Executive Director Training

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Welcome

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Agenda

❖ What we will cover:
- ❖ History of Indian Housing
- ❖ NAHASDA Overview
- ❖ NAHASDA Requirements
- ❖ Indian Housing Plan
- ❖ Annual Performance Report
- ❖ Roles & Responsibilities

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What is an Executive Director?

❖ In the Indian Housing world, what is heard when this term is used?
- ❖ "The Housing guy or gal"
- ❖ "The Housing Expert" for the tribe.

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What is an Executive Director?

❖ Depending on the structure of your housing program, you could be:
- ❖ Housing Specialist
- ❖ CEO
- ❖ Housing Administrator
- ❖ Director of Housing
- ❖ Program Manager

❖ We will use all of these terms interchangeably for this training and we will talk about the different structures that are out there.

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What is an Executive Director?

❖ We will talk about what an Executive Director should know and the duties that should be carried out.

❖ I want to acknowledge that no two tribes do "Indian Housing" the same and that each Executive Director will have different roles and responsibilities as determined by their tribe and that is a good thing in my opinion.

❖ But, there is a lot of knowledge that needs to be obtained to be an effective Executive Director.

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What an Executive Director needs to know:

❖ The history of Indian Housing and how we got to where we are.

❖ NAHASDA Statute and Regulations and the Indian Housing Block Grant program.

❖ What the housing needs are for your tribe.

❖ How to oversee an organization that is focused on the housing needs of your tribe.

❖ How to get and stay informed on local, state, regional and national Indian Housing issues.

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Where to find information

❖ HUD Codetalk Website: https://www.hud.gov/codetalk
  ❖ **Use this site to get information on all HUD programs that pertain to Indian tribes.**
  ❖ **Use this site to get all information on NAHASDA:**
    ❖ Statute
    ❖ Regulations
    ❖ Program guidances
    ❖ PIH notices
    ❖ Much more, bookmark it and use it out.

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History of Indian Housing

❖ Let's take a look at the history of Indian Housing in the US and how we got to where we are today.

How It All Began: 1921 to 1960

❖ 1921 – Congress Passed Snyder Act, offering four housing programs. No appropriations

❖ 1937 – Post Depression New Deal programs, promised to provide "**safe and sanitary**" dwellings for American's poor.

How It All Began: 1937 to 1960

❖ 1949- Congress passed another bill that updated the 1937 Housing Act and addressed the post- World War II housing shortage. The bill was expanded to include "**decent home and suitable living environment for all American families**." Indian Tribes were left out of this initiative.

How It All Began: 1937 to 1960

❖ 1960- John F. Kennedy visited Pine Ridge during his campaign for President of the United States. After viewing housing conditions, vowed to bring Federal assistance to Native Americans if elected.

❖ 1961 After being elected, Kennedy convened his Cabinet and asked how they could provide Federal assistance to Tribes.

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The 1960s

❖ 1961- Two major events impacted Indian Housing:

❖ **First, following Kennedy's Solicitor Generals opinion, the Public Housing Administration (PHA) recognized tribal governments as municipalities and could establish IHAs via tribal ordinance, or**

❖ **States could establish IHA's**

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The 1960s

❖ 1961: First Indian Housing Authority created on Pine Ridge Reservation in South Dakota.

❖ 1964: First Mutual Help (old) concept created: homebuyer contributes land, material, or labor ("sweat equity") toward the purchase of the home.

❖ 1964: San Carlos Apache IHA launched the first mutual help project, known as "Old Mutual Help" until 1976 when MH Program revised. (new)

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The 1970s and '80s

❖ In 1971 – The GAO issued Congressional report on Indian housing recommending a national Indian housing policy to simulate agency coordination and accelerate the completion of projects.

❖ In 1981 - President Ronald Reagan proposed no funding for the development of new Indian housing units and offered no substitute.

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The 1980's Federal Initiatives

❖ 1984- HUD under Secretary Sam Pierce, formally created the Office of Indian Housing (OIH) with its own staff specifically responsible for overseeing the development and management of Indian housing programs. Still under authority of Regional Administrators.

❖ National American Indian Housing Council established offices in Washington DC, began "on the hill" advocacy.

❖ 1989 -Indian housing within HUD Office – treated, for the first time, as a separate program.

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The 1990s: Era of Change

❖ Indian housing advocates and supportive members of Congress fight for funds for new Indian housing units.

❖ Cranston-Gonzalez National Affordable Housing Act," passed:

  ❖ **Homeownership and Opportunity for People Everywhere (HOPE) program.**
  ❖ **HOME Investment Partnerships Act.**
  ❖ **Created the National Commission on Native American, Alaskan Native and Native Hawaiian Housing. 12 Commissioners. Held hearings across America, in Alaska and Hawaii. How do we better house America's first citizens?**

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The 1990's: Era of Change

- ❖ 1992 - National Commission on American Indian, Alaska Native, and Native Hawaiian Housing. submitted report to Congress entitled "Building the Future: A Blueprint for Change."
- ❖ 1993 National Commission submitted supplemental report with 50 recommendations.
- ❖ October 1, 1993 - OIH became the Office of Native American Programs (ONAP).

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The 1990's: Era of Change

- ❖ ONAP continued to focus on Indian housing management problems including:
  - ❖ No audits
  - ❖ No certifications
  - ❖ Inadequate administrative fee
  - ❖ Inadequate revenue
  - ❖ High TARS
  - ❖ Housing need inadequately being met
  - ❖ Homebuyer maintenance nonexistent
  - ❖ Lack of construction standards
  - ❖ No private financing available

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NAHASDA

- ❖ Let's take a look at the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).
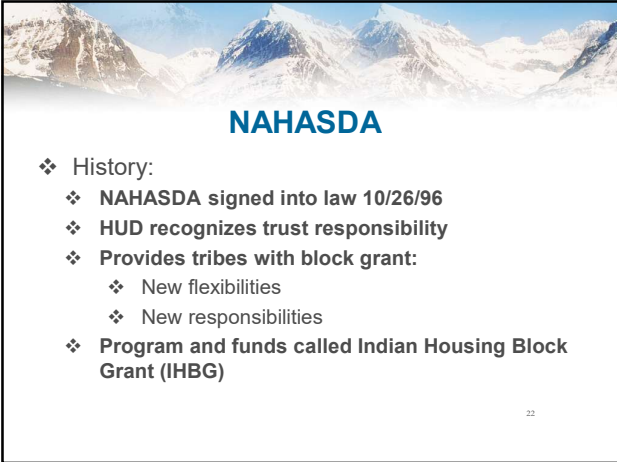
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NAHASDA

❖ History:
- ❖ **NAHASDA signed into law 10/26/96**
- ❖ **HUD recognizes trust responsibility**
- ❖ **Provides tribes with block grant:**
  - ❖ New flexibilities
  - ❖ New responsibilities
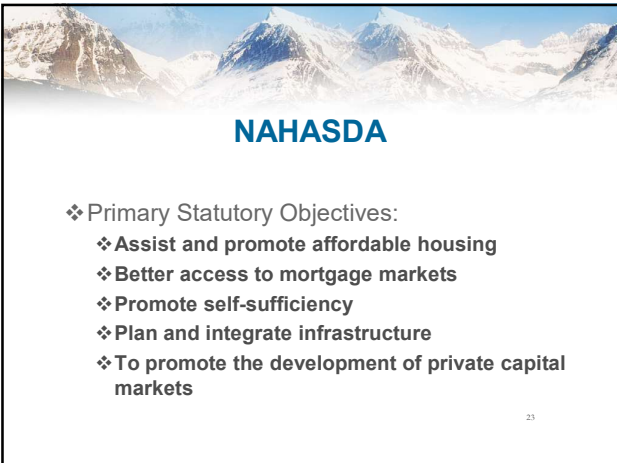- ❖ **Program and funds called Indian Housing Block Grant (IHBG)**

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NAHASDA

❖ Primary Statutory Objectives:
- ❖ **Assist and promote affordable housing**
- ❖ **Better access to mortgage markets**
- ❖ **Promote self-sufficiency**
- ❖ **Plan and integrate infrastructure**
- ❖ **To promote the development of private capital markets**

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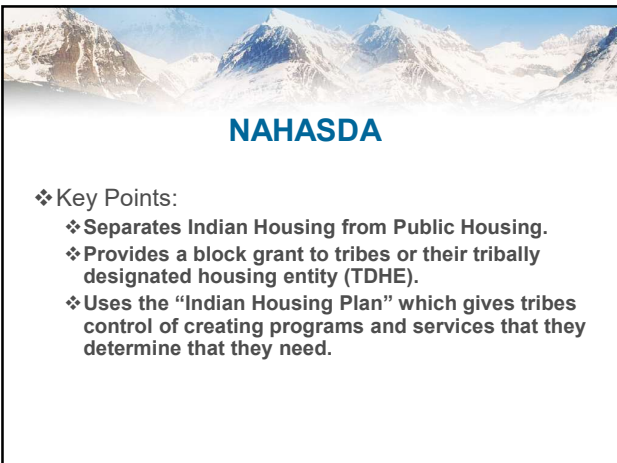
NAHASDA

❖ Key Points:
- ❖ **Separates Indian Housing from Public Housing.**
- ❖ **Provides a block grant to tribes or their tribally designated housing entity (TDHE).**
- ❖ **Uses the "Indian Housing Plan" which gives tribes control of creating programs and services that they determine that they need.**
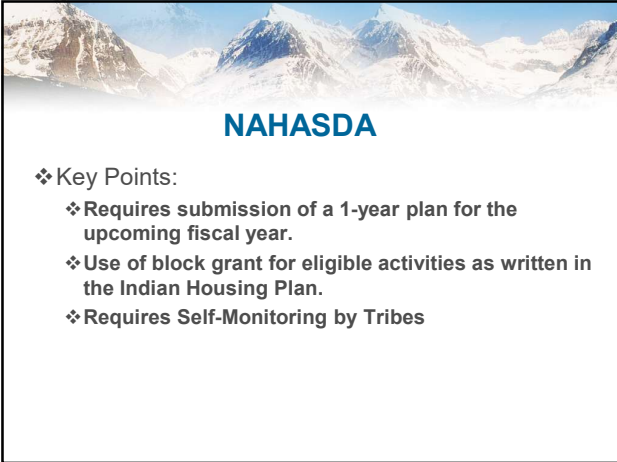
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NAHASDA

❖ Key Points:
- ❖ **Requires submission of a 1-year plan for the upcoming fiscal year.**
- ❖ **Use of block grant for eligible activities as written in the Indian Housing Plan.**
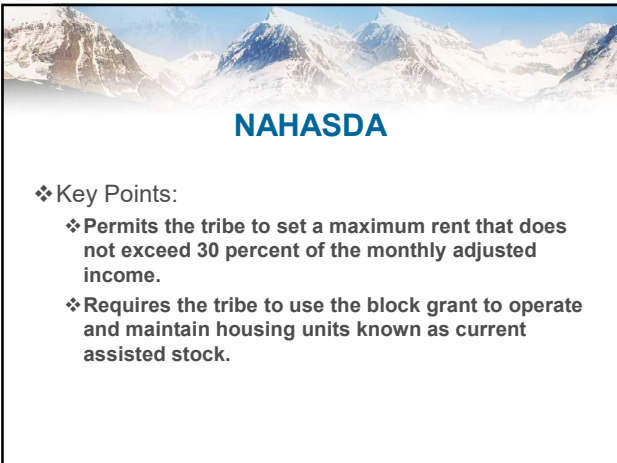- ❖ **Requires Self-Monitoring by Tribes**

