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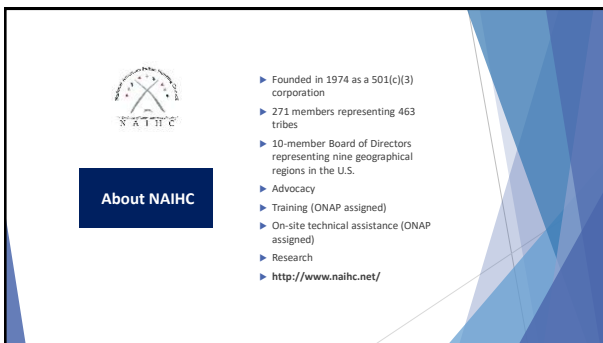
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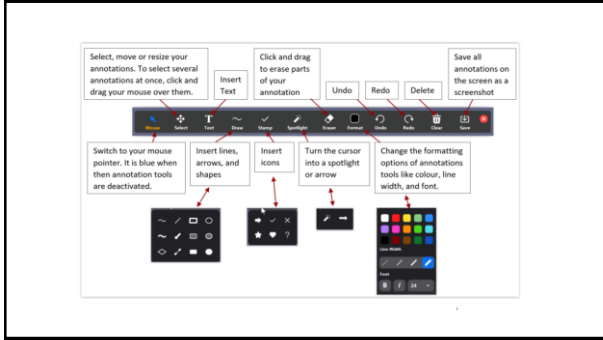
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**HOW LONG HAVE YOU BEEN WORKING IN HOUSING?**

- Zero to 6 months
- 7 to 12 months
- 1 to 3 years
- 4 to 5 years
- 6 to 10 years
- 10 years +

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**Poll: I work as a . . .**

Executive Director	
Board or Council Member	
Occupancy	
Housing Counselor	
Maintenance/Construction	
Finance	
ONAP Rep	
Planner	

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**Poll: How many policies have you participated in writing?**

➤ 1

2 to 3

➤ 4 to 6

➤ Greater than 6

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**Poll: I want to learn about \_\_\_\_\_. Select all that apply**

- A. NAHASDA Requirements
- B. Policies versus Procedures
- C. 2 CFR Part 200 Requirements
- D. Components of a Policy
- E. Writing Tips
- F. Sample Policies
- G. I don't know.

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## Developing Policies and Procedures

- Policies and procedures are based on two fundamental premises:
  - Tribes/TDHE's exist to make the world operate differently than it would if they did not exist.
  - It takes a good working knowledge of tribal/TDHE housing programs and the people being served along with practice and critiquing by others for a person to become an effective policy writer.

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## Another Understanding of How Policies and Procedures Work?

**Official Policy:** A written statement of program direction and intent that is adopted by majority vote of each tribe's/TDHE's governing body and appears in the governing body's official minutes.

**Actual Policy:** program direction as actually practiced.

**Effective Policy:** one that works.

**Effective Procedures:** a set of specific, detailed and sequential steps that, when followed, cause the governing body's desired policy consequences to occur.

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### Which Policies Are Required by NAHASDA?

	NAHASDA	RECIPIENT
RECERTIFICATION		RECIPIENT
SELECTION	NAHASDA	
GRIEVANCE		RECIPIENT
MAINTENANCE	NAHASDA	
COLLECTIONS		RECIPIENT
ADMISSIONS	NAHASDA	
CALCULATION OF HOUSE PAYMENTS	NAHASDA	
CRIMINAL BACKGROUND CHECK		RECIPIENT
PROCUREMENT	NAHASDA	
TRAVEL		RECIPIENT
WRITTEN WAITING LIST	NAHASDA	

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### Purpose of Policies:

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Ensure	Ensure that all housing staff do things the same way, thus promoting consistency and fairness while also minimizing the potential for disputes or legal actions
Provide	Provide a foundation for sound management and supervision
Provide	Provide a basis for auditor justification
Ensure	Ensure transparency

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### Public Law 93-638



- ▶ The Indian Self-Determination and Education Assistance Act (ISDEAA) in 1975, Declares that the Congress recognizes a Federal obligation to be responsive to the principle of self-determination through Indian involvement, participation, and direction of educational and service programs.
- ▶ Delegated authority to Indian tribes to provide their own services created by the federal trust responsibility.
- ▶ The Act defined the term "Indian tribe" to include "any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act [43 U.S.C.A. §§ 1601 et seq.] which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians." As of 1993, only applies to Alaska tribes.

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### What are the Objectives of NAHASDA?

- Assist and promote affordable housing
- Better access to mortgage markets
- Promote self-sufficiency
- Plan and integrate infrastructure
- To promote the private capital markets

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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

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### Key Regulations

§1000.10 - Definitions	§1000.101 - Affordable housing
§1000.12 - Nondiscrimination	§1000.102 - Eligible affordable housing activities
§1000.14 - Relocation & real property acquisition	§1000.103 - Tenant/project-based rental assistance
§1000.18 - Environmental review requirements	§1000.104 - Eligible families
§1000.26 - Administrative requirements	§1000.106-108 - Families requiring HUD approval
§1000.30-34 - Conflict of interest	§1000.110 - Conditions for non-low-income Indian families participation
§1000.36 - Records retention	§1000.120 - Tribal Indian preference or tribal preference in selecting families for housing

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### What Other Laws, Regulations Impact Our Policies

-  Uniform Administrative Requirements 2 CFR Part 200
-  Alaska Uniform Residential Landlord and Tenant Act
-  American Disabilities Act
-  Generally Accepted Accounting Principals
-  Uniform Relocation Act

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**Uniform Administrative Requirements  
2 CFR PART 200**

- ▶ Management systems
  - ▶ Written policies
  - ▶ Written procedures
- ▶ Insurance
- ▶ Drug-Free Workplace
- ▶ Procurement
- ▶ Reporting & recordkeeping
- ▶ Conflict of interest
- ▶ Audit
- ▶ Allowable, unallowable costs




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**Compliance  
Criteria  
Citations**

- Admissions and Occupancy (24 CFR §§1000.104-.110, 1000.120, 1000.124-.156, NAHASDA Sec. 203(a)(1))
- Management/Personnel (2 CFR Part 200)
- Maintenance (NAHASDA Sec. 203 (b) and 203 (e))
- Travel (2 CFR §200.474)
- Procurement (2 CFR §§200.317-326, 24 CFR §1000.26)
- Real Property Acquisition (24 CFR §1000.14, 49 CFR Part 24)
- Relocation (24 CFR §1000.14, 49 CFR Part 24)
- Conflict of interest (24 CFR §§1000.30-36) (2 CFR Part 200.318)

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**Compliance  
Criteria  
Citations**

- ◆ Indian Preference (24 CFR §§1000.48-.54)
- ◆ Labor standards (24 CFR §§1000.16)
- ◆ Environmental clearance (24 CFR §§1000.18-.24, 24 CFR Part 58)
- ◆ Lead based paint (24 CFR §1000.40, Section 302 of the Lead based Paint Poisoning Prevention Act)
- ◆ Accessibility (24 CFR §1000.12, 24 CFR Part 8, Section 504 of the Rehabilitation Act of 1973)
- ◆ Flood Insurance (24 CFR §1000.38)

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## PIH NOTICES AND NAHASDA GUIDANCE

- ▣ PIH Notices
- ▣ Program Guidance
- ▣ Sources:
  - ▣ <https://www.hud.gov/codetalk> and click on either "PIH Notices" or "Program Guidance"

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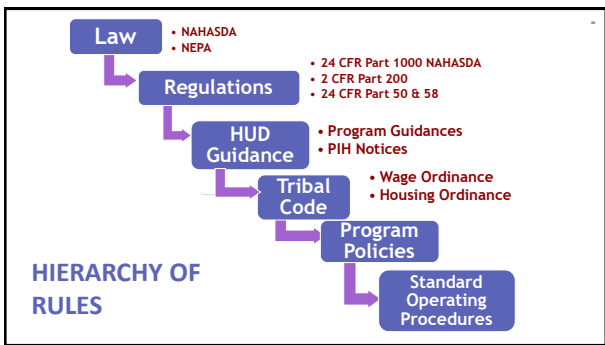
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## NAHASDA Policy Concerns

IDENTIFY POLICIES YOU WILL NEED TO CREATE

USE THE WHITEBOARD

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# POLICIES VS PROCEDURES

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## What is a Procedure?

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

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

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## Why are Procedures Necessary?

A good set of written procedures increases the likelihood that programs will be:

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

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### Policies and Procedures Compared

- Policies
  - Set of principles, rules, and guidelines formulated by an organization
- Procedures
  - Series of steps followed in a regular definite order

Policies	Procedures
Have widespread application	Have a narrower focus
Are non-negotiable, change infrequently	Are subject to change and continuous improvement
Are expressed in broad terms	Are a more detailed description of activities
Are statements of what and/or why	Are statements of how, when and/or who & sometimes what
Answer major operational issues	Detail a process

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### Policy or Procedure?



**Admission and Occupancy Policy Application Process**

Policy: "Families must submit a completed application before they can be determined eligible for placement on a waiting list."  
Procedure: "Upon receiving a completed application, the Clerk must set up a file."



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

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

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### Policy or Procedure

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

"Move-Out inspections must be conducted by the staff within 48 hours."

"The tenant will be notified by staff that there might be charges for repairs, which will be added to the new unit bill as additional rent."

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**POLL**

► What is the primary difference between policies and procedures?

