each policy.





2. Eligibility, admission, and occupancy policies.

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



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

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

Life Estate

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

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

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

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

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

3. Tenant and homebuyer selection policy.

This policy must include criteria which:

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



Tenant and Homebuyer Selection Policy- Conflict of Interest


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

Tenant and homebuyer selection policy- Conflict of Interest

- (D) Low-income individuals to whom the conflict-of-interest provisions would normally apply (e.g., Any Tribal Indian Housing Authority Staff, Board of Commissioners and **Tribal Council members**), but who qualify for assistance under the Any Tribal Housing Authority written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with assistance for which they qualify. However, the Any Tribal Indian Housing Authority must make public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person.
- (1) The Housing Division must provide ONAP with a copy of the public disclosure before the assistance is provided to the person.
- (2) The Housing Division must post a copy of the public disclosure on the Any Tribal Indian Housing Authority official notice board and the **Tribal Council official notice board**.

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





4. Management and Maintenance Policies

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

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



Capitalization Policy

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



Inventory Records for Capitalized Equipment

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

- Description of item
- Serial and/or model number
- Purchase price of item
- Purchase date of item
- Quantity of item
- Location of item
- Sale or disposal date of item.

Annual Inventory of Capitalized Equipment

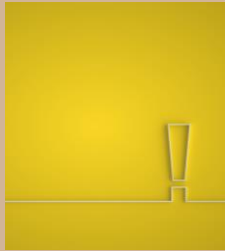
ATHA shall take a physical inventory of all capitalized equipment at least once each fiscal year. The physical inventory shall be compared with the accounting inventory records and reconciled to the property accounts. Any differences between the inventory records and physical inventory shall be investigated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



5. Fiscal and Financial Management

Refer to 2 CFR Part 200 Post Federal Award Requirements Standards for Financial and Program Management §200.300-309
Financial Management & Internal Controls Policy required by 200.302

Refer to NAHASDA §1000.26 Administrative Requirements for NAHASDA specific requirements



6. Procurement and Contract Administration.

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



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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.

Written Code of Standards of Conduct Conflict of Interest

Conflicts Prohibited:
No person who exercises or has exercised any functions or responsibilities with respect to activities funded by the Authority or who is in a position to participate in a decision-making process or gain inside information with regard to these activities, may obtain a financial interest or benefit for an Authority-assisted activity, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Such conflict would arise when a financial or other interest in a firm selected for award is held by:



**Written Code of Standards of Conduct
Conflict of Interest**


Persons Covered:


- ❖ Any person who is an employee, agent, consultant, officer, or elected, appointed official of the Tribe or the Authority or subrecipient of Authority funds, An officer, employee, or agent involved in making the award; Family member defined as: His or 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 or her partner; or
- ❖ An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

**Written Code of Standards of Conduct
Conflict of Interest**

Exceptions:
Upon a written request to the Board of Commissioners, approved by the Executive Director and Board of Commissioners, and the Tribal Executive Council who has final review authority (except in cases requiring the approval of another agency such as the federal government), Reviews shall be performed on a case-by-case basis when it is determined that the exception will serve to further the purposes and mission of the Authority and the effective and efficient administration of the program or project. All requests to the Board of Commissioners will be accompanied by:

- 1) a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict, description and of how the public disclosure was made; and
- 2) an opinion from the Authority attorney that the interest for which the exception is sought does not violate tribal laws or the rules and laws governing the source of funds.

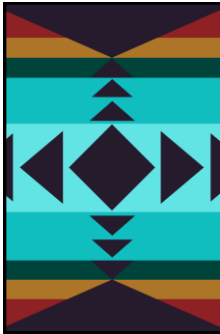




**Written Code of Standards of Conduct
Conflict of Interest**

Factors to Be Considered:

- 1) whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project which would otherwise not be available.
- 2) whether the person affected is a member of a group or class of persons intended to be the beneficiary of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group of class.
- 3) whether the affected person has withdrawn from his, her functions or responsibilities, or the decision-making process with respect to the specific, assisted activity in question.
- 4) whether the interest or benefit was present before the affected person was in a position affected by the Standards of Conduct.
- 5) whether undue hardship will result either to the Authority or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and
- 6) any other relevant considerations.