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NAHASDA

❖ Key Points:
- ❖ **Permits the tribe to set a maximum rent that does not exceed 30 percent of the monthly adjusted income.**
- ❖ **Requires the tribe to use the block grant to operate and maintain housing units known as current assisted stock.**
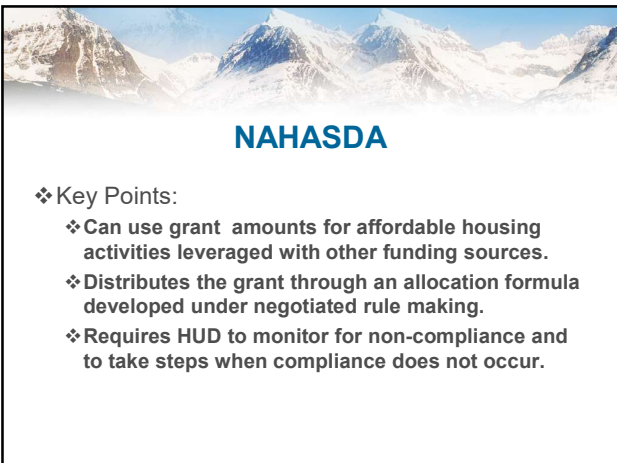
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NAHASDA

❖ Key Points:
- ❖ **Can use grant amounts for affordable housing activities leveraged with other funding sources.**
- ❖ **Distributes the grant through an allocation formula developed under negotiated rule making.**
- ❖ **Requires HUD to monitor for non-compliance and to take steps when compliance does not occur.**

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NAHASDA

❖ Key Points:
  ❖ **Authorizes a federal guarantee program**
    ❖ Tribes can use, with the secretary's approval, a federal guarantee, to undertake affordable housing activities, that does not exceed 5 times the amount of the tribe's block grant.

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NAHASDA

❖ Key Points:
  ❖ **Criminal conviction information on adult applicants or tenants:**
    ❖ As required by NAHASDA, the National Crime Information Center and other law enforcement agencies shall provide criminal conviction information upon request.
    ❖ Information regarding juveniles shall only be released to the extent such release is authorized by the law of the applicable state, Indian tribe or locality.

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NAHASDA

❖ Repealed these programs:
  ❖ **Indian Housing Development Program**
  ❖ **Comprehensive Grant and Comprehensive Improvement Modernization Program**
  ❖ **Indian HOME**
  ❖ **Youthbuild**
  ❖ **Youth Sports**
  ❖ **Homeless Programs, including ESG**

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NAHASDA

❖ Recipient of IHBG:
  ❖ **NAHASDA changed recipient to tribe.**
  ❖ **Tribe may designate a TDHE as recipient.**
  ❖ **Recipient may administer program directly or use subrecipients.**

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NAHASDA

❖ Negotiated Rulemaking:
  ❖ **A process in which representatives of a government agency and tribal representatives negotiate a proposed administrative rule**
  ❖ **Section 106(b)(2) of NAHASDA: All regulations must be issued according to a negotiated rulemaking procedure**
  ❖ **Purpose of "NegReg": Implement Reauthorization Act amendments and prior amendments to NAHASDA**

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Negotiated Rulemaking

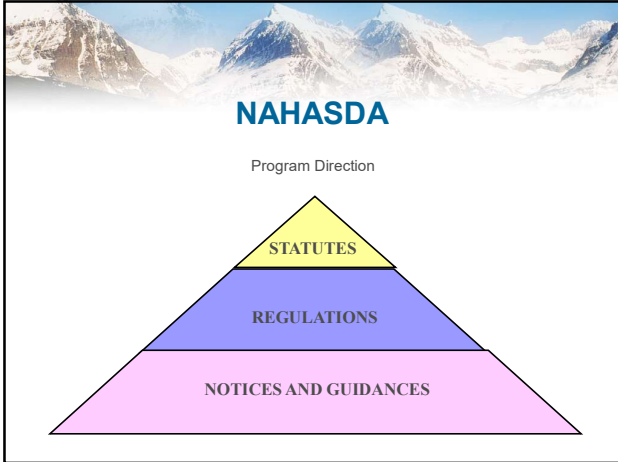❖ Approved documents from each Session as well as documents produced by work groups may be found at http://ihbgrulemaking.org/index.php

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NAHASDA

Program Direction

STATUTES

REGULATIONS

NOTICES AND GUIDANCES

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NAHASDA

The Statute: Notice the revisions, make sure you have the latest version.

Native American Housing Assistance and Self-Determination Act of 1996

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NAHASDA

Regulations: 24 CFR 1000

❖ **Final 3/12/98**

❖ **Amended several times over the years.**

❖ **Keep the most current version handy at all times, either on your computer or a printed copy close at hand!**

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NAHASDA

Notices and Guidances:

PIH Notices — Issued by Assistant Secretary for Public/Indian Housing

Provide guidance

Guidance Notices — Issued by Deputy Assistance Secretary for Native American Programs
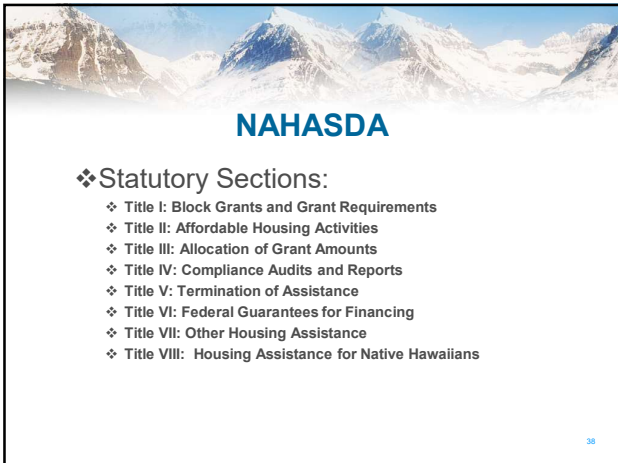
Provide guidance

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NAHASDA

❖ Statutory Sections:
  ❖ Title I: Block Grants and Grant Requirements
  ❖ Title II: Affordable Housing Activities
  ❖ Title III: Allocation of Grant Amounts
  ❖ Title IV: Compliance Audits and Reports
  ❖ Title V: Termination of Assistance
  ❖ Title VI: Federal Guarantees for Financing
  ❖ Title VII: Other Housing Assistance
  ❖ Title VIII: Housing Assistance for Native Hawaiians

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NAHASDA

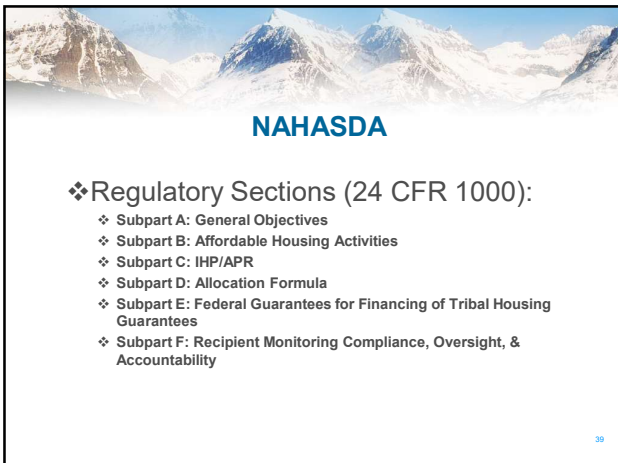❖ Regulatory Sections (24 CFR 1000):
  ❖ Subpart A: General Objectives
  ❖ Subpart B: Affordable Housing Activities
  ❖ Subpart C: IHP/APR
  ❖ Subpart D: Allocation Formula
  ❖ Subpart E: Federal Guarantees for Financing of Tribal Housing Guarantees
  ❖ Subpart F: Recipient Monitoring Compliance, Oversight, & Accountability

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NAHASDA

❖ Program Implementation:
  ❖ **Requires submission of a 1-year housing plan, for the upcoming program year**
  ❖ **Indian Housing Plan (IHP) details activities such as: development, rehabilitation, acquisition, or credit counseling**
  ❖ **Allows the Tribe/TDHE to determine what programs they want to offer and allows for flexibility in determining how to operate and who to serve.**

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NAHASDA

Key Program Elements:

Formula	Eligible Families	Eligible Activities
Program Administration	Financial Management	Reporting and Recordkeeping

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NAHASDA Requirements

❖ Let's take a look at what is required for the program.

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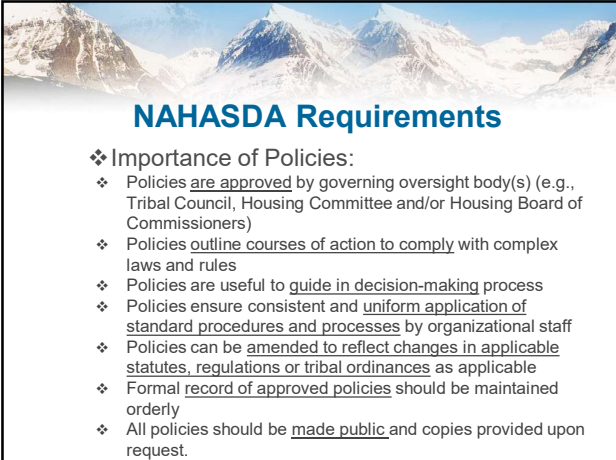## NAHASDA Requirements

❖ Importance of Policies:

❖ Policies <u>are approved</u> by governing oversight body(s) (e.g., Tribal Council, Housing Committee and/or Housing Board of Commissioners)
❖ Policies <u>outline courses of action to comply</u> with complex laws and rules
❖ Policies are useful to <u>guide in decision-making</u> process
❖ Policies ensure consistent and <u>uniform application of standard procedures and processes</u> by organizational staff
❖ Policies can be <u>amended to reflect changes in applicable statutes, regulations or tribal ordinances</u> as applicable
❖ Formal <u>record of approved policies</u> should be maintained orderly
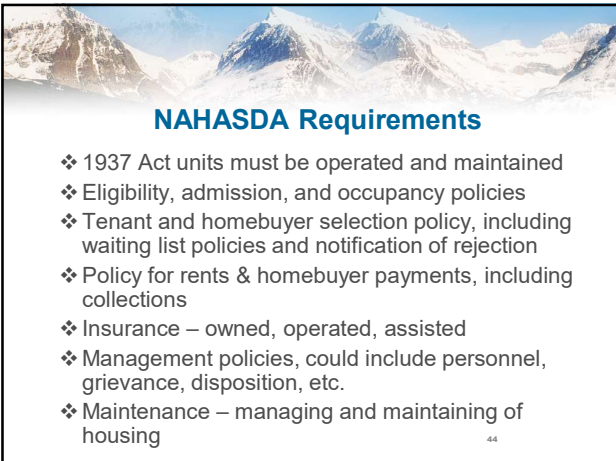❖ All policies should be <u>made public</u> and copies provided upon request.

