

ONAP Training & Technical Assistance
Virtual Sessions
Board of Commissioners Training
 September 6th & 7th | 11:00 AM – 5:00 PM / EST

Presented by Shelly Tucciarelli, Turtle Clan Development Services, LLC

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 U.S. Department of Housing & Urban Development's Office of Native American Programs and the
 National American Indian Housing Council





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Introduction

Shelly J. Tucciarelli

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

Getting to Know You

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

- Name & Tribe or Organization
- Are you currently serving on the Board of Commissioners or Directors

Course Description

Your Housing department, nonprofit organizations and many other incorporated entities are required to have a Board of Commissioners or Directors and regulations require that all organizations are accountable to their constituents, so understanding their roles and responsibilities is a very important function. This session will give an overview of what is entrusted and expected of a board.

OBJECTIVE OF TRAINING

Understanding the basics for Board of Directors:

- Indian Housing - Past & Present
 - Native American Housing Assistance and Self-Determination Act (NAHASDA) Objectives
 - The Housing Board's Role & Functions
 - Vision and Mission Statement
- Policy Making, Planning –The Indian Housing Plan (IHP), Controlling – Annual Performance Report (APR), Compliance Assessment and Audit, Leading – Ethical Issues, Conflict of Interest, Organizing – Conducting Business – Bylaws, Duties of Officers, Grievance, Meetings, Agendas, Resolutions Minutes, and Committees
- Strategic Planning

Agenda – Day 1

- Day One
- Introduction and Course Overview
- Indian Housing – Past & Present- NAHASDA Objectives
- Housing Board's Role & Function
- Mission and Vision Statement
- Organizational Structure and Management Functions
- First Break
- Breakout Session – What Makes a Good Board Member?
- Lunch
- Policy Making
- Board Member Responsibilities & Role of Tribal Council
- Policy – Versus – Ordinance
- Second Break
- Board Work vs Director's Work & Breakout session
- Planning
- Board Retreat
- Review, Questions & Wrap Up
- End of Day One

House Keeping

- Everyone will be muted until we go into the Break out rooms.
- Use the Chat room for any questions
- Everyone will get a copy of the powerpoint presentation

Indian Housing – Past

Indian Housing Past – The History of Indian Housing

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



Indian Housing — Past

Indian Housing Past

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

Indian Housing — Past

Indian Housing Past

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

Indian Housing — Past



The Kennedy Vow

1960-John F. Kennedy visited The Pine Ridge Reservation

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

Indian Housing — PAST

Indian Housing Past - 1961

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

Two Changes to Housing in Indian country

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

Indian Housing — Past

Self-Help or Mutual Help Programs

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

Indian Housing — Past & Present

Indian Housing Present – Problems Encountered

Some Issues Include:

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

Indian Housing — Past

The Federal Government’s Response to the Problems

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

Indian Housing — Past

Two Major Changes

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



Indian Housing — Past

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

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

Indian Housing — Past

Housing and Urban Development Act of 1968

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

Indian Housing — Past

Logistical Challenges

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

The HUD guidelines and directed housing programs did not work

Indian Housing — Past

Government Accounting Office (GAO)

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

Indian Housing — Past

Developing Housing in Indian Country

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

Indian Housing — Past

Decade of Survival

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

Indian Housing — Past

The Section 8 Housing Program

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

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

Indian Housing — Past

Indian Housing Act of 1988

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

Indian Housing — Present

Indian Housing Present – NAHASDA

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

NAHASDA OBJECTIVES

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

NAHASDA Requirements

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

Indian Housing – Present

NAHASDA Key Points

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

NAHASDA: Eligible Affordable Housing Activities

NAHASDA: Eligible Affordable Housing Activities

- Areas of Eligible Affordable Housing Activities are:
- 1) Indian Housing Assistance
 - 2) Development
 - 3) Housing Services
 - 4) Housing Management Services
 - 5) Crime Prevention & Safety Activities
 - 6) Model Activities

Break

- 10 Minute Break

Tribal Housing Mission and Vision Statement

What is a Mission and Vision Statement – Very important for your housing program

- These two statements do distinctly different jobs

Mission Statements

- Defines your tribal housing's purpose and objectives
- Set in present tense
- Explains why you exist
- Should be short, clear and powerful