- A. Nothing
- B. Policies are guiding principles, procedures are a series of steps
- C. Policies are localized, procedures are universal
- D. Policies are easily changed; procedures require approval from a governing body
- E. Policies are specific, procedures are generalized

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

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**ACTIVITY: Policy or Procedure**

1. POLICY	"Inspections must be documented using a comprehensive inspection form."
2. PROCEDURE	"Usually, we use two people to conduct a Move-In inspection."
3. POLICY	"Non-Low-Income families will pay more than low-income families . This applies to initial and continued occupancy."
4. PROCEDURE	"Green file labels will be typed by the receptionist and affixed to the file folder."

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**PROJECTS VS PROGRAM**

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### What is a Project?

- A **project** is “a temporary endeavor undertaken to create a unique product, service, or result”\*
- Operations is work done to sustain the business
- Projects end when their objectives have been reached, or the project has been terminated

\*Project Management Institute, Inc., A Guide to the Project Management Body of Knowledge (PMBOK® Guide, Fifth Edition) (2012).

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### Project Examples

- Rehabilitation of 60 owner-occupied units in need of major energy improvements;
- Construction of a rental housing subdivision;
- Construct a community center
- Identify a site to construct a 20-unit low-income senior citizen facility



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### What is a Program?

A **program** is:

- “A group of related projects managed in a coordinated way to obtain benefits and control not available from managing them individually”\*
- A **program manager** provides leadership and direction for the project managers heading the projects within the program

\*Project Management Institute, Inc., A Guide to the Project Management Body of Knowledge (PMBOK® Guide, Fifth Edition) (2012)

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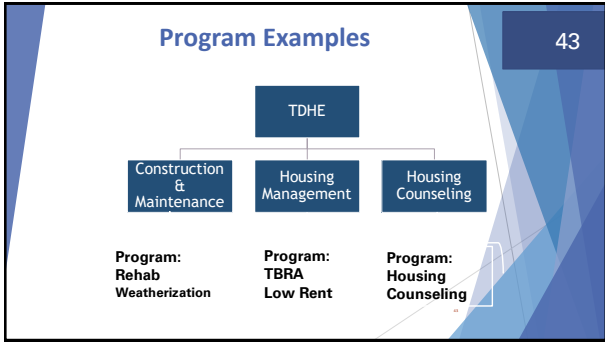
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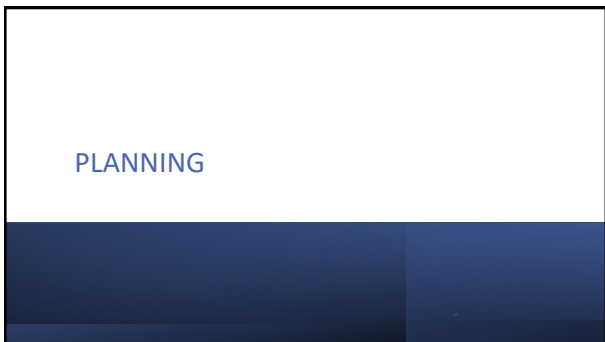
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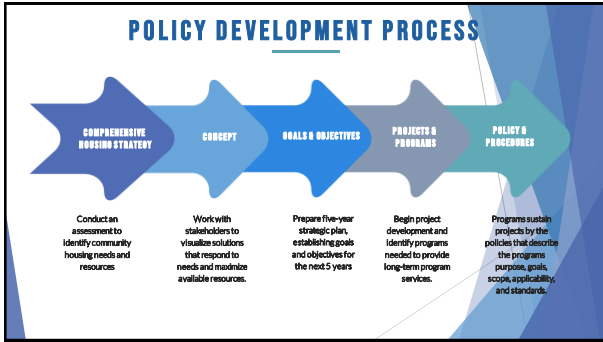
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### Analyze Housing Market Conditions

- Inventory
- Affordability
- Housing Preferences
- Demographics
- Housing Rehab Needs
- New Construction Needs
- Cost Burden
- Access to Financing
- Creditworthiness
- Financial Resources
- Turnover Rates
- Recent Sales

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### Who Are We Serving?


**Mandated NAHASDA Eligibility Requirements**



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



Must be a Native American family (special exception applies)



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What are We Going to Do?

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- Indian housing assistance
- Development
- Housing Services
- Housing Management Services
- Crime Prevention & Safety
- Model Activities
- Administrative and planning expenses

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WHAT PROGRAMS DO YOU HAVE?  
WHAT PROGRAMS DO YOU NEED?

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HOW MANY PROGRAMS DOES THIS RECIPIENT OPERATE???

This TDHE has 160 units of CAS for which they have budgeted \$650,00 of IHBG FUNDS for 2015. They have a tremendous need for land and affordable housing. Consequently, they have initiated a comprehensive housing counseling program in addition to down payment assistance. IHBG funds in the amount of \$230,000 will support the housing counseling program which will be matched with ICDBG funds of \$50,000 for maintenance counseling. Down payment assistance is capped at \$10,000 per qualified family and is funded at \$100,000 IHBG funds.

Land acquisition is necessary to enable construction of 10 rental units for low-income families. The TRIBE has committed \$100,000 towards the acquisition of individual allotted trust property which has access to all infrastructure. \$460,000 of IHBG funds will be used to cover all pre-development costs and earthwork for streets and subdivision layout for the proposed 10 rental detached homes.

There are many families who want to become homeowners and the TDHE has been meeting this need through its IDA program using \$50,000 IHBG funds.

The TDHE will address rehab needs with ICDBG funds of \$400,000 matched with IHBG funds of \$185,000. ICDBG IN THE amount of \$50,000 will support the maintenance counseling efforts.

Many of our families have students needing housing assistance while they attend college. We have pledged \$100,000 of IHBG funds towards this effort. Admin and planning costs are budgeted at \$175,000 of IHBG FUNDS.

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List the Programs

PROGRAMS	PROGRAMS
1	5
2	6
3	7
4	8

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PREPARING TO  
▶ CREATE POLICIES

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Policies are written in **clear, concise, simple language.**

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

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

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

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### Level of Detail

- General rule is that the level of detail must be both sufficient and appropriate for your audience and your subject.
- Sufficient usually means the right type of information and the right amount of it.
- Appropriate usually means fitting for the topic and the audience.

- Does it give the user sufficient information to complete the required action?  
 Yes  No
- Does it provide sufficient information to guide the user in exercising good judgment and discretion?  
 Yes  No
- Is the information of the right type, considering both subject and audience?  
 Yes  No
- With this information, can the audience do what we want them to do?  
 Yes  No
- Is the level of detail appropriate to the subject? (An ethics policy may not need the same detail as an inventory procedure.)  
 Yes  No
- Is the level of detail appropriate to the type of audience—its experience, knowledge, and size (e.g., novice versus expert, customers versus employees)?  
 Yes  No
- How comfortable is the audience with the subject?  
 Very  Somewhat  Little  Not at all

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### Essential Components

**Clear Title:** Use as few words as possible and ensure that users at any reading level can understand.

**Brief Description of the Policy:** A description or introduction orients users to the scope and purpose of the policy.

**Key Dates:** Dates include the approval date of the original document, the annual review date, and the latest version date. Dates are important for tracking versions around legislative and other updates.

**Policy Purpose:** The purpose describes why the policy exists. This includes such concerns as legal and regulatory needs and problems or conflicts a policy aims to avoid.

**Policy Statement:** The core of the document and usually the lengthiest part. The policy statements specify the main audience for the policy, conditions and restrictions for applying the policy, expectations, and exclusions.

**Scope:** This concerns the breadth and complexity of your program.

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### Alternative Structure

- ▶ **History:** Knowing the history is useful for understanding changes.
- ▶ **Scope:** Describes the extent to which services are offered by the program policy.
- ▶ **Responsibilities or Responsible Party:** Indicate what role, department, or group must maintain the policy. Alternatively, for some policies governed by regulations, this section lists roles responsible for executing the policy.
- ▶ **Compliance:** Identifies key legal/regulatory authorities guiding policy development.
- ▶ **Definitions:** Describe key terms, jargon, or ambiguous terms. Always explain key terms in a separate definitions section or at first mention in the text of your policy or procedure to ensure that everyone has the same understanding of terms. Definitions are particularly important for terms that may have multiple meanings.
- ▶ **Related Documents:** Attach other policies, regulatory documents, forms, and guidelines for reference.

Identify 3 other related documents to reference A&O policy.

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### POLICY (TEMPLATE) 62

- Policy Statement
- Purpose of the Policy
- Authorization
- Applicable Laws, Regulations, Resources
- Jurisdiction
- Applicability – Who does this policy apply to?
- The Policy

Policy Name:					
Section #:	Section Title:	Adapted:	Date:	Formerly Book:	
Resolution # Approval:		Original:	Date:	Modification:	Date:
Responsible Executive:					

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### Template for Policy Development

- ▶ **Policy:** [What is the mission or standard that this SOP procedure must meet?]
  - ▶ **PROVIDE GUIDELINES FOR THE APPLICATION PROCESS**
- ▶ **Purpose:** [What is the rationale of this SOP procedure?]
- ▶ **Scope:** [What areas of the company are affected by this SOP procedure?]
- ▶ **Responsibilities:**
  - ▶ [Who is listed in this SOP procedure and what are they required to do?]
  - ▶ [Who else is listed in this procedure and what are they required to do?]
  - ▶ [Who else is listed in this procedure and what are they required to do?]
- ▶ **Definitions:** [What words are used in this procedure that readers may not understand?]
  - ▶ [What other words are used that readers may not understand?]

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## Applying for Funding

Make sure you identify funders whose goals and objectives are consistent with your mission and goals.

► Know your funders' requirements

Purpose	Management Capacity
Geographic location	Facilities
Prerequisites	Prerequisites
Time frame	Financial Stability
Non-profit status	Track record
Income	Matching Funds

**JUST BECAUSE THE MONEY IS THERE, IT MIGHT WORK FOR YOU.**

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## Template for Writing Procedures:

**1.0 [FIRST PREPARATORY ACTIVITY - PLAN]**

1. [Who performs the first step of the activity and what do they do?]
2. [Who performs the second step of the activity and what do they do?]
3. [etc...]