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NAHASDA Requirements

❖ 1937 Act units must be operated and maintained
❖ Eligibility, admission, and occupancy policies
❖ Tenant and homebuyer selection policy, including waiting list policies and notification of rejection
❖ Policy for rents & homebuyer payments, including collections
❖ Insurance – owned, operated, assisted
❖ Management policies, could include personnel, grievance, disposition, etc.
❖ Maintenance – managing and maintaining of housing

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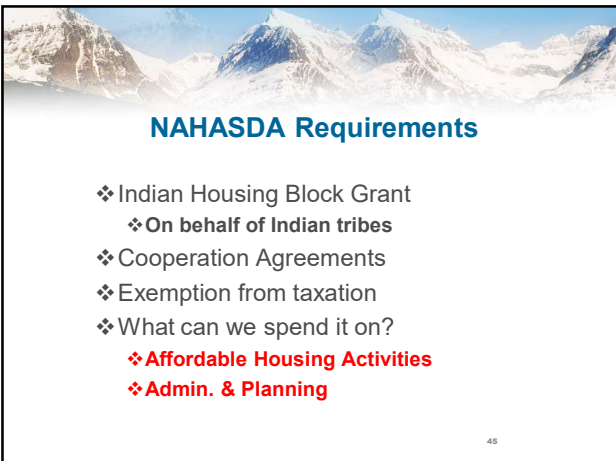## NAHASDA Requirements

❖ Indian Housing Block Grant
  ❖ **On behalf of Indian tribes**
❖ Cooperation Agreements
❖ Exemption from taxation
❖ What can we spend it on?
  ❖ **Affordable Housing Activities**
  ❖ **Admin. & Planning**

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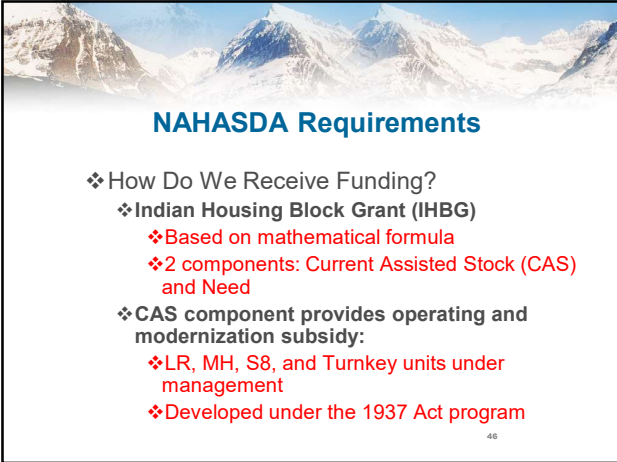## NAHASDA Requirements

❖ How Do We Receive Funding?
  ❖ **Indian Housing Block Grant (IHBG)**
    ❖ Based on mathematical formula
    ❖ 2 components: Current Assisted Stock (CAS) and Need
  ❖ **CAS component provides operating and modernization subsidy:**
    ❖ LR, MH, S8, and Turnkey units under management
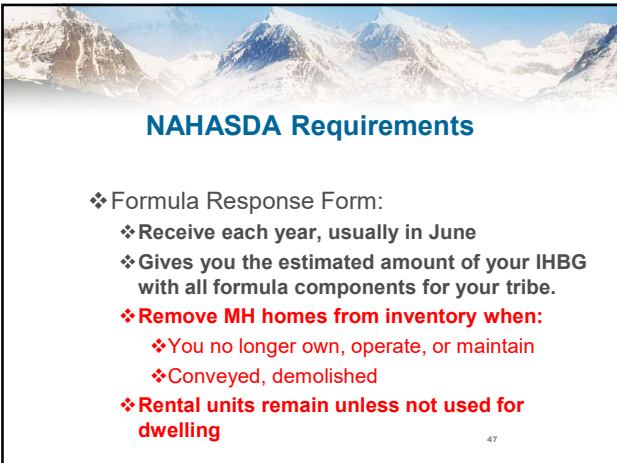   ❖ Developed under the 1937 Act program

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NAHASDA Requirements

❖ Formula Response Form:
  ❖ **Receive each year, usually in June**
  ❖ **Gives you the estimated amount of your IHBG with all formula components for your tribe.**
  ❖ **Remove MH homes from inventory when:**
    ❖ You no longer own, operate, or maintain
    ❖ Conveyed, demolished
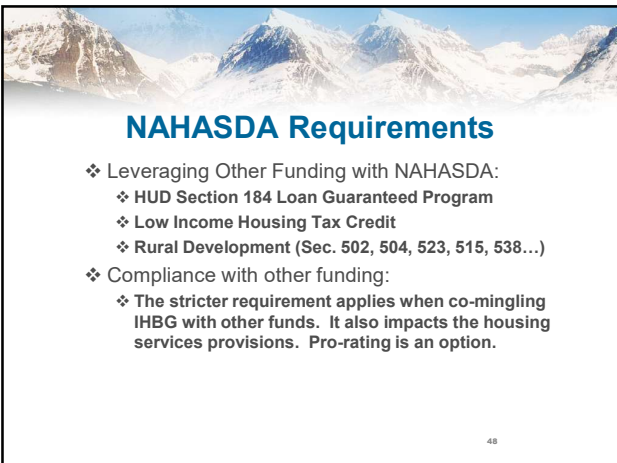 ❖ **Rental units remain unless not used for dwelling**

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NAHASDA Requirements

❖ Leveraging Other Funding with NAHASDA:
  ❖ **HUD Section 184 Loan Guaranteed Program**
  ❖ **Low Income Housing Tax Credit**
  ❖ **Rural Development (Sec. 502, 504, 523, 515, 538…)**
❖ Compliance with other funding:
  ❖ **The stricter requirement applies when co-mingling IHBG with other funds. It also impacts the housing services provisions. Pro-rating is an option.**
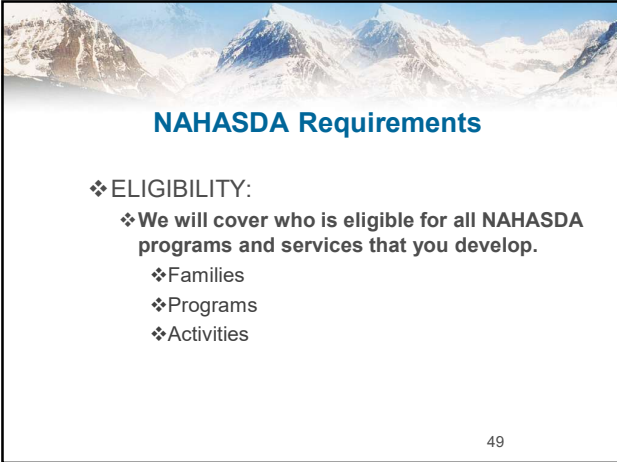
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NAHASDA Requirements

❖ ELIGIBILITY:
  ❖ **We will cover who is eligible for all NAHASDA programs and services that you develop.**
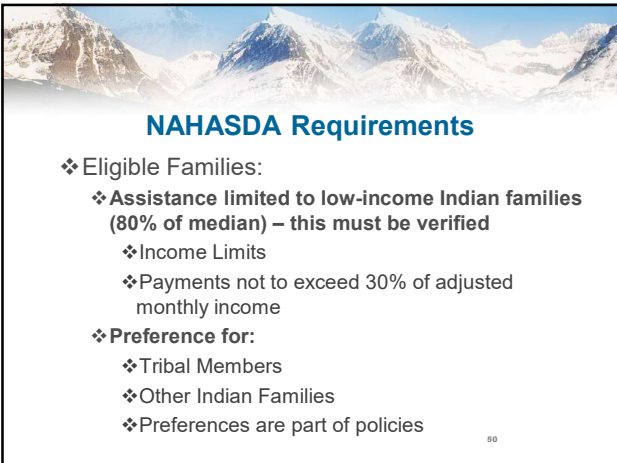   ❖ Families
    ❖ Programs
    ❖ Activities

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NAHASDA Requirements

❖ Eligible Families:
  ❖ **Assistance limited to low-income Indian families (80% of median) – this must be verified**
    ❖ Income Limits
    ❖ Payments not to exceed 30% of adjusted monthly income
  ❖ **Preference for:**
    ❖ Tribal Members
    ❖ Other Indian Families
    ❖ Preferences are part of policies

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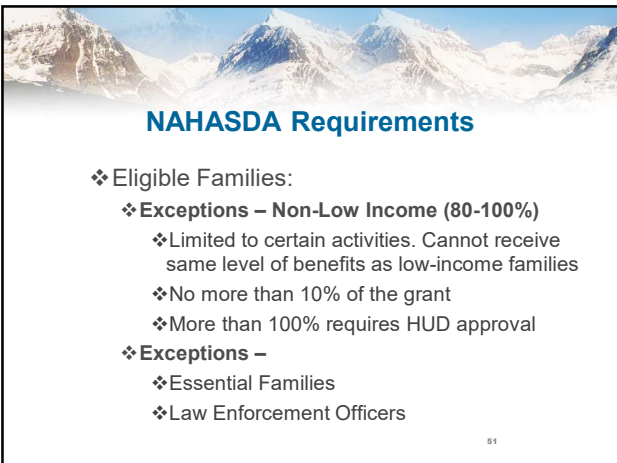
NAHASDA Requirements

❖ Eligible Families:
  ❖ **Exceptions – Non-Low Income (80-100%)**
    ❖ Limited to certain activities. Cannot receive same level of benefits as low-income families
    ❖ No more than 10% of the grant
    ❖ More than 100% requires HUD approval
  ❖ **Exceptions –**
    ❖ Essential Families
    ❖ Law Enforcement Officers

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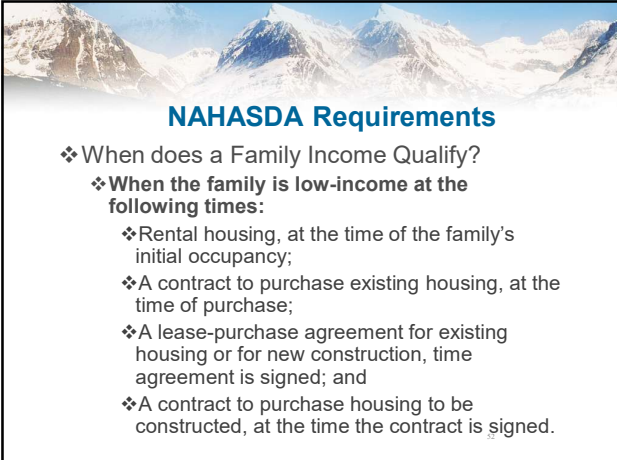
NAHASDA Requirements

❖ When does a Family Income Qualify?
  ❖ **When the family is low-income at the following times:**
    ❖ Rental housing, at the time of the family's initial occupancy;
    ❖ A contract to purchase existing housing, at the time of purchase;
    ❖ A lease-purchase agreement for existing housing or for new construction, time agreement is signed; and
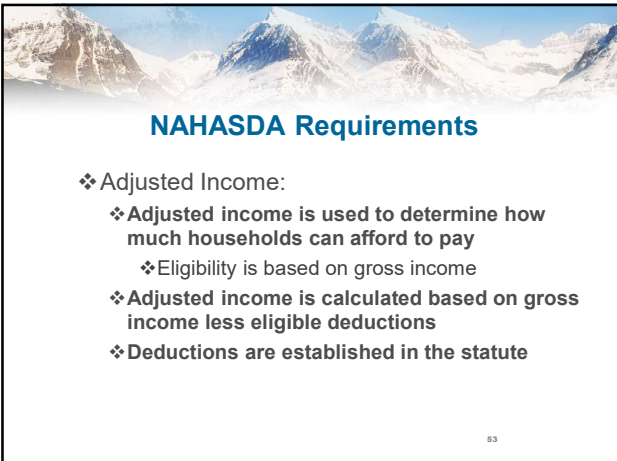   ❖ A contract to purchase housing to be constructed, at the time the contract is signed.