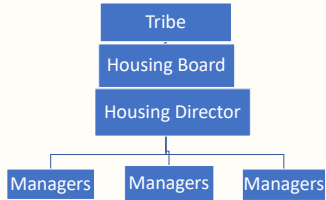
Vision Statements

- Also defines your organization's purpose
- Focuses on goals and aspirations
- Should be uplifting and inspiring and timeless

Housing Board's Roles & Function

- Who are the Responsible Parties – the Organizational Structure
 - Tribe/Tribal Council
 - Housing Board of Commissioner or Directors
 - Housing Director
 - Managers
 - Employees

Organizational Structure – Sample Organization Chart Typical Housing Program



Organization Structure

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

Board Structure

Structure – both of the board as a whole and of individual board meetings – is an important part of an efficient and successful housing board.

There are some general principles that each board should keep in mind:

Is your board too big?

Is your board too small?

Board Structure

Is your Board too Big?

- Struggle with meaningful engagement with all members
- Difficult to effectively discuss important issues and make decisions
- May have an executive committee that is too powerful

Board Structure

Is your Board too Small?

- Not enough external perspectives
- Does not enable the organization to reach important networks to help provide advocacy, fundraising, and collaboration
- Not enough to have effective committees
- Not enough for a well-structured and planned board meetings

Break-out Session

- What makes a Good Housing Board Member?
- Are you on any boards or commission?
- Pick one person to write it down during your discussion
- Let's take about 20 minutes to get to know each other and discuss what makes a good board member.
- Will need one volunteer to tell everyone what you talked about and what answers you came up with during the break out session.

Management/Board Functions

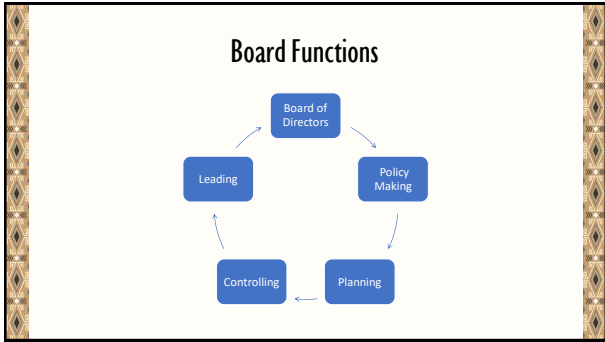
- Policy Making – development of certain policies to govern your housing program
- Planning – setting goals and objectives (Indian Housing Plan)
- Organizing – assigning work, resources and activities
- Leading – directing efforts, enthusiasm to work hard, ethical issues, conflict of interest
- Controlling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

Management Functions



Director/Board Functions

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



Very Important

The Housing Board and the Housing Director **MUST** work together.

BREAK FOR LUNCH

LUNCH for 1 Hour

Board Role 1 – Policy Making

The major function of the Housing Board is Policy Making.

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

BOD - Policy

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

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

REQUIRED POLICIES

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

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

Section 207 of the statute requires the adoption of:

- Tenant and Homebuyer Selection Policies

Other Policies

Other Housing Program policies:

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

Board Member Responsibilities

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

Board Involvement

- Consider amendments to current policies
 - Develop policies for new programs
 - Drafts are usually prepared by staff
 - Supporting staff in carrying out policies
- Does anyone have any new COVID policies that have been put in place? Tell us or put it in the Chat box.

Role of the Tribal Council

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

Role of Tribal Council (Cont.)

Some Tribal Council functions include:

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

Break -10 minutes

Policy -Versus- Ordinance

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

POLICY

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

BREAK-OUT SESSION

- **BOARD MEMBERS WORK -VERSUS- HOUSING DIRECTOR'S WORK**
 - FIRST – LET EVERYONE INTRODUCE THEMSELVEWHERE THEY ARE FROM AND WHAT TRIBE OR ORGANIZATION THEY REPRESENT
- **SELECT ONE PERSON TO WRITE DOWN 2-3 RESPONSIBITIES OF THE BOARD AND 2-3 RESPONSIBILITIES OF THE HOUSING DIRECTOR**
 - AFTER THE BREAKOUT SESSION IS OVER –THE ONE PERSON SELECTED TELL EVERYONE YOUR ANSWERS

Planning

Second function of the board is Planning.