**2.0 [SECOND ACTIVITY - DO]**

1. [Who performs the first step of the activity and what do they do?]
  - [Use bullets to improve readability]
  - [Use bullets to improve readability]
2. [Who performs the second step of the activity and what do they do?]
  - [Use bullets to improve readability]
  - [Use bullets to improve readability]

[NOTE]: point out key elements. What forms are needed to capture what data?

3. [etc...]

**3.0 [THIRD ACTIVITY - CHECK]**

- 3.1 [Who performs the first step of the activity and what do they do?]
- 3.2 [Who performs the second step of the activity and what do they do?]

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## Calculating Readability in Procedures

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► Gunning Fog Index helps determine the approximate reading level of a document.

► Use the Gunning Fog Index to minimize the number of actions per step in a procedure.

► Basic Rule: One action per step.

**Steps:**

1. Count the number of steps in the procedure.
2. Count the number of action verbs in the procedure.
3. Divide the number of action verbs by the number of steps.
4. If the number in step 3 is higher than 1.5, check the steps to see if they can be broken down further.

**Example:**

1. after locating parts A and B, insert B into A.
2. While turning the handle to the left, tighten the screw.

**Calculations:**

Number of steps = 2  
 Number of action verbs = 4  
 $4 / 2 = 2$  - TOO HIGH! MINIMIZE THE ACTIONS!

**Example:**

1. locate parts A and B.
2. insert B into A.
3. Turn the handle to the left.
4. Tighten the screw.

**Calculations:**

Number of steps = 4  
 Number of action verbs = 4  
 $4 / 4 = 1$  - JUST RIGHT!!!

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### Policy and Procedure Vocabulary

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- Action verbs that are common in policies and procedures.
- Be sure to use simple, honest verbs.
- Choose words that are one to two syllables long – don't be complicated.
- Consistency is just as important as simplicity.

accept	distribute	maintain	restrict
add	discourage	make	revise
approve	enforce	measure	rotate
ask	enter	notify	schedule
assist	evaluate	obtain	select
attach	examine	open	send
buy	explain	operate	separate
check	fax	participate	serve
claim	file	pay	show
close	fill out	place	sign
complete	finish	plan	sort
connect	follow up	prepare	start
conserve	forward	provide	submit
contact	gather	prove	test
contract	give	pull	tighten
control	help	purchase	total
correct	hold	push	transfer
decide	inspect	read	turn
delete	issue	receive	use
deliver	install	record	validate
describe	interview	reject	verify
detach	keep	release	wait
determine	list	remove	weigh
develop	mail	repeat	withdraw
discuss		request	write

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### Tribe/TDHE Mission Statement

- Understand the mission: What is the organization seeking to accomplish?
- Mission statements are not definitions of goals and objectives.
- Before developing goals, procedures, and policies; an organization must understand their mission.
- A mission statement is required as part of the comprehensive Indian Housing Plan (IHP).

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### Goals and Objectives

- Statement of development goals and priorities is required as part of a comprehensive housing strategy.
- Goals and objectives should reflect the housing strategy planned.
- How and when do we get to writing policies???

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**POLL: Which is the best example of a mission statement?**

- A. Goals : "Be the Number 1 seller"
- B. Procedures: "File applicant forms after applicant submission"
- C. Objectives: "Complete Task A before moving on to Task B"
- D. Policies: "Organize TDHE waiting list based on priority score"
- E. Accomplish: "Provide housing assistance and opportunities" for self- sufficiency

**Accomplish: "Provide housing assistance and opportunity"**

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**POLL: Select a typical goal from the list below:**

- A. Outreach and education for families in need of housing
- B. Development of a cooperative relationship with local business and organizations
- C. Sound and professional management of the TDHE to ensure the viability of all housing programs
- D. Perform activities that meet the needs of the community
- E. All of the above

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**POLICY CONSIDERATIONS**

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### Starting to Develop Your Policy

INTRODUCTION, BACKGROUND

- ▶ SECTION 1: PURPOSE
- ▶ SECTION 2: SCOPE
- ▶ SECTION 3: APPLICABILITY
- ▶ SECTION 4:
  - ▶ A. Jurisdiction
  - ▶ B. Laws and Regulations
  - ▶ C. Funding Availability
  - ▶ D. Policies
- ▶ SECTION 4: AMENDMENTS
- ▶ SECTION 5: SERVICE AREA
- ▶ SECTION 6: DEFINITIONS

Use one or the other or both.

What is the purpose of your program?

Describe the breath and complexity of your program.

Describe the groups of persons who must comply with the specific policy and other applicable policies.

Describe the funding sources' laws and regulations, tribal jurisdiction, law enforcement services, and applicable tribal codes.

SECTIONS 4-6 should describe who has authorization to make amendments, the Indian area where services will be provided, and any definitions for program specific terms.

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### Background

On March 11, 2021, President Biden signed the American Rescue Plan (ARP) into law. It authorizes funding through the IHBG program to assist Recipients in assisting individuals, families, and communities affected by COVID-19. The IHBG-ARP funds seek to prevent, prepare for, and respond to coronavirus, including to maintain normal operations and fund eligible affordable housing activities under NAHASDA, as amended, during the period that the program is impacted by coronavirus. IHBG-ARP funds may also be used, as necessary, to cover or reimburse allowable costs to prevent, prepare for, and respond to coronavirus that are incurred by the Kenaitze/Salamatof Tribally Designated Housing Entity (K/S TDHE), including for costs incurred after January 21, 2020.

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### Purpose

Policies have been prepared to provide direction to staff for admission of applicants into the housing program and for administering the requirements governing their occupancy

### Purpose

The governing body of the (NAME OF TDHE/TRIBE) recognize the need to develop a program that provides assistance to low income tribal members whose needs cannot be met through the existing housing programs. This program is created to supplement existing (NAME OF TDHE/TRIBE) housing stock by providing rental assistance to eligible families. (NAME OF TDHE/TRIBE) will implement the Rental Assistance Program in a manner consistent with the overall mission of the (NAME OF TDHE/TRIBE).

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### Program Goals

This policy seeks to work with individuals that suffer from hoarding tendencies, and to provide those individuals exhibiting a need, with reasonable accommodations. Hoarding issues will be addressed in a respectful, consistent, and timely manner utilizing a multi-disciplinary approach to ensure maintaining tenancy, preserving housing units, and ensuring an environment that is conducive to a high quality of life for all tenants.

### Program Goals

The Lease with Option to Purchase Program seeks to respond to the following goals:

- To promote affordable homeownership opportunities for those low-income enrolled members who need assistance in qualifying for mortgage financing..
- To provide homeownership opportunities for low-income enrolled members to better access the private mortgage market for homeownership on tribal trust property.
- To promote self-sufficiency of tribal members.

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### Scope

This Emergency Rental Assistance Program Policy ("Policy") shall govern the Colville Indian Housing Authority's ("CIHA") COVID-19 Emergency Rental Assistance Program ("ERA Program") and the expenditure and management of the Emergency Rental Assistance Funds ("ERA Program Funds") received from the U.S. Treasury pursuant to Section 501 of Division N of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020) ("Section 501").

The Emergency Housing Assistance Program (EHAP) Policy establishes guidelines for administration and delivery of housing costs assistance designed to prevent homelessness by assisting households that have had a substantial reduction in income or became unemployed due to circumstances beyond their control. This policy provides direction for DHHL NAHASDA staff or a service provider to administer and manage the EAP. Units occupied or selected by recipients must be located within the State of Hawaii and comply with UPS property standards. Additionally, the DHHL Rental Assistance Program Policy shall apply as applicable to emergency rental assistance. Eligible assistance: Mortgage assistance, rental payment, pay directly to lender, utilities. Online education connection, pay to establish a connection.

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### Who is in Charge?

#### TDHE Designation

- ▶ ANY TRIBE is empowered as the tribally designated entity (TDHE) to develop and manage housing for the following member tribes: Guidiville Rancheria, Hopland Band of Pomo Indians, Tyme-Maidu Tribe of Berry Creek Rancheria, Mooretown Rancheria of Maidu Indians, Manchester Point Arena Band of Pomo Indians, Sherwood Valley Band of Pomo Indians, and Little River Band of Pomo Indians.

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### Applicability of Tribal Code

Applicants as well as occupants are required to adhere to the Coeur d'Alene Tribal Code and other applicable laws with regard to their personal conduct when it impacts their housing obligations and the rights of others. Participants in this program agree to adhere to the following covenants as long as they reside on the premises as a renter and/or subsequently as a homeowner.

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### Laws and Customs of the ANY Tribe

▶ The laws and customs of the ANY TRIBE applies to the programs operated by the ANY TRIBE. Non-Indian and non-member spouses may join in the application process and have their income considered; however, the non-Indian or non-member spouse cannot be the beneficiary or remain in possession of the unit without the qualifying tribal member. The parties or the Courts may not allow the non-Indian or other non-member Native spouse to remain in possession of the unit in the event of divorce or death unless they qualify per the application process as a tribal member.

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### Covenants

▶ Codes:  
▶ Applicants as well as occupants are required to adhere to applicable tribal codes and other applicable laws with regard to their personal conduct when it impacts their housing obligations and the rights of others. Participants in this program agree to adhere to the following covenants as long as they reside on the premises as a renter and/or subsequently as a homeowner.

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### Identify Funders

The first case of COVID-19 was detected in the United States on January 21, 2021. The Secretary of the U.S. Department of Health and Human Services declared the public health emergency for COVID-19 on January 31, 2020. An emergency declaration was issued on March 13, 2020, pursuant to section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5191(b).