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NAHASDA Requirements

❖ Adjusted Income:
  ❖ **Adjusted income is used to determine how much households can afford to pay**
    ❖ Eligibility is based on gross income
  ❖ **Adjusted income is calculated based on gross income less eligible deductions**
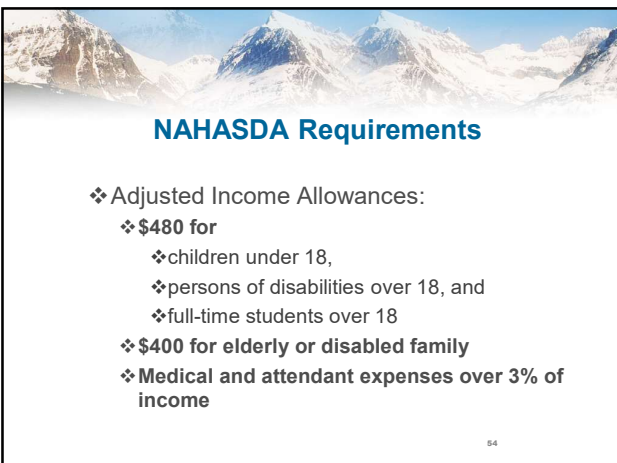 ❖ **Deductions are established in the statute**

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NAHASDA Requirements

❖ Adjusted Income Allowances:
  ❖ **$480 for**
    ❖ children under 18,
    ❖ persons of disabilities over 18, and
    ❖ full-time students over 18
  ❖ **$400 for elderly or disabled family**
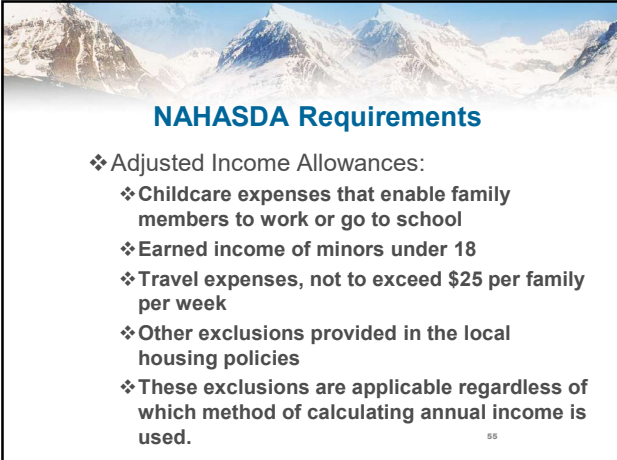 ❖ **Medical and attendant expenses over 3% of income**

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NAHASDA Requirements

❖Adjusted Income Allowances:
  - ❖**Childcare expenses that enable family members to work or go to school**
  - ❖**Earned income of minors under 18**
  - ❖**Travel expenses, not to exceed $25 per family per week**
  - ❖**Other exclusions provided in the local housing policies**
  - ❖**These exclusions are applicable regardless of which method of calculating annual income is used.**
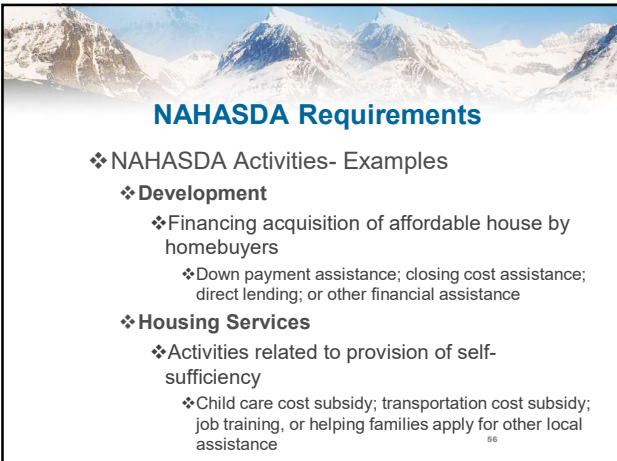
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NAHASDA Requirements

❖NAHASDA Activities- Examples
  - ❖**Development**
    - ❖Financing acquisition of affordable house by homebuyers
      - ❖Down payment assistance; closing cost assistance; direct lending; or other financial assistance
  - ❖**Housing Services**
    - ❖Activities related to provision of self-sufficiency
      - ❖Child care cost subsidy; transportation cost subsidy; job training, or helping families apply for other local assistance

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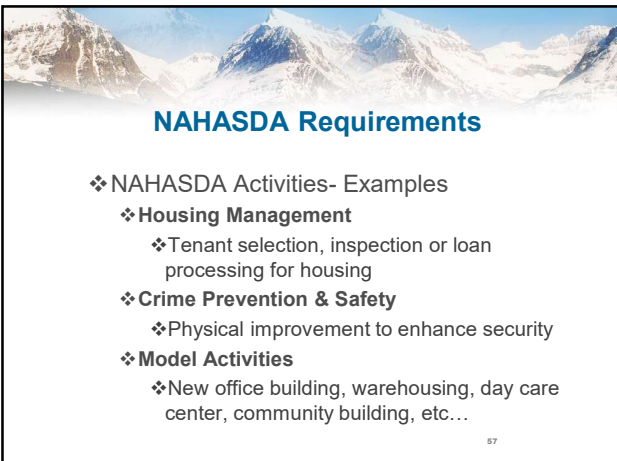## NAHASDA Requirements

❖NAHASDA Activities- Examples
  - ❖**Housing Management**
    - ❖Tenant selection, inspection or loan processing for housing
  - ❖**Crime Prevention & Safety**
    - ❖Physical improvement to enhance security
  - ❖**Model Activities**
    - ❖New office building, warehousing, day care center, community building, etc…

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NAHASDA Requirements

❖ NAHASDA Ineligible Activities- Examples
  ❖ **Development and Housing Services**
    ❖ Servicing the non-lowIncome families without HUD approval
  ❖ **Housing Management**
    ❖ Selection of participants not using the Wait List Policy
  ❖ **Crime Prevention & Safety**
    ❖ Procuring policy vehicles and weapons for tribal police department
  ❖ **Model Activities**
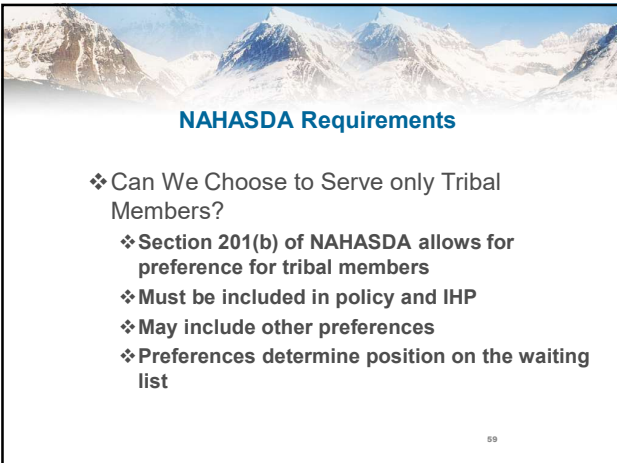   ❖ Using IHBG for development of tribal casino

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NAHASDA Requirements

❖ Can We Choose to Serve only Tribal Members?
  ❖ **Section 201(b) of NAHASDA allows for preference for tribal members**
  ❖ **Must be included in policy and IHP**
  ❖ **May include other preferences**
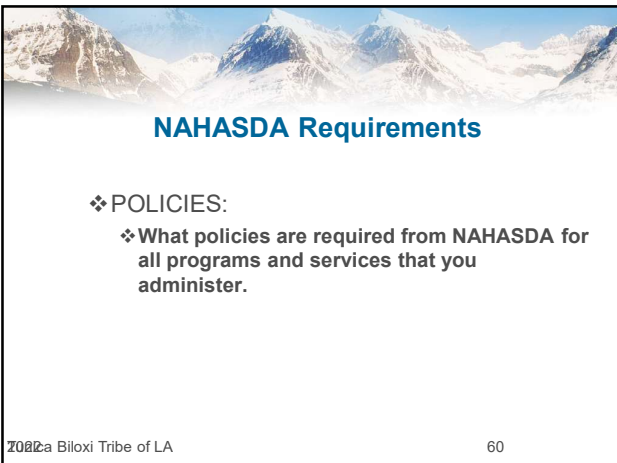 ❖ **Preferences determine position on the waiting list**

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NAHASDA Requirements

❖ POLICIES:
  ❖ **What policies are required from NAHASDA for all programs and services that you administer.**

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NAHASDA Requirements

❖ Lease Requirements:
- ❖ Reasonable
- ❖ Maintain to codes
- ❖ Written notice of termination
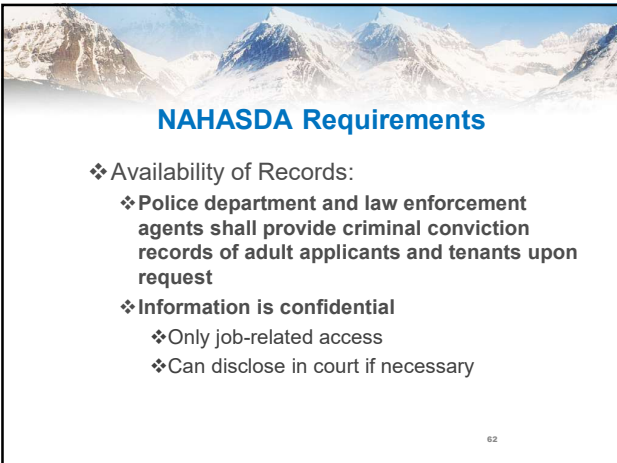- ❖ Opportunity for hearing
- ❖ Termination clauses