Planning involves setting goals and objectives and deciding how they will be achieved.

- Standing plans
 - Policies used over and over again
- Short-range plans
 - Covers a period of one year
- Long-range plans
 - Covers three, five or ten years

Indian Housing Plan (IHP)

- Recipient must prepare and submit to HUD:
 - Indian Housing Plan/Annual Performance Report
- Within 75 days of program year beginning
- HUD has a 60 day review period to determine compliance

Indian Housing Plan (IHP) cont'd

- IHP on template for each grant year
- Housing Director and staff prepare plan
- Board may be involved, will approve
 - Focus on 1-year goals & objectives
- Plan can be amended

IHP - Planning Considerations - One-Year Plan

- Housing Needs -Who are we serving (needs assessment)
- Program Descriptions – What they need now and in the future
- Maintaining the 1937 Act Units
- Budgets - How much is our budget - IHBG \$ and other funds, program income
- Certifications
- Self Monitoring
- Inspections
- Audits
- Public Accountability – IHP, Policies and APR – Available to general public
- Job Created by NAHASDA – Jobs created by projects and programs
- Waiver Request

Tribal Certifications

- Tribal Certification – when recipient is a TDHE:
- Must accompany IHP and any amendments
- Tribal government certifies that:
 - It has reviewed the IHP and authorizes TDHE to submit, or
 - The TDHE has been delegated the authority to prepare and submit IHP and amendments without prior review by the tribe

Standard Certifications

- Certification of Compliance
- Civil Rights Act of 1968
- Insurance is maintained for units owned, operated, or assisted with grant funds
- Required policies are in effect and available for review

Environmental Review Certification

- Tribe to assume responsibility to complete environmental reviews
- Request HUD to be responsible for review
- Work in conjunction with HUD to complete review

Planning & Evaluating Use of IHBG Funds

- Indian Housing Plan (IHP)
 - Identifies activities that IHBG funds will be spent on in a given year
- Annual Performance Report (APR)
 - Method for reporting accomplishments

What are the eligible affordable housing activities?

- 1. **Indian Housing Assistance** - Modernization and Operating Assistance for 1937 Act (Low Rent and Mutual-Help) units. Operating assistance includes maintenance and rent or utility subsidies.
- 2. **Development** - Acquisition, new construction, reconstruction, or rehabilitation for affordable housing.
- 3. **Housing Services** - Housing related services such as: counseling, resident organizations, self-sufficiency programs, homeless prevention, and youth activities.
- 4. **Housing Management Services** - Preparing work specifications, processing loans, inspections, tenant selection, managing tenant-based rental assistance, and management of other housing projects.
- 5. **Crime Prevention & Safety Activities** - Security enhancements, such as fencing, speed bumps, monitors, locks, lighting, security personnel, and security equipment.
- 6. **Model Activities** - These are activities that require HUD approval and include: construction of an office, warehouse, day care center, community facility, or college housing.
- 7. Housing programs can also use IHBG funds for Administrative & Planning Expenses. The regulations state that no more than 20% of the grant amount can be used for these expenses. If a higher percentage is requested, HUD approval is required.

Breakout Session

- What are a few projects or programs that you have in your Indian Housing Plan for this year or what are you planning for next year?
- Pick one person to discuss with the group.

Board Retreats

Five Keys to a successful Board Retreat

- 1.) The "WHY" is clear and strategic.
- 2.) Each board member feels a sense of ownership of the success of the retreat.
- 3.) The work must come to life at the retreat.
- 4.) The staff must authentically engage and value the input and insights of the board member.
- 5.) The board should leave feeling a real sense of camaraderie wit fellow board members.

Agenda – Day 2

Day Two

- Controlling
- Break
- SWOT Analysis – Break Out Session
- Lunch
- Strategic Planning Guest Speak – Brandi Liberty – Owner Heroda Bikax'e – Morningstar Consulting
- Leading, Procurement
- Ethical Issues/Conflict of Interest
- Ethical Issues/Conflict of Interest -Breakout Session
- Mitigation Measures
- Break
- Officers and Duties
- Board meetings
- Questions
- End of the course

Questions?

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

THANK YOU EVERYONE!

- See at tomorrow's session