This Homeowner Assistance Fund Policy ("Policy") shall govern the Colville Indian Housing Authority ("CIHA") Homeowner Assistance Fund ("HAF Program") and the expenditure and management of the Homeowner Assistance Funds ("HAF Program Funds") received from the U.S. Treasury pursuant to Section 3206 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (Mar. 11, 2021).

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### Sample: Identify Jurisdiction

- ▶ The following maintains exclusive jurisdiction over disputes that arise with the ANY TRIBE:
  - ▶ The Mendocino County Municipal Court,
  - ▶ Butte County Court, and/or
  - ▶ The Federal District Court for the Northern District of California
  
- ▶ The [Tribe] Police Department is responsible for receiving and investigating any suspicious or illegal acts. Participants must notify the [Tribe ] Police Department for investigation and prosecution.

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### Sample: Applicability & Availability of Policies

- ▶ Staff and Officials Applicability
  - ◆ The ANY TRIBE's governing body and staff will comply with all applicable laws, regulations, and policies governing funds granted or loaned to the ANY TRIBE. Additionally, officials and staff must be in compliance with the ANY TRIBE code and applicable state and federal laws and regulations. Failure to comply will be addressed through disciplinary action that could result in termination of employment or removal from office.
- ▶ Posting of Policies
  - ◆ A copy of these Policies shall be prominently posted at the ANY TRIBE Office.
  - ◆ Additionally, a copy of these Policies shall be provided to all Participants. All Participants shall sign an acknowledgment that they have received a copy of, and read, these Policies. A copy of the acknowledgement shall be put in the Participant's file.

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**Sample:  
Authority for  
Amendments**

**SAMPLE 1**  
Proposed amendments to these Policies shall be posted prominently at the ANY TRIBE office, the for a term of 30 days. The ANY TRIBE shall also provide 30-days' notice to all Participants of the proposed amendments and provide a copy of the proposed amendments to Homebuyers/Participants upon request.

**SAMPLE 2**  
CDTHA reserves the right to make reasonable modifications to these rules if needed for health or safety purposes or necessitated by a change in Tribal Code or Federal law. Residents will be given at least 30 days notice of any such modification.

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**86**

**Sample Boilerplate  
Provisions**

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**Policy Disclaimers**

- Disclaimers are an important way to protect an organization.
- Policies and procedures are not contracts and may be changed at any time.
- Allow attorneys to review and approve disclaimers.

**87**

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

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### Acknowledgement Statements

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- Signed acknowledgement is proof that policies and procedures were communicated to the stakeholders/lessees/users
- Combine acknowledgement statements with handbook disclaimers for additional protection.
- Allow attorneys to review and approve acknowledgements.

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

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

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### Discretionary Wording

89

- Committing to a policy without the ability to make changes is an organizational problem.
- It is important to reserve the right to make changes throughout your policies and procedures.
- Include clear wording in the policy and procedure itself to build in flexibility.

"This policy is a guideline only. Circumstances may arise in which we find it necessary to take other steps not specifically designated here. We reserve the right to do so at our discretion". "

"The Recipient reserves the right to make modifications to these rules if needed for health or safety purposes, programmatic purposes, management purposes, or a change in Tribal Code and or applicable federal law or regulations."

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### Whose is in Charge?

90

- Boilerplate language is used for efficiency and to increase standardization in the structure and language of the policy document.
- In this example the following is standardized:
  - Authorization
  - Governing body
  - Responsibility

"All NCIHA policies are approved by the NCIHA board of commissioners (the "board"), and the Executive Director is the authorized representative to develop the necessary procedures to establish a clear understanding between NCIHA staff and housing participants in the dissemination of services to its tribal members. Whenever used throughout this policy, unless the context shall otherwise provide, the reference to the NCIHA Executive Director from this point on shall mean the NCIHA Executive Director or his/her designee.

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Discretionary Wording

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"The reasons for a determination of ineligibility are based on the Recipient's policies and other applicable program concerns or regulations. Although an Applicant may meet the basic criteria for eligibility, any one of several reasons can form the basis of a determination of ineligibility."

"The Recipient has the discretion to determine if any other group of persons qualifies as a family."

"The following does not represent an exhaustive list of reasons an Applicant may be denied for final selection as a Tenant; however, it is illustrative of many common reasons for a determination of ineligibility."

Horizontal lines for writing.

Discretionary Wording

92

"The reasons for a determination of ineligibility are based on the Recipient's policies and other applicable program concerns or regulations. Although an Applicant may meet the basic criteria for eligibility, any one of several reasons can form the basis of a determination of ineligibility."

"The Recipient has the discretion to determine if any other group of persons qualifies as a family."

"The following does not represent an exhaustive list of reasons an Applicant may be denied for final selection as a Tenant; however, it is illustrative of many common reasons for a determination of ineligibility."

Horizontal lines for writing.

Label each of the following:

93

PGSHA understands that false statements or claims made in connection with the HAF Program award is a violation of federal criminal law and may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

"PGSHA agrees that it will maintain in effect a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) covering each activity funded under this award. PGSHA shall disclose in writing to \_\_\_\_\_ any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112 and NAHASDA regulations."

"Any waiver by the NCIHA of any term, covenant, or condition of this policy shall not be construed as a continuing waiver thereof, or a waiver of any other term, covenant, or condition of this policy."

Horizontal lines for writing.

### Severability Clause

94

If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Policy shall for any person or circumstance be held to be illegal, invalid, unenforceable, and/or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of this Ordinance which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding.

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### WHOSE REQUIREMENTS

NAHASDA

RECIPIENT

- Covenants are required.
- A written lease is required.
- A credit check is required for eligibility.
- Establish a lottery system for selection.
- A family must be low-income at move-in to be considered low-income.
- A homebuyer is responsible for all maintenance.
- Eviction is required after 2 months of nonpayment.
- Recertify every six months
- Provide a utility allowance.
- All activities must have an environmental record.
- Initial inspections by the recipient must be performed on all units constructed, acquired, and/or rehabilitated with NAHASDA funds subsequent to the provision of such services

NAHASDA	RECIPIENT
	RECIPIENT
NAHASDA	
	RECIPIENT
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NAHASDA	
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	RECIPIENT
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NAHASDA	
NAHASDA	

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### ADMINISTRATIVE/MANAGEMENT POLICIES

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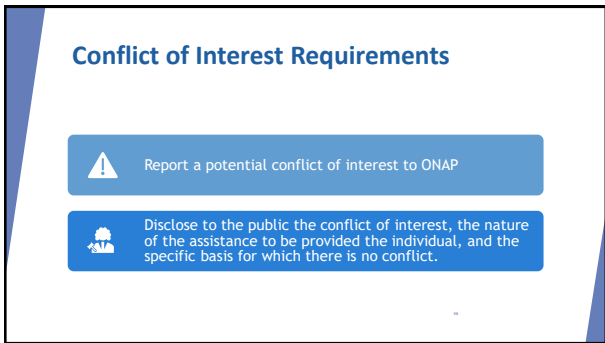
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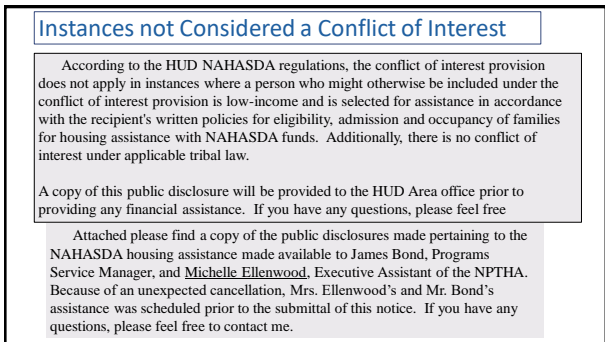
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### SAMPLE: Notice of Disclosure

In accordance with the Native American Housing Assistance and Self-Determination Act regulations anyone receiving assistance under NAHASDA and who participates in the decision-making process or who gains inside information with regard to NAHASDA assisted activities and benefits from such activities, must make a disclosure to the public and to HUD.

In 1997 Comp Grant funds were awarded for window repair work for eligible participants in Projects 13 and 14. Scheduling is done by site in order to keep costs affordable. Michelle Ellenwood, Executive Assistant, occupies a home for which project assistance was planned under the old Comp Grant program. Mrs. Ellenwood meets the low-income criteria and does not have to repay for this assistance. Selection was based on submission of all the required documentation which was processed and verified to be true and accurate by NPTHA staff. Mrs. Ellenwood has no debt to the NPTHA and would have been eligible for this assistance regardless of her status as the Executive Assistant. Consequently, her role as a Executive Assistant of the NPTHA and as a participant in the program do not present a conflict of interest.

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### Applicability

► 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 IHBG assisted activities. Such individuals would be, but are not necessarily limited to, housing staff, housing, or tribal board members and members of their immediate families, and such individuals' business associates and affiliations.

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### Conflicts of Interest

► No employee, officer or agent of this Tribe shall participate directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

- 1. An employee, officer or agent involved in making the award;
- 1. His/her relative (including father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister);
- 1. His/her partner, or an organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.
- 1. Employees, agents and grantees may have acquired confidential and privileged information during their tenure with the Tribe/TDHE. They are prohibited from publicly disclosing that information and from using that information for personal purposes. Former Board Members and employees are prohibited from acquiring a contract or any other financial interest, direct or indirect, in any project or activity that is affected by that confidential or privileged information.
- 1. Nothing in this section shall prohibit a tenant, homebuyer, or program participant, who is a Board Member, employee, officer, or agent from fully participating in activities and decision-making so long as the person is low-income and otherwise an eligible applicant and selected for assistance in accordance with the Admissions and Occupancy Policy.