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NAHASDA Requirements

❖ Availability of Records:
- ❖ Police department and law enforcement agents shall provide criminal conviction records of adult applicants and tenants upon request
- ❖ Information is confidential
  - ❖ Only job-related access
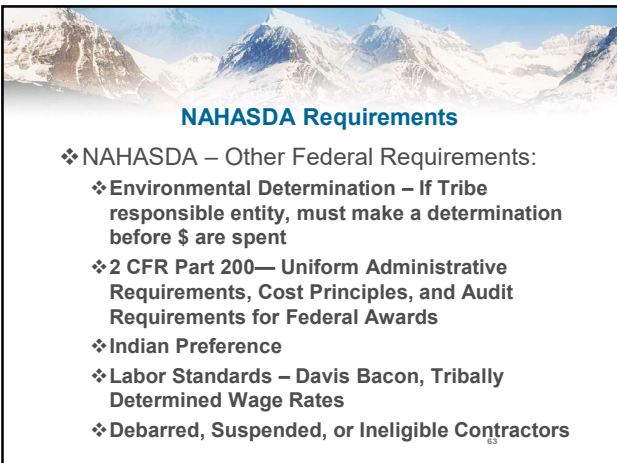 - ❖ Can disclose in court if necessary

62

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NAHASDA Requirements

❖ NAHASDA – Other Federal Requirements:
- ❖ Environmental Determination – If Tribe responsible entity, must make a determination before $ are spent
- ❖ 2 CFR Part 200— Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- ❖ Indian Preference
- ❖ Labor Standards – Davis Bacon, Tribally Determined Wage Rates
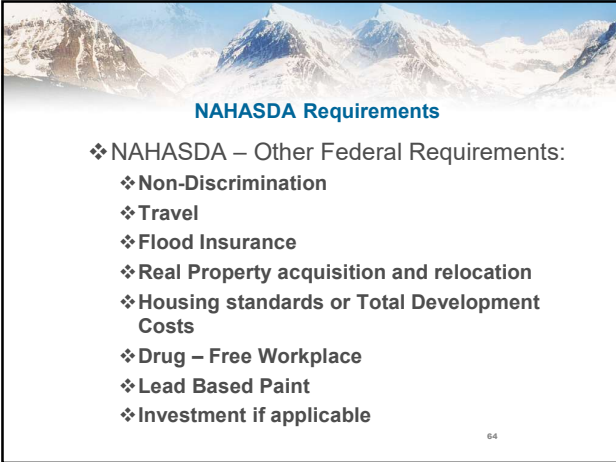- ❖ Debarred, Suspended, or Ineligible Contractors

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NAHASDA Requirements

❖ NAHASDA – Other Federal Requirements:
  - ❖ **Non-Discrimination**
  - ❖ **Travel**
  - ❖ **Flood Insurance**
  - ❖ **Real Property acquisition and relocation**
  - ❖ **Housing standards or Total Development Costs**
  - ❖ **Drug – Free Workplace**
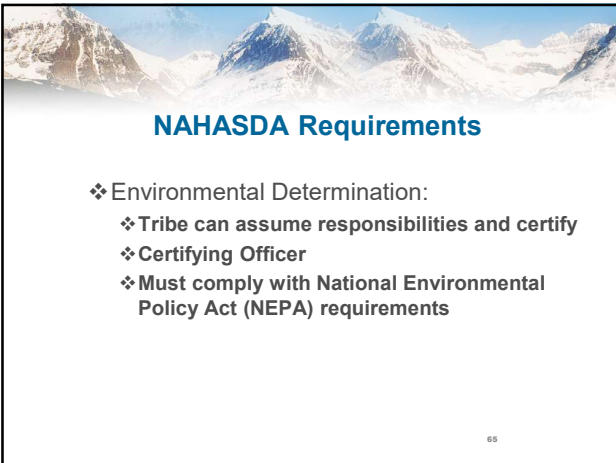 - ❖ **Lead Based Paint**
  - ❖ **Investment if applicable**

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NAHASDA Requirements

❖ Environmental Determination:
  - ❖ **Tribe can assume responsibilities and certify**
  - ❖ **Certifying Officer**
  - ❖ **Must comply with National Environmental Policy Act (NEPA) requirements**

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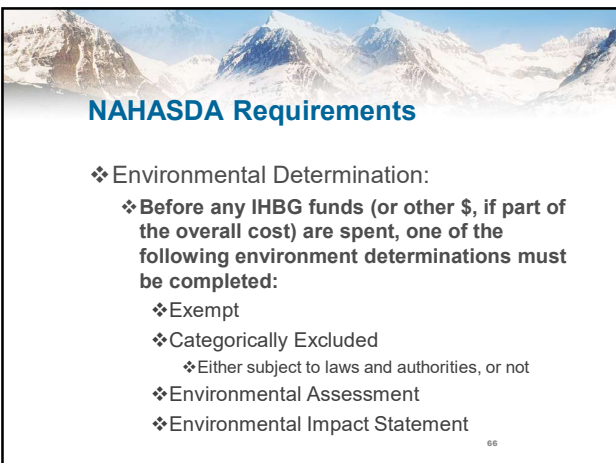

NAHASDA Requirements

❖ Environmental Determination:
  - ❖ **Before any IHBG funds (or other $, if part of the overall cost) are spent, one of the following environment determinations must be completed:**
    - ❖ Exempt
    - ❖ Categorically Excluded
      - ❖ Either subject to laws and authorities, or not
    - ❖ Environmental Assessment
    - ❖ Environmental Impact Statement

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NAHASDA Requirements

❖ Procurement:
- ❖ **2 CFR Part 200**
- ❖ **Regulations at §200.317-326**
- ❖ **Have procedures**
  - ❖ Provide for competition
  - ❖ Use only responsible contractors
  - ❖ Maintain records detailing history of all procurements
  - ❖ Perform cost or price analysis for every procurement

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NAHASDA Requirements

❖ Procurement:
- ❖ **Conflict of Interest in Procurement**
  - ❖ Conflicts of interest 1000.30-36
    - ❖ Decision makers or inside information
    - ❖ Disclosure
- ❖ **Methods of Procurement**
  - ❖ Small purchase
  - ❖ Sealed Bids
  - ❖ Competitive Proposals
  - ❖ Non-Competitive Proposals

68
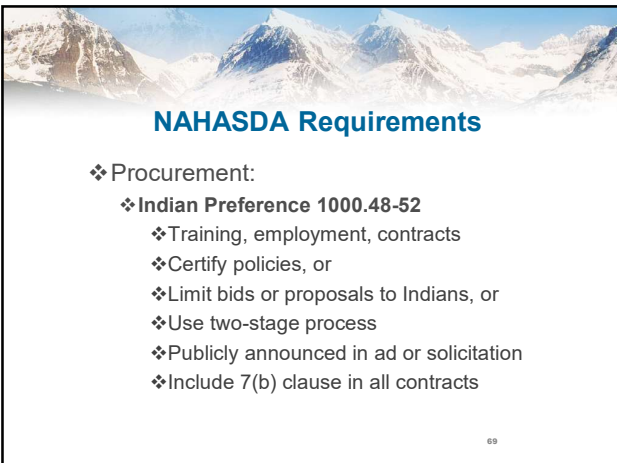
68

NAHASDA Requirements

❖ Procurement:
- ❖ **Indian Preference 1000.48-52**
  - ❖ Training, employment, contracts
  - ❖ Certify policies, or
  - ❖ Limit bids or proposals to Indians, or
  - ❖ Use two-stage process
  - ❖ Publicly announced in ad or solicitation
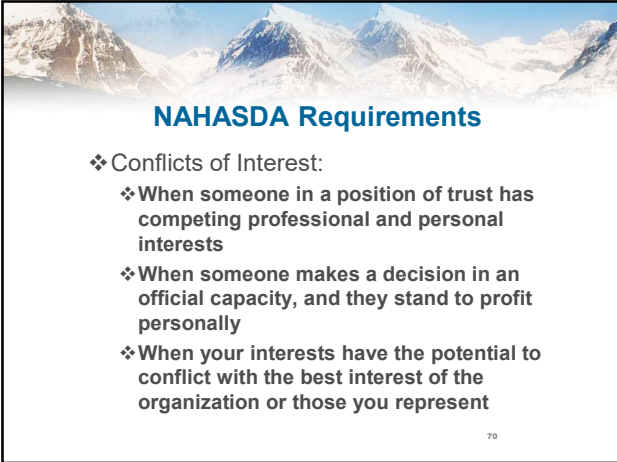 - ❖ Include 7(b) clause in all contracts

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NAHASDA Requirements

❖ Conflicts 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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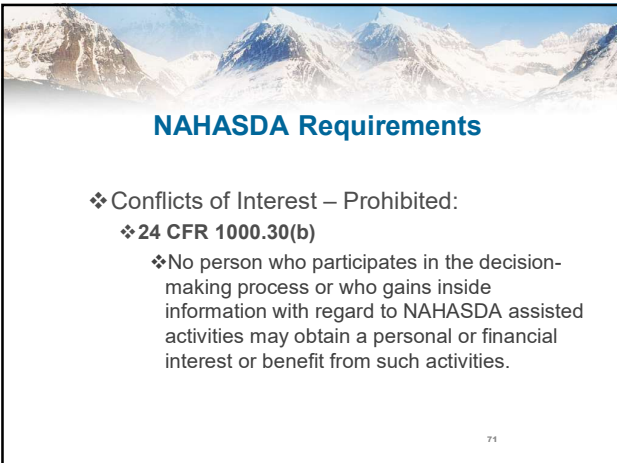## NAHASDA Requirements

❖ Conflicts of Interest – Prohibited:
- ❖ **24 CFR 1000.30(b)**
  - ❖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.
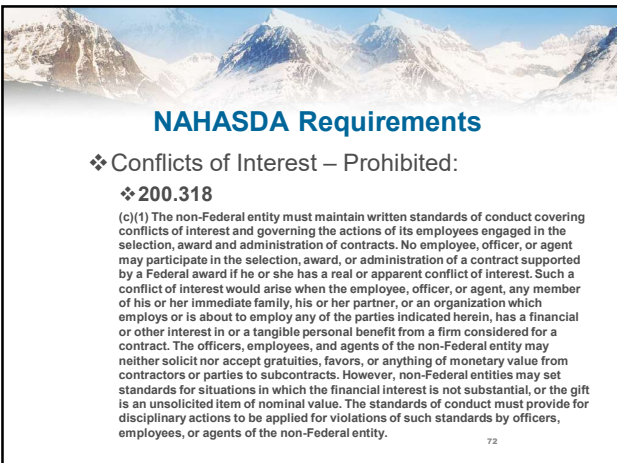
71

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NAHASDA Requirements

❖ Conflicts of Interest – Prohibited:
- ❖ **200.318**

(c)(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.
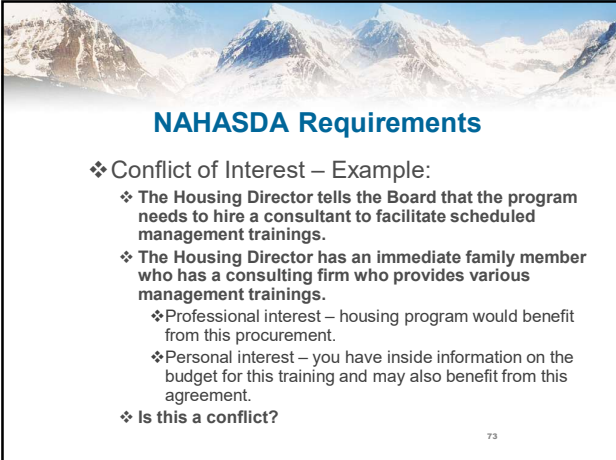
72