**Written Code of Standards of Conduct
Conflict of Interest**

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

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

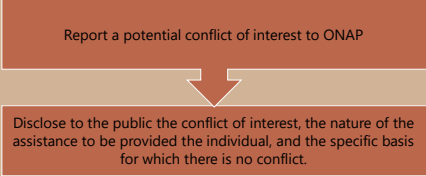


Conflict Of Interest in Admissions and the Administration of Contracts.

45 **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

46 Conflict of Interest Requirements

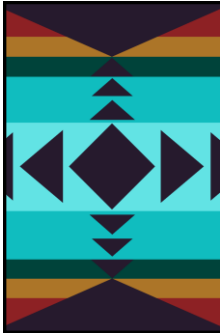


Conflicts in Admissions

- Ensure fair and equitable treatment for all
- Determine if a conflict exists
- Disclose to the public and report to HUD prior to providing assistance
- HUD may make an exception
- If family is low-income and qualifies, this is not a conflict, but disclosure is required
- If conflict is only apparent or perceived, make disclosure and inform HUD

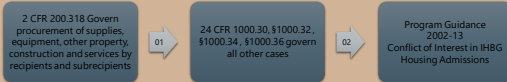
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Conflicts in Admissions



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

What REQUIREMENTS regarding conflict of interest are applicable?



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

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



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

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





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

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

Seven horizontal lines for writing.

§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.

Seven horizontal lines for writing.

§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.

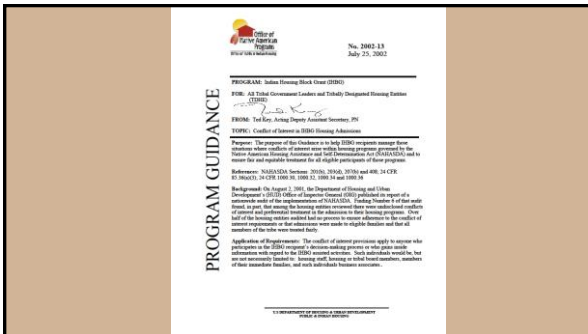


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§1000.36 How long must a recipient retain records regarding exceptions made to the conflict-of-interest provisions?

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



U.S. Department of Housing and Urban Development
Office of Inspector General
 400 M Street, NE
 Washington, DC 20002

No. 2002-13
 July 25, 2002

PROGRAM: Indian Housing Block Grant (IHBG)

FROM: All Tribal Government Leaders and Tribally Designated Housing Entities (TDHEs)

TO: All Tribes, Indian Superintendents, and TDHEs

TOPIC: Conflict of Interest in IHBG Housing Admissions

Subject: The program of this Division is to help IHBG recipients manage their Indian Housing Entities' (IHEs) assets and improve their financial condition. One of the ways to ensure that the IHEs are managed properly is to ensure that the IHEs are operated in a manner that is fair and equitable to all eligible participants of those programs.

Background: HUD's Office of Inspector General (OIG) published its report on the implementation of the IHBG program in July 2001. The report, titled "Conflicts of Interest in IHBG Housing Admissions," found that many IHBG recipients did not have adequate conflict of interest policies in place to ensure that the IHBG program was being administered in a fair and equitable manner. The report also found that many IHBG recipients did not have adequate policies in place to ensure that the IHBG program was being administered in a fair and equitable manner.


Application of the Program: The results of the program are to ensure that the IHBG program is being administered in a fair and equitable manner. The results of the program are to ensure that the IHBG program is being administered in a fair and equitable manner.

U.S. Department of Housing and Urban Development
 Office of Inspector General

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

On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs.

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



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

Application of Requirements:

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

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

(See Exceptions to the Requirements In following slides.)



Your Applications should ask..



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

**Applicant Disclosure
Conflict of Interest Statement**

Applicant Name: _____
 State IHBC Program applying for: _____
 Application Date: _____

I am applying for the IHBC program and I do not own any housing units.

I am an IHBC applicant or IHBC Tribal Council member.

I am an immediate family member of an IHBC applicant or IHBC Tribal Council member.

I am an immediate partner of an IHBC applicant or IHBC Tribal Council member.

I am an employee of all of the above.

I am not a family member or immediate partner of an IHBC applicant or IHBC Tribal Council member, other than the immediate and past spouses of the above.

Name: _____ Relationship: _____

ACKNOWLEDGEMENT

I understand that public disclosure of my activities will be made and that a copy of this disclosure will be submitted to the CHD Department of Housing and Urban Development.