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### Conflict of Interest Policies

- ▶ Two types of conflict of interest policies required:
  - ▶ Employee Conflict of Interest – consistent with NAHASDA requirements.
  - ▶ New Requirement: Organizational Conflict of Interest



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### Organizational Conflict of Interest

- ▶ Organizational conflicts of interest gives an unfair advantage to an entity competing for contracts. Plans and scopes of work shall be scrutinized to ensure that organizational conflicts of interest do not occur. When activities or relationships with other entities prevents the Recipient from
  - Rendering impartial assistance
  - Performing contract work in an objective way, or
  - Providing fair and open competition.

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### Employee Conflict of Interest

- ▶ Employee conflicts of interest occurs **when the employee, officer, or agents public duties or actions lacks independence or impartiality, either real or perceived**, and is unduly influenced by a secondary interest such as financial gain, professional advancement, or a wish to do favors for family and friends.

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### Compliance

▶ This policy complies with the Native American Housing and Self-Determination Act (NAHASDA) and its implementing regulations at 24 CFR 1000.30 through 1000.36, and the Uniform Administrative Requirements at 2 CFR Part 200.318, 200.329.. In addition, any applicable tribal or state law pertaining to conflict of interest shall apply.

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### Code of Conduct

1. Must prohibit the solicitation and acceptance of gifts or gratuities by officers, employees, and agents for their personal benefit in excess of minimal value;
2. Outline administrative and disciplinary actions available to remedy violations of such standards,
3. Describe the method to be used to ensure that all officers, employees and agents of the organization are aware of the Code of Conduct, and

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### INSURANCE

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**Insurance**

PROGRAM GUIDANCE 2014-03 (RECIP)  
March 21, 2014 Page 2

**Purpose:** The intent of this guidance is to provide IHBG recipients with direction on the following: (1) When is insurance required? (2) What insurance requirements apply, and when is insurance adequate? (3) What insurance requirements apply to contractors and subcontractors? And, (4) What are other insurance requirements under MAHASDA?

**When is insurance required and in what amount?** Insurance coverage is required for housing units that are owned, operated, or assisted with IHBG funds. Adequate insurance is insurance in an amount that will protect the financial stability of the recipient's IHBG program. This means that the recipient's housing units and privately owned housing units that are assisted with IHBG funds must be adequately insured for one of the two time periods listed below, whichever is longer:

- the useful life (affordability period) of recipient or privately owned units, or
- the term of a repayment or forgiveness agreement for all or part of the IHBG assistance for privately owned housing units.

Housing units assisted with IHBG funds must remain affordable for their useful life as determined by the recipient (affordability period), and recipients must have a means of insuring their investment during this period. Therefore, as long as the useful life (affordability period) has not expired, IHBG-assisted housing units owned or operated by the recipient must be covered by adequate insurance.

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**Insurance**

Insurance for housing may be either a purchased insurance policy from an insurance provider or a plan of self-insurance. Recipients may not require insurance on privately owned housing assisted with IHBG funds, if there is no risk of loss or exposure to the recipient, or if the assistance is in an amount less than \$5,000, unless repayment of all or a portion of the assistance is part of the assistance agreement. If private homeowners are unable to provide proof of insurance during the useful life (affordability period) of the assisted properties, the recipient must take steps to insure the units in order to protect its IHBG investment. This protection can be provided in a number of ways including:

- Purchase insurance for housing units that are owned, operated, or assisted with IHBG funds in an amount that is adequate to provide replacement cost to protect the IHBG investment.
- Have IHBG-assisted, private homeowners provide proof of replacement insurance for the useful life (affordability period) of the assistance received.
- Purchase insurance for privately owned housing units in the amount of the outstanding balance of the IHBG assistance provided.

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**Policy Excerpt  
- Insurance**

**Insurance**

- ◆ The BIHA is responsible for carrying insurance on the structure of all property owned by the BIHA. Tenants are responsible for payment of the deductible for damage covered by BIHA's insurance carrier. The BIHA Manager will make the determination to charge or not to charge a Tenant for the difference between the amount the insurance company covers and the total cost to repair or replace a unit.

**Contents Insurance**

- ◆ The BIHA does not provide contents insurance and will not be liable for damages to Tenants' contents. All Tenants will be counseled about the importance of content insurance.

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### Insurance

**For example:** If a fire destroyed all or part of some housing units that were subject to a useful life (affordability period), and those housing units were not insured, then there is a risk of loss or exposure to the Recipient's IHBG program that may result in which of the following:

- A. Loss of IHBG funds
- B. Repayment of IHBG funds
- C. Loss of revenue
- D. All of the above

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USEFUL LIFE

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### Useful Life Activity`

#### IHBG Funds Expended

#### Useful Life

- Under \$5,000 .....
- \$5,000 to \$15,000 .....
- \$15,001 to \$40,000 .....
- Over \$40,000.....
- New construction/acquisition.....

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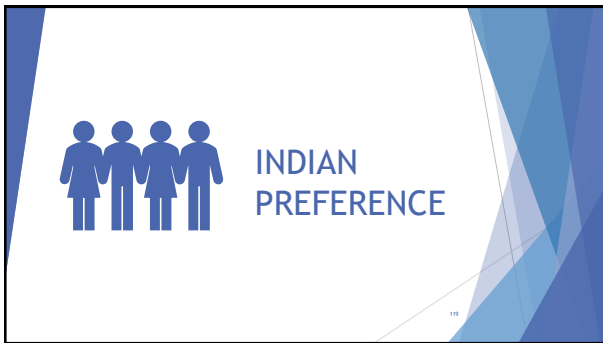
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### References

- ▶ Public Law No: 93-638 (01/04/1975) - ISDEA
- ▶ NAHASDA Regulations: 24 CFR Part §1000
  - ▶ §1000.48 Are Indian or tribal preference requirements applicable to IHBG activities?
  - ▶ §1000.50 What tribal or Indian preference requirements apply to IHBG administration activities?
  - ▶ §1000.52 What tribal or Indian preference requirements apply to IHBG procurement?
  - ▶ §1000.54 What procedures apply to complaints arising out of any of the methods of providing for Indian preference?
  - ▶ §1000.120 May a recipient use Indian preference or tribal preference in selecting families for housing assistance?

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### Indian Self-Determination Education and Assistance Act

Projects developed and operated with assistance under 24 CFR Part 1000.48, et. al., are subject to the following:

1. That any contract, subcontract, grant, or subgrant pursuant to an act authorizing grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:
  - a. Preference and opportunities for training and employment shall be given to Tribally-owned and Tribal community member-owned businesses and
  - a. Preference in the award of contracts and subcontracts shall be given to Tribally-owned and Tribal community member-owned enterprises as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

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### METHODS OF PROVIDING INDIAN PREFERENCE

#### Section 7(b) of the Indian Self Determination and Education Assistance Act

Section 7(b) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450e(b)), which provides for Indian preference, shall apply to all procurement funded by HUD funds. The NCIHA shall, to the greatest extent feasible, give preference in the award of all contracts and subcontracts, and in training and employment to Indian organizations and Indian owned economic enterprises.

#### Notification and Documentation

All preferences shall be publicly announced in the Invitation for Bid (IFB) and Request for Proposal (RFP) and the bidding or proposal documents. Efforts to provide Indian preference must be documented. If Indian preference is not feasible, NCIHA shall document in writing the basis of its finding of infeasibility and maintain the documentation in its files for seven (7) years after all expenditures have been audited or at the close of any litigation whichever is greater.

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### Indian Preference Procurement Policy Essentials

- A. Section 7(b) of the Indian Self Determination and Education Assistance Act
- B. Notification and Documentation
- C. Eligibility for Indian Preference
- D. Determination of Ineligibility
- E. Requirements for Solicitation Notices
- F. Providing Indian Preference for Small Purchases
- G. Providing Indian Preference for Sealed Bids
- H. Providing Indian Preference for Competitive Proposals
- I. Monitoring and Remedies
- J. Award of Contracts for Restricted Solicitations
- K. Award of Contracts for Unrestricted Solicitation
- L. Complaints

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## Sample Indian Preference Policy

**A. Indian Preference Requirement**

Projects developed and operated with assistance under 24 CFR Part 1000.48, et. al., are subject to the following:

1. That any contract, subcontract, grant, or subgrant pursuant to an act authorizing grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:
  - a. Preference and opportunities for training and employment shall be given to Tribally-owned and Tribal community member-owned businesses and
  - a. Preference in the award of contracts and subcontracts shall be given to Tribally-owned and Tribal community member-owned enterprises as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).
2. The NCIHA is not required to apply Indian preference with respect to any procurement less than an aggregate amount less than \$10,000.

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### I. METHODS OF PROVIDING INDIAN PREFERENCE

**Section 7(b) of the Indian Self Determination and Education Assistance Act**

Section 7(b) of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450e(b)), which provides for Indian preference, shall apply to all procurement funded by HUD funds. The NCIHA shall, to the greatest extent feasible, give preference in the award of all contracts and subcontracts, and in training and employment to Indian organizations and Indian owned economic enterprises.

**Notification and Documentation**

All preferences shall be publicly announced in the Invitation for Bid (IFB) and Request for Proposal (RFP) and the bidding or proposal documents. Efforts to provide Indian preference must be documented. If Indian preference is not feasible, NCIHA shall document in writing the basis of its finding of infeasibility and maintain the documentation in its files for seven (7) years after all expenditures have been audited or at the close of any litigation whichever is greater.