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NAHASDA Requirements

❖ Conflict of Interest – Example:
  ❖ **The Housing Director tells the Board that the program needs to hire a consultant to facilitate scheduled management trainings.**
  ❖ **The Housing Director has an immediate family member who has a consulting firm who provides various management trainings.**
    ❖ Professional interest – housing program would benefit from this procurement.
    ❖ Personal interest – you have inside information on the budget for this training and may also benefit from this agreement.
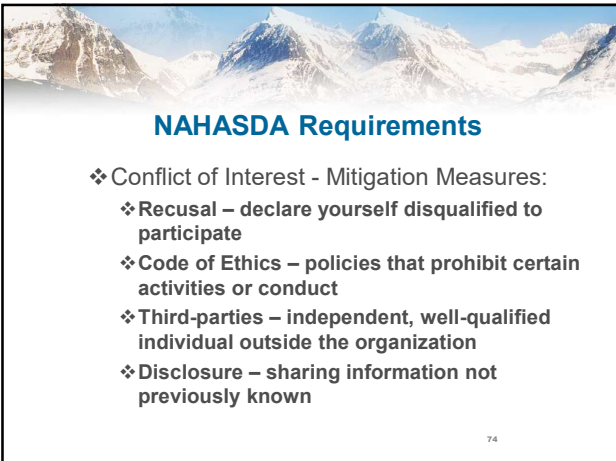 ❖ **Is this a conflict?**

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NAHASDA Requirements

❖ Conflict of Interest - 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**
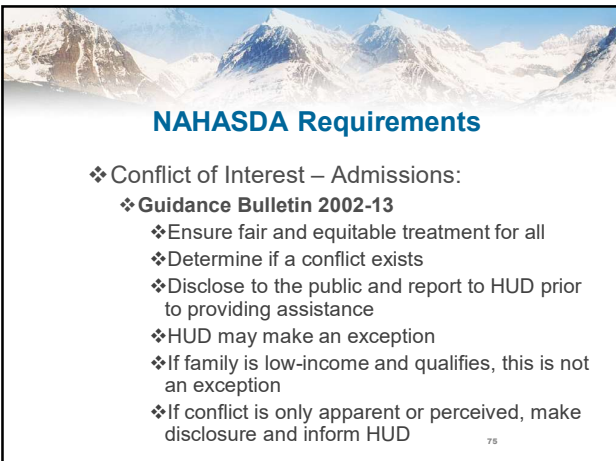 ❖ **Disclosure – sharing information not previously known**

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NAHASDA Requirements

❖ Conflict of Interest – Admissions:
  ❖ **Guidance Bulletin 2002-13**
    ❖ 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 an exception
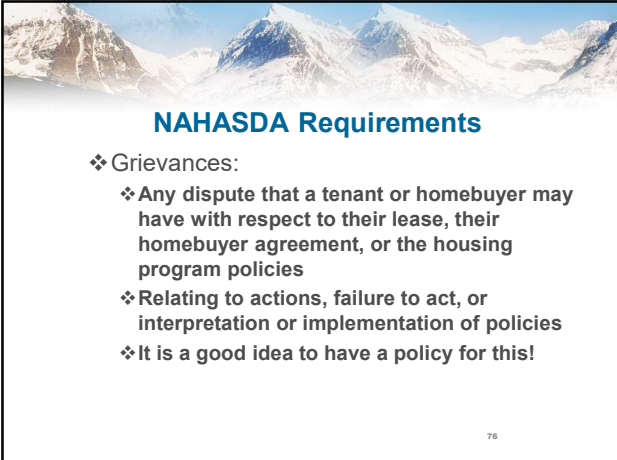   ❖ If conflict is only apparent or perceived, make disclosure and inform HUD

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NAHASDA Requirements

❖ Grievances:
  - ❖ **Any dispute that a tenant or homebuyer may have with respect to their lease, their homebuyer agreement, or the housing program policies**
  - ❖ **Relating to actions, failure to act, or interpretation or implementation of policies**
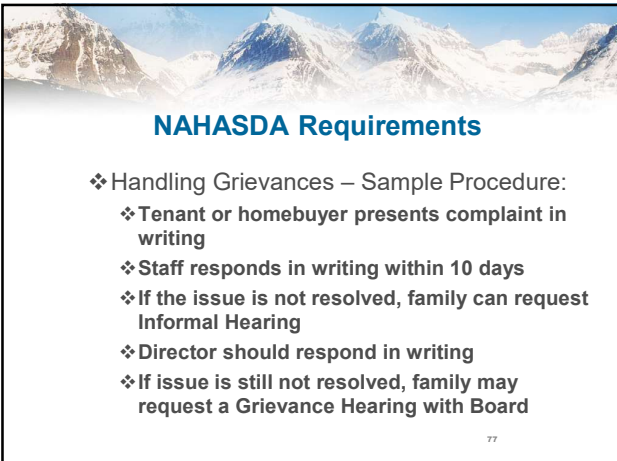 - ❖ **It is a good idea to have a policy for this!**

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NAHASDA Requirements

❖ Handling Grievances – Sample Procedure:
  - ❖ **Tenant or homebuyer presents complaint in writing**
  - ❖ **Staff responds in writing within 10 days**
  - ❖ **If the issue is not resolved, family can request Informal Hearing**
  - ❖ **Director should respond in writing**
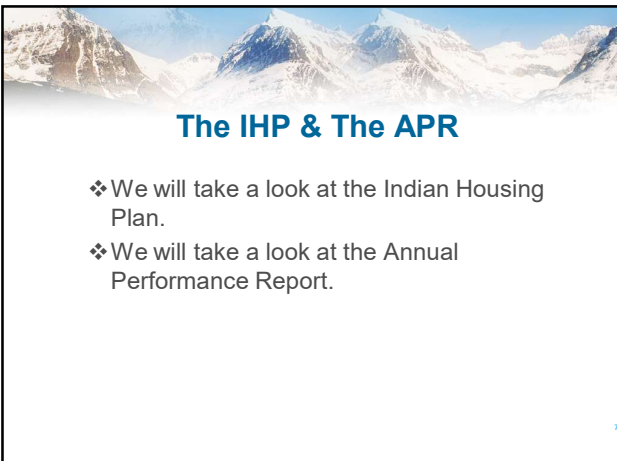 - ❖ **If issue is still not resolved, family may request a Grievance Hearing with Board**

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The IHP & The APR

❖ We will take a look at the Indian Housing Plan.
❖ We will take a look at the Annual Performance Report.

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The IHP & The APR

❖ Statutory Requirements:
  ❖ **Sections 102 & 103 of the Native Housing Assistance and Self-Determination Act (NAHASDA) & 24 CFR 1000, the implementing regulations**
  ❖ **To receive IHBG funds under the NAHASDA**
    ❖ IHP/APR must be submitted to HUD annually;
    ❖ HUD must determine IHP/APR to be in compliance with NAHASDA

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The IHP & The APR

❖ What is an Indian housing plan?

Activities

Budget

IHP

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The IHP & The APR

❖ What is an IHP?
  ❖ An IHP is <u>your</u> Indian Housing Plan!
  ❖ Required by HUD in order to receive IHBG funds
  ❖ Roadmap for responding to housing needs
  ❖ IHP spells out how recipient intends to use funds they receive under IHBG

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The IHP & The APR

❖ IHBG Formula and the IHP:
  - ❖ **NO relationship between formula components used to determine allocation and activities you propose in your IHP**
  - ❖ **To challenge IHBG data:**
    - ❖ Contact IHBG Formula Customer Service Center.

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The IHP & The APR

❖ Submitting the IHP/APR: Who?
  - ❖ **The IHBG Recipient submits the IHP/APR**
    - ❖ Tribe or
    - ❖ Tribally designated housing entity (TDHE)
  - ❖ **Be sure to include Tribal Certification**

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The IHP & The APR

❖ Submitting the IHP/APR: When?
  - ❖ **Submit IHP 75 days prior to start of program year (PY)**
    - ❖ Effective management tool
    - ❖ Allows recipients to have their IHPs in place at start of PY
    - ❖ Failure to submit on time may result in NO IHBG!
  - ❖ **What if Congressional Appropriation is delayed?:**
    - ❖ If the PY estimate is available, base IHP on PY estimate amount on Formula Response Form; otherwise, use actual grant amount from previous PY IHP
    - ❖ Revise IHP (internal only) when actual amount known
    - ❖ Update APR to include actual amount (required)

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The IHP & The APR

❖ IHP Deadlines and Waivers:
- ❖ **Extension may be granted under exceptional circumstances**
- ❖ **HUD cannot waive a due date outside of the statutory limit provided in Section 101(b)(2) of NAHASDA**
- ❖ **Request waiver of the deadline -**
  - ❖ Any time before or after the IHP submission deadline, however …
  - ❖ Extension may only be granted for up to 90 days after the original deadline.

FFY 2022-2023 IHP Due Dates

FFY 2022	PY 2022	IHP Due Date	Waiver Deadline
Oct. 1, 2021 – Sept. 30, 2022	Oct. 1 – Sept. 30	July 18, 2022	October 16, 2022
	Jan. 1, - Dec. 31	October 18, 2022	January 16, 2023
	Apr 1, - Mar. 31	January 16, 2023	April 16, 2023
	Jul. 1, - June 30	April 17, 2023	July 16, 2023
FFY 2023	**PY 2023**	**IHP Due Date**	**Waiver Deadline**
Oct. 1, 2022 – Sept. 30, 2023	Oct. 1 – Sept. 30	July 18, 2023	October 16, 2023
	Jan. 1, - Dec. 31	October 18, 2023	January 16, 2024
	Apr 1, - Mar. 31	January 16, 2024	April 16, 2024
	Jul. 1, - June 30	April 17, 2024	July 16, 2024

The IHP & The APR

❖ Submitting the IHP: How?
- ❖ **An IHP may be submitted to an Area ONAP in one of two ways:**
  1. IHPs submitted after May 1, 2018, MUST be submitted using the EPIC (Energy and Performance Information Center) system, unless …
  2. Internet access is insufficient, <u>and</u> HUD has approved a waiver in which case a PDF fillable form can be used.