I have been notified of my obligations and have a copy of the Conflict of Interest Policy on which I signed and dated this day, 2021.

I understand that this disclosure has not triggered any action on applicant's part.

Signature: _____ Date: _____
 Other: _____ Date: _____
 Other: _____ Date: _____

Indian Housing Office "The Housing Manual" - Guidelines for Housing Qualification Procedures, Policies & Programs | Revised: March 2018/2019

Application Conflict Of Interest Disclosure

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



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

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

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

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



**Program Guidance 2002-13
Exceptions to the Requirements:**

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

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



Program Guidance 2002-13
Exceptions to the Requirements:

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

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



Sample Public Disclosure Form

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



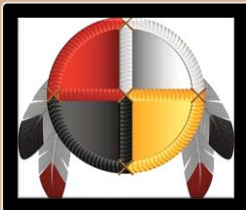
To: Tribal Members of Any Tribal Housing Authority
Date: Today's date
Re: Potential Conflict of Interest

Staff:
Board:
Council: Immediate family member of a Tribal Council Member

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

Rental Assistance-Selection for Rental Unit

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



Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of this posting, as indicated below. All conflict-of-interest comments must be in a sealed envelope, addressed to Any Tribal Housing Authority, "Conflict of Interest Comment", 1111 S 22nd Avenue, Any Tribal Place, BRS49. Comments that are received will be reviewed at the next regularly scheduled ATHA Board meeting. The Board will not consider any comments received after the end of the comment period. 12/12/2021 AT 8:05 am EST

This Notice was posted on December 9th, 2021, at this time of 8:00 AM EST at the location: ATHA Office Lobby.
On this day _____ of _____, 2021, at this time of _____, This Notice was taken down by: _____

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

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

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



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

To: Office of Native American Programs

From: Any Tribal Housing Authority

Date: Today's Date

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

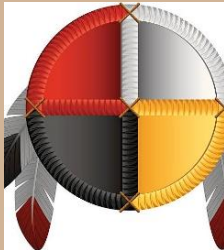


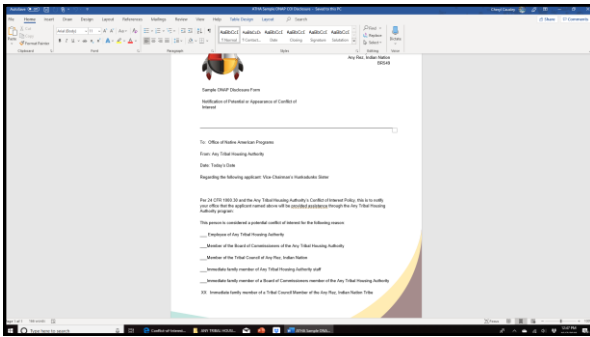
Sample ONAP Disclosure Form Notification of Potential or Appearance of Conflict of Interest

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

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

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







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

— Per the Department of Housing and Urban Development (HUD) NAHASDA regulations at 24 CFR §§1000.30 – 1000.36, Any Tribal Housing Authority (ATHA) must publicly disclose when an individual directly affiliated with the organization has qualified and been selected to receive assistance through the NAHASDA program.

— A Potential Conflict of Interest is being disclosed due to Housing Assistance being provided to immediate family members of Staff or Housing Commissioners or Tribal Council members of The ATHA Tribe, Vice-Chairman Scott Hunkadunks Applicant Suzy Hunkadunks (Sister) have applied for and met the requirements for participating in the Low Rent Program in Lakeside Apartments, Any Tribal Place. Participant will be provided assistance with Rental Assistance-Selection for Rental Unit #1234.

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

The following applicants have met all requirements for participation:

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


Specific Basis for the selection:

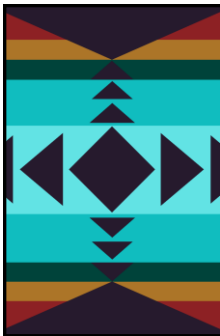
- X American Indian or Alaskan Native
- X Low-income as determined by HUD
- X Primary residence
- X Applicant met all criteria and was next on waiting list



Program Guidance 2002-13
Actions to be Taken:

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





Program Guidance 2002-13
Actions to be Taken:


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

Program Guidance 2002-13
HUD Approval:

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

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

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



Let's Take 10 or 15 Minutes....





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

WELCOME & GOOD MORNING !

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