**Eligibility for Indian Preference**

Contractors applying for eligibility for Indian preference shall submit the following:

Evidence showing that the applicant is an Indian of a federally recognized Indian

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**A. Providing Indian Preference for Small Purchases**

The NCIHA shall seek maximum participation by Indian-owned economic enterprises and shall to the extent available, refer to lists of qualified Indian supply sources. If no quotations are solicited or received from Indian-owned economic enterprises, the NCIHA must include as part of its documentation a statement explaining the reasons for lack of Indian participation. As an alternative, a NCIHA solicitation may be unrestricted to allow both non-Indian and qualified Indian-owned economic enterprises, or organizations to submit quotes and an award shall be made to the qualified Indian-owned economic enterprises or organizations with the lowest responsive quote, if the quote is within "X" percent of the lowest non-Indian quote and the price is determined reasonable. If no responsive quotation by a qualified Indian-owned economic enterprises or organizations is within "X" percent of the lowest non-Indian quote, award shall be made to the source with the lowest quote. The "X" factor Indian Preference Chart is attached to this policy.

**A. Requirements for Solicitation Notices**

A recipient shall incorporate the following clause in each solicitation and all contracts and subcontracts, as follows:

1. The work to be performed under this contract is subject to Section 7(b) of the Indian Self-Determination Act (25 U.S.C. 450e(b)). Section 7(b) requires that to the greatest extent feasible: (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations or Indian-owned economic enterprises.
1. The parties to this contract shall comply with the provisions of section 7(b) of the Indian Act.

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## Implementing Indian Preference in Procurement

- Options
  - Certify to HUD that your policy meets 7(b) requirements
  - Limit solicitation to Indians Owned Firms Only
- 2-Stage Process:
  - Request Indians submit "notice of intent" to bid
  - If more than one indicates intent, limit to Indians

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## Procedures - Indian Preference

- Publicize Indian preference
- Include preference requirements in all bid documents
- Require proof of Indian ownership
- Include 7(b) clause in contracts, subcontracts
- Handle complaints
  - In writing
  - Filed within 20 days
  - Communicate within 20 days of receipt
  - Resolve within 30 days

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## Two-Stage Process

- Intent to apply
- Based on results indicating Indian contractors in the area, restrict solicitation to qualified Indian-owned and operated businesses.
  - If competition is lacking, re-advertise without limits
  - If only one bid is received, ONAP approval is required
- Comply with TERO and/or tribe requirements for licensing if applicable.

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### Must Ensure . . .

- Treat all prospective sources in a fair and equitable manner
- Maximize full and open competition
- Maintain arm's length relationships with contractors
- Ensure the price is fair and reasonable
- Provide an opportunity for appeal and remedy
- Ensure the contractor is responsive and responsible

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### OMB Uniform Guidance Subpart D - Post Federal Award Requirements

- Sections 200.318 –200.326 describes
  - Applicable procurement standards
  - Methods of procurement that are allowed, and
  - Lists specific items that must be included in contracts under federal awards.

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### General Procurement Standards 200.318 - 200.326

- Purchase complies with the tribe's documented procedures.
  - Procurement records must be maintained sufficiently to detail the history of procurement.
- Rationale for method of procurement
  - Selection of contract type
  - Contractor selection or rejection
  - Basis for contract price
- NEW: Provide for procurements under small purchase threshold.

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### Contract Cost and Price

- Must prepare cost/price analysis for every procurement (including contract changes)
- Should start with independent cost estimates before bids or proposals are solicited
- Cost estimates are not disclosed to prospective bidders (confidential information)

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### General Procurement Standards:

-  A contract administration system
-  A written code of conduct governing the grantee or sub-grantee's employees.
-  Procedures in place that avoid purchase of unnecessary or duplicative items.

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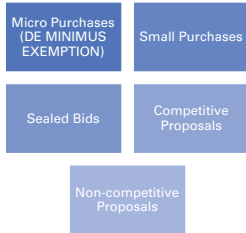
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### Methods of Procurement



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**POLL**

Which is not an official method of procurement?

- A. Competitive Proposal
- B. Noncompetitive Proposal
- C. Sealed Bids
- D. Nepotism
- E. Micro-purchases

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**TOTAL DEVELOPMENT COSTS**

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**Total Development Costs (TDC)**

- ▶ \$1000.156 & 162 – “Limitations on Cost & Design”
- ▶ PIH Notice 2022– 16 Current TDC
  - ▶ Provided for 1 to 5 bedroom units for each tribal area
- ▶ Purpose - limit cost and design to moderate standards
- ▶ Establishes the maximum amount of funds that may be used on a per unit basis
- ▶ Applies to all housing assisted:
  - ▶ Acquisition, new construction, reconstruction, rehabilitation, homebuyer assistance, model activities

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## Total Development Costs

Help ensure affordability  
 HUD calculates:  
 Hard construction costs  
 Soft costs  
 Site costs  
 Recipient can request a variance of their TDC

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## Total Development Costs

- ▶ Applying TDC limits:
  - ▶ All residential new construction, rehabilitation and acquisition activities
  - ▶ Any type of residential structure
  - ▶ 1937 Act units obligated after 9/30/97
- ▶ PIH Notice 2019-19 includes the updated schedule for the maximum amount of funds that may be used for affordable housing

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## Total Development Costs (TDC)

- ▶ Includes expenditures from all sources of funds
- ▶ Includes all costs:
  - ▶ Administrative, planning, financing, site acquisition, on site utility development, site development, profit, design, etc.
- ▶ Recipient must maintain records to show cost per unit is within cost limits

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### Total Development Costs (TDC)

- ▶ Recipients are encouraged to establish and adopt written housing standards for moderate housing in their community
- ▶ Recipients must maintain records to show cost per unit is within cost limits
- ▶ Recipients may request a variance to exceed cost limits for cause

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### TDC Includes Project Planning & Administration

BORHM SIZE	HOUSEHOLD ANNUAL INCOME	INCOME BASED HOUSE PAYMENT 2%	QUALIFYING LOAN AMOUNT	TDC	TOTAL DEVELOPMENT COST		GAP
					PROJECT ADMIN		
3	\$ 31,632	\$ 791	\$ 147,537	\$ 250,000	\$ 50,000	\$ 152,463	
4	\$ 38,677	\$ 967	\$ 180,396	\$ 300,000	\$ 50,000	\$ 169,604	
4	\$ 40,663	\$ 1,017	\$ 189,660	\$ 300,000	\$ 50,000	\$ 160,340	
3	\$ 41,863	\$ 1,047	\$ 195,257	\$ 250,000	\$ 50,000	\$ 104,743	
4	\$ 42,717	\$ 1,193	\$ 222,561	\$ 300,000	\$ 50,000	\$ 127,439	
4	\$ 50,521	\$ 1,263	\$ 235,639	\$ 300,000	\$ 50,000	\$ 114,361	
4	\$ 65,000	\$ 1,625	\$ 303,172	\$ 300,000	\$ 50,000	\$ 46,828	
4	\$ 67,000	\$ 1,675	\$ 312,500	\$ 250,000	\$ 50,000	\$ (12,500)	
3	\$ 67,000	\$ 2,261	\$ 421,852	\$ 300,000	\$ 50,000	\$ (71,852)	
4	\$ 90,445	\$ 2,432	\$ 451,894	\$ 300,000	\$ 50,000	\$ (101,894)	
4	\$ 96,886	\$ 2,432	\$ 451,894	\$ 300,000	\$ 50,000	\$ (101,894)	
	\$ 570,404	\$ 14,260	\$ 2,666,466	\$ 2,850,000	\$ 500,000	\$ 689,534	

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### SELF-MONITORING

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### Self-Monitoring

- ▶ NAHASDA requirement
- ▶ At least completed annually
- ▶ Recipient needs policy explain process and areas to be covered
- ▶ Policy goals
  - Understand the importance of timely self-monitoring
  - Able to create a customized self-monitoring schedule
  - Identify weak management practices that may lessen the ability of the organization to provide affordable housing

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### Self-Monitoring Policy Excerpts

- 1 The Board of Commissioners of the Coeur d'Alene Tribal Housing Authority (CDTHA) recognizes the fact that as the governing body of the CDTHA, they are responsible for establishing policies that ensure sound management practices of the CDTHA. The Executive Director is responsible for establishing procedures to effect accountability and progress. Self-reflection facilitates accountability, growth and productivity, and teamwork. Below are the procedures utilized by the CDTHA staff to formally monitor and evaluate the activities of the CDTHA, ensuring compliance with applicable codes, rules, and regulations and realization of goals and objectives described in the CDTHA's Indian Housing Plan (IHP).
- 2 The governing body of the (NAME OF TDHE OR TRIBE) recognizes the fact that they are responsible for establishing a self-monitoring policy and conducting compliance assessments as required by Section 403 of the Native American Housing and Self-Determination Act of 1996 (NAHASDA) and 24CFR 1000 Subpart F entitled 'Recipient Monitoring Oversight, and Accountability'. This policy is to be utilized by the (NAME OF TDHE OR TRIBE) staff to monitor and assess the activities of the (NAME OF TDHE OR TRIBE) to ensure compliance with applicable Federal requirements and monitoring performance goals described in the (NAME OF TDHE OR TRIBE)'s Indian Housing Plan (IHP).

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### DEVELOPING AN ADMISSIONS AND OCCUPANCY POLICY

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**Preparing to Develop a Policy Includes . . .**

TASK	RESPONSIBLE PARTY
1. Policy Analysis	
2. Policy Topics	
3. Draft Policy	
4. Policy Review and Adoption	
5. Implement Policies	
6. Monitor Staff Actions to Ensure that Policies are Being Followed	

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**Divide Admissions & Occupancy Policy into Parts or Sections**

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**Part I – Overview of the Plan**

- ▶ Overview of the Recipient
- ▶ Organization and Structure of the Recipient
- ▶ Mission
- ▶ Ethics, Conflict of Interest
- ▶ Funding Relationships
- ▶ Applicable Regulations
- ▶ History of Recipient
- ▶ Organization Chart
- ▶ Mission statement
- ▶ Insert chart regarding appropriations
- ▶ List of laws and regs
- ▶ Applicability

Would you add anything else?