The IHP & The APR

❖ EPIC:
- ❖ **Beginning May 1, 2018, recipients will be required to submit their IHPs (and APRs) using the online EPIC system.**
- ❖ **Recipients who lack reliable Internet access can use the Adobe fillable PDF version of the form after obtaining a waiver from the Area ONAP Administrator.**
- ❖ **Like eLOCCS, EPIC requires users have an active Secure Systems (aka "M") ID. Each EPIC user will need to obtain their own "M" ID in order to request access to EPIC.**

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The IHP & The APR

Recommended Steps in Developing IHP:

Form a vision → Collect data → Determine needs → Develop strategy → Identify resources → Set priorities → Develop programs

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The IHP & The APR

❖ Programs and Projects:
- ❖ **Programs are ongoing activities and are in every IHP**
  - ❖ Maintenance
  - ❖ Administration
- ❖ **Projects have specific start and end dates, and are dependent upon annual funding decisions**
  - ❖ Development
  - ❖ Rental assistance

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The IHP & The APR

❖Key Sections of the IHP:
  - ❖ **Cover page (Section 1)**
  - ❖ **Housing Needs (Section 2)**
  - ❖ **Program Descriptions (Section 3)**
  - ❖ **Maintaining 1937 Act Units (Section 4)**
  - ❖ **Budget (Section 5)**
  - ❖ **Other Submission Items (Section 6)**
  - ❖ **Certifications (Sections 7-9)**
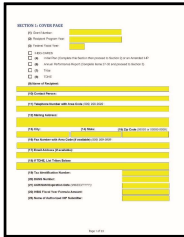
The IHP & The APR

❖ Section 1: Cover Page
  - ❖ **Purpose:** Provide basic background info on recipient
  - ❖ **Statutory/Regulatory Sections:** None
  - ❖ **Key Contents:**
    - ❖ Grant Information
      - ❖ Grant number
      - ❖ Recipient program year
      - ❖ Federal fiscal year
    - ❖ Recipient (Contact) Information
    - ❖ Tribe/TDHE Information
      - ❖ Tax ID number
      - ❖ DUNS number (now required for all Federal grants)
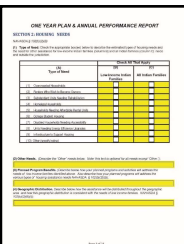   - ❖ CCR/SAM expiration date (updated annually)
    - ❖ Formula Grant Amount

The IHP & The APR

❖ Section 2: Housing Needs
  - ❖ **Purpose:** Clearly describe the types of needs for recipients
  - ❖ **Statutory/Regulatory Sections:** §1000.328, 102(c)(2)(A), 102(c)(2)(B), 102(c)(4)(C)
  - ❖ **Key Contents:**
    - ❖ Number of low-income Indian families
    - ❖ Needs for all Indian families
    - ❖ Description of how activities meet needs
    - ❖ Geographic distribution of funds
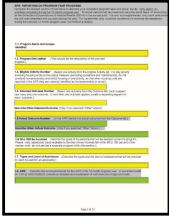
The IHP & The APR

❖ Section 3: Program Descriptions & Outputs
  ❖ **Purpose:** **Describe recipient's programs & intended results**
  ❖ **Statutory/Regulatory Sections:** **§102(c)(1), 102(c)(4)(e-g)**
  ❖ **Key Contents:**
    ❖ Program description
    ❖ Eligible activity
    ❖ Intended outcomes
    ❖ Beneficiaries & assistance
    ❖ Planned outputs

The IHP & The APR

Homeowner and Rental Activities:

> Do not combine homeownership and rental construction, acquisition, or rehab programs – for example if constructing 5 homeowner and 5 rental housing units, they must be two separate activities.

The IHP & The APR

❖ Programs, Eligible Activities, Outcomes, and Outputs
  ❖ **Programs:** **What recipient-specific programs will be funded?**
  ❖ **Eligible Activities:**
    ❖ Pick list tied to NAHASDA-eligible activities (internal control)
  ❖ **Outcomes:** **What is the intended result?**
    ❖ Pick list tied to ONAP goals
  ❖ **Outputs:** **How many units or households are planned?**

The IHP & The APR

❖ Programs, Eligible Activities, Outcomes, Outputs: Example
  ❖ **Program: Recipient will provide purchase assistance for first-time homebuyers who wish to buy in our service area.**
  ❖ **Eligibility Activity: Down payment/closing costs**
  ❖ **Outcome: Assist renters to become homeowners**
  ❖ **Who Will be Assisted: Low-income families**
  ❖ **Level and Type of Assistance: $5,000 Cap, Grant**
  ❖ **Planned Outputs: four units**

The IHP & The APR

Guidance on Allowability, Outcomes and Outputs

Eligible Activity	Output Measure	Eligible Activity	Output Measure
(1) Modernization of 1937 Act Housing [202(1)]	Units	(13) Down Payment/Closing Cost Assistance [202(2)]	Units
(2) Operation of 1937 Act Housing [202(1)]	Units	(14) Lending Subsidies for Homebuyers (Loan) [202(2)]	Units
(3) Acquisition of Rental Housing [202(2)]	Units	(15) Other Homebuyer Assistance Activities [202(2)]	Units
(4) Construction of Rental Housing [202(2)]	Units	(16) Rehabilitation Assistance to Existing Homeowners [202(2)]	Units
(5) Rehabilitation of Rental Housing [202(2)]	Units	(17) Tenant Based Rental Assistance [202(3)]	Households
(6) Acquisition of Land for Rental Housing [202(2)]	Units	(18) Other Housing Services [202(3)]	Households
(7) Development of Emergency Shelters [202(2)]	Households	(19) Housing Management Services [202(4)]	Households
(8) Conversion of Other Structures to Affordable Housing [202(2)]	Units	(20) Operation and Maintenance of NAHASDA-Assisted Units [202(4)]	Units
(9) Other Rental Housing Development [202(2)]	Units	(21) Crime Prevention and Safety [202(5)]	Dollars
(10) Acquisition of Land for Homebuyer Unit Development [202(2)]	Units	(22) Model Activities [202(6)]	Dollars
(11) New Construction of Homebuyer Units [202(2)]	Units	(23) Self-Determination Program [231-235]	Units/Dollars
Acquisition of Homebuyer Units [202(2)]	Units	(24) Infrastructure to Support Housing [202(2)]	Dollars
		(25) Reserve Accounts [202(9)]	N/A

The IHP & The APR

❖ Section 4: Maintaining 1937 Act, Demolition/Disposition
  ❖ **Purpose: Describe how recipient will maintain 1937 Act units, describe any planned demolition/disposition.**
  ❖ **Statutory/Regulatory Sections:**
  ❖ **§ 102(b)(2)(A)(iv)(I-III)**
  ❖ **Key Contents:**
    ❖Describe how you will maintain & operate 1937 units
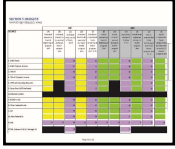   ❖Describe any planned demolition or disposition

The IHP & The APR

❖ Section 5(a): Sources of Funds
  ❖ **Purpose:** Describe recipient's funding <u>sources</u> to be used for housing purposes during coming Program Year
  ❖ **Statutory/Regulatory Sections:** §102(c)(3)(A), §102(c)(3)(B)
  ❖ **Key Contents:**
    ❖ Funds on hand at beginning of year
    ❖ Funds expected to be received during year
    ❖ Anticipated expenditures for each funding source
    ❖ Anticipated unexpended funds for each source at end of year
    ❖ Must include anticipated receipt and use of Program Income
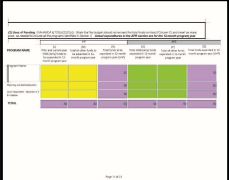
The IHP & The APR

❖ Section 5(b): Uses of Funds
  ❖ **Purpose:** Describe recipient's <u>programs</u> on which funds will be used during the coming year
  ❖ **Statutory/Regulatory Sections:** §102(c)(3)(A), §102(c)(3)(B)
  ❖ **Key Contents:**
    ❖ Prior and current year IHBG funds anticipated to be expended on each program
    ❖ Prior and current year Other funds anticipated to be expended on each program

The IHP & The APR

❖ Section 6: Other Submission Items
  ❖ **Purpose: Describe various required items**
  ❖ **Statutory/Regulatory Sections:** § 1000.142, 1000.108, 1000.120, 1000.302(3), 1000.238
  ❖ **Key Contents:**
    ❖Useful life
    ❖Model activities & over income
    ❖Tribal preference
    ❖Administration
    ❖Expanded formula area

The IHP & The APR

❖ Sections 7 – 9: Certifications
  ❖ <u>**Purpose:**</u> **Provide various required certifications**
  ❖ <u>**Statutory/Regulatory Sections:**</u> *§* **1000.20, 102(c)(5), 102(d), 104(b)**
  ❖ <u>**Key Contents:**</u>
    ❖Compliance
    ❖Tribal certification
    ❖Tribal wage rates
    ❖Self-monitoring

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The IHP & The APR

❖Timeframes for IHP Review
  ❖**60 days for original submission**
  ❖**30 days for amendments**

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The IHP & The APR

❖Critical IHP Review Points:
  ❖<u>**Completeness**</u> **– Are all required elements included?**
  ❖<u>**Eligibility**</u> **– Are all activities eligible affordable housing activities under the Statute?**
  ❖<u>**Consistency**</u> **– Are all Key Sections of the IHP internally consistent in a meaningful way?**

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The IHP & The APR

❖ IHP Revisions
  ❖ Only Required for the following reasons:
  1. Adding a new Activity
  2. Reducing the amount budgeted for Operation and Maintenance of FCAS housing units

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The IHP & The APR

❖ What is the APR?
  ❖ Describes recipient's performance for previous program year
  ❖ Highlights how recipient ensured compliance and financial accountability
  ❖ Provides statistics on unit quality and cost and program outcomes
  ❖ Used by recipient, tribal members and HUD to provide feedback for program performance

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The IHP & The APR

❖ Why is the APR Important?
  ❖ Statutory requirement
  ❖ Public comment
  ❖ Tool to track IHP progress
  ❖ Self-assessment and planning
  ❖ Technical assistance necessary from HUD
  ❖ Public information

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The IHP & The APR

❖Key Sections of the APR
  ❖ **Actual Outcomes and Outputs**
  ❖ **Program Accomplishments**
  ❖ **Budget**
  ❖ **Expanded Formula Area**
  ❖ **Self Monitoring**
  ❖ **Inspections**
  ❖ **Audits**
  ❖ **Public Accountability**
  ❖ **Jobs Supported by NAHASDA**

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The IHP & The APR

❖ Cover Page:
  ❖**Information requested for the APR includes the following:**
    ❖Name of the recipient
    ❖Name and title of person authorized to submit the APR
    ❖Signature of person authorized to submit the APR
    ❖Date of submission

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The IHP & The APR

❖ Reporting on Programs:
  ❖**Purpose: Document the recipient's performance review**
  ❖**Statutory/Regulatory Sections: § 404(a), 404(b)(2), 404(b)(3), 24 CFR 1000.512**
  ❖**Key Components:**
    ❖Accomplishments
    ❖Reasons for delay
    ❖Outputs

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The IHP & The APR

❖ Reporting on the Budget
  ❖ **Describes the actual sources and uses of funds for the 12-month program year**

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The IHP & The APR

❖ Reporting on Other Submission Items:
  ❖ **Purpose: New section where recipient describes expenditure of funds in expanded formula area (not required if recipient does not have an expanded formula area)**
  ❖ **Statutory/Regulatory Sections: 24 CFR 1000.302**
  ❖ **Key Components:**
    ❖Actual expenditures in expanded formula area

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The IHP & The APR

❖Certifications:
  ❖**Purpose: Provide self certification of compliance**
  ❖**Statutory/Regulatory Sections: NAHASDA § 403(b) , 24 CFR § 1000.502)**
  ❖**Key Components:**
    ❖Self-Monitoring