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**Part I – Overview of the Programs**

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- This part contains information about
- ▶ Indian housing operation,
  - ▶ Roles and responsibilities, and
  - ▶ Partnerships.

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### Part II: General Requirements for Admissions

General Requirements Outline

- Overview of Programs, Direction
- Indian preference
- General Eligibility/Ineligibility
- Income
- Application Process
- Screening
- Waiting list management
- Verification
- Tenant selection

Content Guidance

- Purpose
- Low-rent for low- to moderate-income families
- Member of federally recognized tribe; 1<sup>st</sup> preference to an enrolled member
- Must be low- or moderate-income
- Application, 18+, complete appl, process for reviewing
- Background Check

Identify 1 content area for each general requirement.

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### Part III: General Occupancy Requirements

General Requirements Outline

- Leasing
- Insurance
- Maintenance
- Housekeeping Standards
- Inspections
- Reexaminations
- Transfers
- Abandonment

Content Guidance

Identify 1 content area for each general requirement.

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### Part IV: Non-Compliance

General Requirements Outline

- Collections
- Termination
- Appeal/Grievance

Content Guidance

Identify 1 content area for each general requirement.

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**INCOME ELIGIBILITY**

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**NAHASDA Defines Income as . . .**

**(89) INCOME:** The term 'income' means income from all sources of each member of the household, as determined in accordance with criteria prescribed by the Secretary, except that the following amounts may not be considered as income under this paragraph:

- (A) Any amounts not actually received by the family.
- (B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.
- (C) Any amounts received by any member of the family as disability compensation under chapter 11 of title 38, United States Code, or dependency and indemnity compensation under chapter 13 of such title.

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**NAHASDA Regulations**

**§1000.104** What families are eligible for affordable housing activities?

The following families are eligible for affordable housing activities:

- (a) Low income families.
- (b) A non-low-income family may receive housing assistance in accordance with §1000.110.
- (c) A family may receive housing assistance on a reservation or Native Alaskan area if the family's housing needs cannot be reasonably met without such assistance and the recipient determines that the presence of that family on the reservation or Native Alaskan area is essential to the well-being of Native Alaskan families.

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**NAHASDA Income**  
PROGRAM GUIDANCE  
 No. 2013-0530  
 May 06, 2013

**Step 1: Adopt a Definition in Policies** – A recipient must indicate in its written policies that govern the eligibility, admission, and occupancy of families for IHBG assistance, the definition(s) of annual income it will use. The IHBG regulations at 24 CFR 1000.10 provide recipients with the option to choose any one of the following three definitions of "annual income":

*The recipient does not need to limit its definition to only one of the three outlined in this guidance. For example, the policy may state that the tribe or tribally designated housing entity (TDHE) will use the definition most advantageous to the family or to the housing entity.*

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**NAHASDA Income**  
PROGRAM GUIDANCE  
 No. 2013-0530  
 May 06, 2013

**Step 2: NAHASDA Exclusions** – Section 4 (9) of NAHASDA defines the term "income" as income from all sources of each member of the household as determined in accordance with criteria prescribed by HUD, except that the following amounts may not be considered as income:

**Step 3: Federally Mandated Exclusions** – Federally mandated exclusions are amounts specifically excluded under other Federal statutes from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under NAHASDA. HUD periodically publishes a notice in the *Federal Register* identifying the benefits that qualify for this exclusion. The most recent notice was published on December 14, 2012, and can be found in the *Federal Register* at 77 FR 74495. The most common Federally Mandated Exclusions are also included in this Guidance in **Attachment D**.

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**NAHASDA Income**  
PROGRAM GUIDANCE  
 No. 2013-0530  
 May 06, 2013

▶ **Step 4: Income Verification:** The IHBG regulations at 24 CFR § 1000.128 require the recipient to verify that a family is income eligible based on anticipated annual income. The family's annual income may not exceed the applicable income limit. The family is required to provide income documentation to verify this determination. The recipient must have income verification policies in place and is required to maintain the documentation on which the determination of eligibility is based. The recipient may also require a family to periodically verify its income in order to determine housing payments or continued occupancy consistent with locally adopted policies. The recipient may choose to use third party income verification methods or request documentation such as income tax returns, W-2s, pay stubs, and other appropriate information as stipulated by their policies to adequately estimate annual income.

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### Qualifying as Affordable Housing

- ▶ 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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### NON-LOW-INCOME FAMILIES

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#### Non-Low-Income Families



Must determine that family's housing needs cannot be met without IHBG assistance



Cannot receive the same dollar benefit as low-income families



Must describe how housing assistance is calculated.

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**Non-Low-Income Rental Payment Requirements**

- The rent (including homebuyer payments under a lease purchase agreement) to be paid by a non-low-income family cannot be less than [income of non-low-income family/income of family at 80 percent of median income] × [rental payment of family at 80 percent of median income], but need not exceed the fair market rent or value of the unit.

Other assistance, including down payment assistance, to non-low-income families, cannot exceed [income of family at 80 percent of median income/income of non-low-income family] × [present value of the assistance provided to family at 80 percent of median income].

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Notice PFI 2014-02  
Administrator, Office of Native American Programs  
Issued January 24, 2014  
Expires: Effective until amended, voided or superseded  
Cross Reference: 24 CFR §§ 1000.104- 1000.113  
PFI Notice 1999-6

**Continued Occupancy.** If a rental or homeownership family was low-income at the time it entered the program (as described in 24 CFR § 1000.147), and subsequently becomes non-low-income, it may continue to participate in the program if the recipient's admission and occupancy policies authorize such families to continue to receive assistance (including a determination that there is a need for housing for each family that cannot reasonably be met without such assistance). This includes a family member or household member who subsequently takes ownership of a homeownership unit, by inheriting a homeownership unit.

a determination that there is a need for housing for each family that cannot reasonably be met without such assistance

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**Non-Low-Income Rental Payment Requirements**

- The rent (including homebuyer payments under a lease purchase agreement) to be paid by a non-low-income family cannot be less than [income of non-low-income family/income of family at 80 percent of median income] × [rental payment of family at 80 percent of median income], but need not exceed the fair market rent or value of the unit.

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### Rent Payment for Non-Low-Income Families

Income Non-Low-Income ÷ Income Low-Income × Low-Income Rent = Rent of Non-Low-Income

\$88,000 ÷ \$75,040 = 1.17 × \$1200 = \$1,404

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### Down Payment Assistance for Non-Low-Income Families-

Income Low-Income ÷ Income Non-Low-Income × Assistance 80% = Assistance Non-Low-Income

\$75,040 ÷ \$88,000 = 85%

85% × \$10,000 = \$8,500

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### ESSENTIAL FAMILIES

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### Essential Families

-  Must determine that family's housing needs cannot be met without IHBG assistance
-  Must determine that family's presence is essential to well-being of Native Alaskan families
-  Examples of "essential" families - teachers, health care providers, other professionals

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**2) Rent cost burden (housing costs exceed 30% of AGI including utilities)**

**3) Inaccessibility to Housing**

**II. DETERMINATION THAT HOUSING NEED CANNOT REASONABLY BE MET**

- Rental housing not available in area
- Affordability
- Income & Assets Insufficient
- Housing Stock Insufficient
- Limited or no alternatives available or not used
- Access to Housing Programs/Insurance not available
- Gender Inequality in pay
- Inadequate Housing Stock in Area
- Family Decision Residence in essential area near family

**III. DOCUMENTATION**

- Property Inspection
- Cash, Insurance, etc.
- Family Job and Credit Check
- Statement from a Temporary Housing Landlord
- Affidavit from Family
- Payroll Slips
- Rent Records
- Medical Records
- Dental Records

The BSHK shall make a determination about each essential family and document its determination within cases when HUD approval is not required.

Essential families include, but are not limited to, the following:

- Medical personnel
- Social Workers
- Public Safety Officer or other military personnel
- Teachers
- Engineers
- Social Workers
- Physicians
- Other as determined by the Executive Director

The BSHK Essential Family Policy is also subject to the BSHK Admissions and Eviction Policies.

**THE BSHK MAY PROVIDE HOUSING OR HOUSING ASSISTANCE TO ESSENTIAL FAMILIES IN OUR STATE AREA IF THE BSHK UNDER THE FOLLOWING CIRCUMSTANCES:**

- The BSHK determines that the presence of the family on the Indian area is essential to the well-being of Indian families. [pdf](#)
- The family demonstrates a need for housing that cannot reasonably be met without IHBG assistance that can be independently verified and documented by BSHK staff.

In accordance with PR Notice 2014-02, *Providing Assistance to Non-Low-income Families under the Native American Housing Assistance and Self-Determination Act of 1988 (NAHASDA)*, the BSHK shall provide a process for making its determination using at least the following criteria:

**I. DETERMINATION OF NEED**

**A) Inadequate Housing**

- Lack of Energy Efficiency
- Over-Crowded
- Poor Plumbing
- Structural Deterioration
- Inadequate room size
- Structurally Unsound
- Pest Infested
- Fire Hazard
- Inadequate Heating and/or Cooling
- No Heating
- Inadequate Cooling
- Lack of Water Pressure
- No Insulation
- Single-Phase Power
- Not Code Compliant
- No Child Safety Seats/Belts
- Incomplete Kitchen
- Incomplete Bathroom

**B) Temporary Housing**

- Living with Relatives
- Motels/Hotels
- Transitional Shelter

**C) Income**

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## ADJUSTED INCOME

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**Statutory Deductions**

\$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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**Statutory Deductions cont'd.**

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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**WAITING LIST**

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## Waiting List

- Applicant completes preliminary application to be determined eligible and placed on waiting list.
- Overview of waiting list administration.
- Waiting list updated annually
- When unit is available, top two applicants notified and asked to be interviewed and update all information
- Staff verifies applicant information and notifies applicant.
- Closing the waiting list.