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The IHP & The APR

❖Importance of Self Monitoring:
  ❖**Self Monitoring ensures**
    ❖Compliance with rules and requirements
    ❖Compliance with the Tribe/TDHE's policies and procedures
    ❖Consistency with IHP
    ❖Efficiency
    ❖Effectiveness

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The IHP & The APR

❖Self-Monitoring Requirements:
  ❖**Recipients must**
    ❖Monitor grant activities in accordance with the IHP
    ❖Complete a compliance assessment, including unit inspections
    ❖Develop a corrective action plan to address any areas of noncompliance
    ❖Must include a summary of results and corrective actions in APR

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The IHP & The APR

❖Other Sections:
  ❖**Purpose:** Capture remaining required items.
  ❖**Statutory/Regulatory Sections:** § 403(b), 31 U.S.C. § 7501(a)(4),1000.518, § 101(b)(2)
  ❖**Key Components:**
    ❖Inspections
    ❖Audits
    ❖Public Accountability
    ❖Jobs Supported by NAHASDA
    ❖IHP Waiver Requests

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The IHP & The APR

❖APR Assessment:
  ❖ **On time?**
     Due within 90 days of end of program year
  ❖ **Complete?**
     Sufficient data for review
  ❖ **Accurate?**
     Can you prove what you are reporting?
  ❖ **Progress?**
     Progress on IHP program/performance issues

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The IHP & The APR

❖HUD's Timeline:
  ❖**Receipt of APR**
     ❖60 days to review APR and make
       recommendations in report to recipient
         ❖Carried out eligible activities in a timely manner and
           in accordance with NAHASDA
         ❖Complied with the IHP
         ❖Report is accurate

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Roles & Responsibilities

❖Let's take a look at the Roles &
  Responsibilities of the Executive Director,
  Board of Commissioners and Tribal
  Leadership.

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Roles & Responsibilities

Responsible Parties:

```
                    TRIBE
                      │
              HOUSING BOARD
                      │
            EXECUTIVE DIRECTOR
        ┌─────────────┼─────────────┐
     MANAGER       MANAGER       MANAGER
        │             │             │
    EMPLOYEES     EMPLOYEES     EMPLOYEES
```
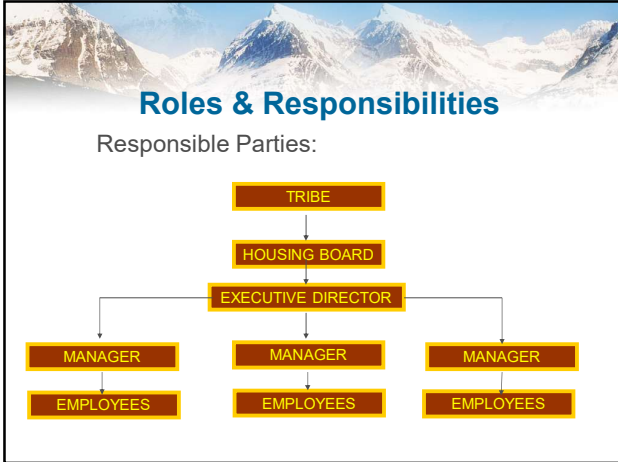
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Roles & Responsibilities

❖ Executive Director – Key roles:

- ❖ **Planning** – setting goals and objectives and deciding how to achieve them
- ❖ **Organizing** – assigning work, allocating resources, coordinating activities
- ❖ **Leading** – directing efforts and spurring enthusiasm to achieve goals
- ❖ **Controlling** – measuring performance, identifying deficiencies, taking corrective action

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Roles & Responsibilities

❖ Executive Director – Planning considerations:

- ❖ **Leveraging - When developing your Indian Housing Plan (IHP),** *contemplate* **funds leveraging,** *consider* **the rules and regulations from other resources (LIHTC, USDA, Sec. 184, etc.) and your staff capacity.**
- ❖ **Debt Service - In applying for other financial resources for leveraging, most agencies will award either grants or loans; Know the difference between grants and loans and plan accordingly for grant performance periods and loan repayments.**
- ❖ **Assets - What does your TDHE or Tribe have as assets? What type of funds are available to supplement affordable housing activities?**
- ❖ **Jobs Creation - What type of jobs will be generated? Does the tribe have the resources and administrative capacity to meet the skills and trades required?**

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Roles & Responsibilities

❖ Executive Director – Organizing:
- ❖ **Roles – general hierarchy**
- ❖ **Divisions of Labor – who does what?**
- ❖ **Reporting Relationships – who is subordinate to whom?**
- ❖ **Communication Channels – how will information flow?**

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Roles & Responsibilities

❖ Executive Director – Leading:
- ❖ **Provide opportunities to ensuring housing staff have access to personal development training.**
- ❖ **Support and enforce Board-approved policies and overall direction.**
- ❖ **Seek Board guidance for policy interpretations and support Board training and attend all board meetings.**
- ❖ **Plan for the future of community/Tribe in providing Affordable housing through strategic planning.**

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Roles & Responsibilities

❖ Executive Director – Controlling:
- ❖ **Controlling = Monitoring**
- ❖ **Measure organizational performance and ensure staff performance evaluations.**
- ❖ **Plan for the future of community/Tribe in providing Affordable housing through strategic planning.**
- ❖ **Performance Tools:**
  - ❖ **Annual Performance Report**
  - ❖ **Annual Compliance Assessment (Self-monitoring)**
  - ❖ **HUD Monitoring Reports**
  - ❖ **Audit Reports**

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Roles & Responsibilities

❖ Board of Commissioners:
  ❖ **Board members are:**
    #1 – Policy Makers
    #2 – Involved in planning
    #3 – Involved in controlling

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Roles & Responsibilities

THE HOUSING BOARD AND THE
EXECUTIVE DIRECTOR MUST
WORK TOGETHER!

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Roles & Responsibilities

❖ Board of Commissioners - #1 Policy Making:
  ❖ **A policy is:**
    ❖ A definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions.
    ❖ A high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body.

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Roles & Responsibilities

❖ Board of Commissioners - #1 Policy making:

Ordinance (Law or Code) VS. Policy

The **ordinance** is the legal foundation enacted by the Tribal Leadership in the establishment of the Housing Program or the Tribally Designated Housing Entity (TDHE). This document provides the purpose and authority of the TDHE or Housing Department including the responsibilities of the Housing Board of Commissioners or Committee. This is the tribal law that governs the housing services thus can only be amended by the Tribal Council.

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Roles & Responsibilities

❖ Board of Commissioners - #1 Policy making:

Ordinance (Law or Code) VS. Policy

Policies are approved by the Housing Board of Commissioners if the housing program is the TDHE. If it is a housing department, depending on what the ordinance stipulates, the Tribal Leadership may review and approve all required housing policies. Policies outline the course of action to guide decisions.

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Roles & Responsibilities

❖ Board of Commissioners - #1 Policy making:
  ❖ **Consider amendments to current policies**
  ❖ **Develop policies for new programs**
  ❖ **Drafts are usually prepared by staff**
  ❖ **Supporting staff in carrying out policies**

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Roles & Responsibilities

❖Board of Commissioners - #2 Planning:
- ❖**Objectives:**
  - ❖Who are we serving (Needs Assessment)
  - ❖What do they need now and in the future
  - ❖What is their income, asset building
  - ❖How much is our budget – IHBG $ and other funds, program income
  - ❖What can we achieve now and in the future – being strategic
- ❖**Will determine programs and services**
- ❖**Jobs created**

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Roles & Responsibilities

❖Board of Commissioners - #2 Planning:
- ❖ **Leveraging**
  - ❖When contemplating leveraging, consider the rules and regulations from other resources (LIHTC, USDA, HUD 184, Etc.)
- ❖ **Debt Service**
  - ❖Know the difference between grants and loans and how this affects your leverage
- ❖ **Assets**
  - ❖What does your TDHE or Tribe have for assets, what type of funds are available to supplement affordable housing activities?
  - ❖Labor and administrative capacity to meet skills and trades required?

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Roles & Responsibilities

❖Board of Commissioners - #3 Controlling:
- ❖**Controlling = Monitoring**
- ❖**Measuring performance**
- ❖**Tools:**
  - ❖Annual Performance Report
  - ❖Annual Compliance Assessment (Self-Monitoring)
  - ❖HUD Monitoring Reports
  - ❖Annual Audits

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Roles & Responsibilities

❖ Board of Commissioners - #3 Controlling:
  - ❖ **Bylaws for the organization**
    - ❖ Created, approved and amended by Board of Commissioners action.
      - ❖ Outline basic rules and include details on:
        - ❖ Name of Organization
        - ❖ Purpose
        - ❖ Members of board
        - ❖ Officers of the board
        - ❖ Meetings
        - ❖ Committees
        - ❖ Parliamentary authority
        - ❖ Amendments

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Roles & Responsibilities

❖ Tribal Leadership Role:
  - ❖ **The Tribal Leadership, by legislation, adopts a Tribal Ordinance (Law or Code) 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 Leadership may amend the ordinances as they deem necessary.**

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Roles & Responsibilities

❖ Tribal Leadership Role:
  - ❖ **Some Tribal Leadership functions include:**
    - ❖ Selection and/or removal of Board of Commissioners.
    - ❖ Empower the Board of Commissioners consistent with Federal rules and Regulations.
    - ❖ Empower the Board of Commissioners to put into place Bylaws.

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Roles & Responsibilities

❖ Politics:
  ❖ **You may face political pressure from the Board of Commissioners or Tribal Leadership relating to:**
    ❖ Admissions
    ❖ Waiting lists
    ❖ Employment and Nepotism
    ❖ Land and construction issues
    ❖ Procurement
  ❖ **How do you cope?**

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Roles & Responsibilities

❖ Ethical Decision Making:
  ❖ **First and foremost:**
    ❖ Do we have a policy on the issue?
    ❖ If so, what does it say?
    ❖ If not, why not and should we put one in place?
    ❖ If the issue is outside current policy, should we change policy, is this a new issue not addressed by current policy?

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Roles & Responsibilities

❖ Ethical Decision Making:
  ❖ **Here are a few tips for making ethical decisions:**
    ❖ Recognize the dilemma
    ❖ Gather all the facts
    ❖ Establish your options
    ❖ Test the option
    ❖ Is it right? Is it Legal? Is it Ethical?
    ❖ Choose your option
    ❖ Ask: "How would I feel if my family finds out? What if this is in the paper?
    ❖ Take appropriate action

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Roles & Responsibilities

❖ Summary of Roles & Responsibilities:
  ❖ **Remember:**
    ❖ The Housing Director is responsible for day-to-day business.
    ❖ Board Members are policy makers and participate in planning and controlling.
    ❖ The Executive Director and the Housing Board must work together.
    ❖ The Executive Director guides the overall direction of the Housing Program.
    ❖ Decisions should be based on factual information.
    ❖ Avoid conflicts of interest.
    ❖ Always choose what is right or good, versus what is wrong or bad.
    ❖ Be prepared to support your positions, but compromise whenever necessary.

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Q & A, Wrap-up

❖ Do you have any questions for comments that you would like to make?

❖ Do we need to revisit any issues briefly before we end the training?

❖ Did I cover the issues you were expecting?

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Thank you for attending

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