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## Preferences and Priorities

- ▶ Preferences affect the order of selection for tribal members
- ▶ Priorities are program specific criteria and are usually point-based

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## Policy Excerpt – Waiting List

▶ The waiting list is the tool used to establish the order in which assistance offers are made to apparently qualified Applicants. The BIHA Manager will designate staff to administer the waiting list policy, establish procedures to implement the policy, including preparation of a quality control system that ensures ethics and integrity in administering the waiting list policy. This Part covers the following:

- Preferences
- Priorities

**Preferences Defined**

- ▶ Preference 1: BIHA FAMILY means the head or heads of household are enrolled BIHA members the BIHA staff will make his best efforts to give priority to those BIHA members who have never been assisted.
- Preference 2: Native Alaskan member with occupants who are enrolled Sitka members.
- Preference 3: Enrolled member of a federally recognized tribe with occupants who are enrolled BIHA members.
- Preference 4: Enrolled member of a federally recognized tribe with occupants who are members of a federally recognized tribe

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## Preferences

Eligible Family/Individual Composition means

1. ALL COEUR D' ALENE FAMILY means the head or heads of household and at least one child are enrolled members of the Coeur d' Alene Tribe. Coeur d' Alene couples are also included in the definition of all Coeur d' Alene family.
2. A DESCENDANT INDIAN FAMILY means at least one of the heads of household is a descendant of the Coeur d' Alene Tribe. Only an enrolled member of the Coeur d' Alene can be the applicant.
3. Single enrolled Coeur d' Alene Tribe members are considered a family.

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## Examples of Waiting List Priorities

- Income targeting – admission of certain percentage of families within certain income range
- Residency
- Tribal affiliation
- Employment
- Creditworthiness or mortgage readiness
- Elderly or displaced single person
- Persons of disability
- First time homebuyer

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## SELECTION

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## Selection

- (b) **TENANT SELECTION TENANT AND HOMEBUYER SELECTION**- The owner or manager of affordable rental housing assisted with grant amounts provided under this Act shall adopt and utilize written tenant and homebuyer selection policies and criteria that--
- (1) are consistent with the purpose of providing housing for low-income families;
  - (2) are reasonably related to program eligibility and the ability of the applicant to perform the obligations of the lease; and
  - (3) provide for--
- (A) the selection of tenants and homebuyers from a written waiting list in accordance with the policies and goals set forth in the Indian housing plan for the tribe that is the grant beneficiary of such grant amounts; and
- (B) the prompt notification in writing of any rejected applicant of the grounds for any rejection to any rejected applicant of that rejection and the grounds for that rejection.

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## SCREENING

- ▶ Screening for eligibility involves consideration of numerous factors
  - ▶ program requirements,
  - ▶ income restrictions, and
  - ▶ established preferences, and
  - ▶ established priorities.
- ▶ Although many of these factors may be locally determined, a written eligibility policy provides specific guidance regarding determining eligibility.

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## Preferences

- ▶ Preferences affect only the order selection of applicants on the waiting list.
  - ▶ Policies must identify available preferences and give all applicants an opportunity to show that they qualify for available preferences.
- ▶ The preference specifically identified under NAHASDA allows Recipients to give preference to tribal members first in providing housing assistance.

**Preferences and Priorities.** Applications will be reviewed and processed as they are received. However, in anticipation of CHA receiving a substantial number of applications within a short period of time, with a finite amount of funding available, CHA shall review and process applications for Financial Services under this Policy according to the following order of preferences.

- a. First preference will be given to Eligible Households that have at least one family member (regardless of whether that member is an adult or head of household) who is a Tribal Member.
- b. Second preference will be given to Eligible Households that have at least one family member (regardless of whether that member is an adult or head of household) who is a member of an Indian Tribe.
- c. Third preference will be given to all other Eligible Households.

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**Priorities**

- ▶ The admissions policies may also identify priorities within program preferences to ensure consistency with specific program requirements or to correct any inequities, such as families who have never been assisted versus those who have been previously assisted.
- ▶ The Recipient shall establish priorities for the following:
  - Income targeting, income tiers, broad range of income goals
  - Never been served
  - Elderly
  - Homeless
  - Displacement by natural disaster, governmental action, domestic violence
  - Veterans

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**VERIFICATION**

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**Verification**



- All information in tenant file must be verified and properly documented

Recipient needs to establish verification standards and procedures in the A&O Policy

Documentation and verification is a joint responsibility of the Recipient and family

- Family must provide required paperwork and sign release forms
- Family must be responsive to requests

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**What Must Be Verified**

- Income, assets and asset income
- Income exclusions
- Allowances and deductions
- Family composition
- Social security numbers
- Income exclusions

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**What Must Be Verified?**

- ▶ Family members under 18
- ▶ Age or disability of head or spouse
- ▶ Disability of other family members
- ▶ Full time student status
- ▶ Childcare costs
- ▶ Disability assistance expense
- ▶ Unreimbursed medical expenses

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**Verification Standards**

- > Third party – preferred
- > Second party – apply when third-party is unobtainable or not timely
  - > Phone or interview by Recipient staff
  - > Recipient records information
    - > Date/time of contact
    - > Name and source of information
    - > Recipient staff name/signature
    - > Summary of information
    - ▶ Rationale for using oral verification
- ▶ First party – least preferred

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LEASE  
REQUIREMENTS

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**Lease Requirements**

**SEC. 207. LEASE REQUIREMENTS AND TENANT SELECTION. [25 USC 4137]**

(a) LEASES- Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this Act, the owner or manager of the housing shall utilize leases that--

- (1) do not contain unreasonable terms and conditions;
- (2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;
- (3) require the owner or manager to give adequate written notice of termination of the lease, which shall be the period of time required under State, tribal, or local law;
- (4) specify that, with respect to any notice of eviction or termination, notwithstanding any State, tribal, or local law, a resident shall be informed of the opportunity, prior to any hearing or trial, to

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OCCUPANCY AND  
MAINTENANCE

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### Minimum Occupancy Standards

- ▶ Not required by law
- ▶ Does applicant meet definition of "family?"
- ▶ Does family's income fall within prescribed limits?
- ▶ Is applicant suitable customer and able to meet requirements of program?

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### Maintenance Requirements

- ▶ Who is responsible?
- ▶ What are the standards?
- ▶ What enforcement measures are prescribed?
- ▶ How frequently do you inspect?

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### NAHASDA Requirements

- ▶ Maintain owned and managed units
- ▶ Allocate funds to provide for the continued maintenance and efficient operations of housing inventory
- ▶ Identify the manner in which inventory will be protected and maintained

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### Maintenance Types

- ▶ Preventive
- ▶ Corrective
- ▶ Routine/Janitorial
- ▶ Emergency
- ▶ Cosmetic
- ▶ Deferred

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### Scheduling

- ▶ Preventive Maintenance
  - ▶ Annual basis, by month
- ▶ Routine Maintenance
  - ▶ Monthly basis, by week
- ▶ Daily Maintenance
  - ▶ Schedule work for the next day

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### Work Orders

- |   |   |
|---|---|
| ▶ Code/filing #   | ▶ Charge account #                        |
| ▶ Date of issue   | ▶ Required craft:<br>plumbing, electrical |
| ▶ Date/time of action   | ▶ Work performed                          |
| ▶ Signature of issuer   | ▶ Materials used                          |
| ▶ Description of work to be performed or problem to be solved | ▶ Time to complete work                   |
| ▶ Description of equipment necessary                          | ▶ Date/time start/complete                |

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### Work Order Procedures

- ▶ Work Order (W.O.) issued
- ▶ W.O. received by maintenance dept.
- ▶ Maint. Supervisor reviews and clears W.O.
- ▶ Maint. Supervisor assigns W.O. to appropriate staff and sets schedule
- ▶ Work is completed
- ▶ W.O. returned and recorded

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### POLL

1. When can the Tribe/TDHE charge a renter for maintenance?
- A. Renters pay all maintenance
  - B. Never
  - C. When damage is beyond normal wear and tear
  - D. Always

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### INSPECTION

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### Recipient Inspection of Housing Under NAHASDA

Section 403(b)  
PERIODIC MONITORING - Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall include on-site inspection of housing to determine compliance with applicable requirements. [emphasis added] The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 404 and made available to the public.

Initial inspections by the recipient must be performed on all units constructed, acquired, and/or rehabilitated with NAHASDA funds subsequent to the provision of such assistance, during the provision of such assistance and prior to occupancy by the beneficiary household or, in the instance of existing owner-occupied housing, upon completion of the rehabilitation work. The purpose of these inspections is to ensure that work performed and/or condition of the housing unit meets the recipient's performance standards.

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### Recipient Inspection Policy Excerpt

- Requirements apply to all units constructed, acquired, and/or rehabilitated with NAHASDA funds owned by the recipient and those assisted units not owned by the recipient but for which the recipient has an ongoing responsibility to provide maintenance;
- apply to all units constructed, acquired, and/or rehabilitated with NAHASDA funds covered by a lease-purchase agreement (under the conditions described below) to ensure that maintenance is being provided by the occupant/purchaser apply to rental and homeownership units (under conditions described below) that were constructed, acquired and/or rehabilitated with funds provided under the 1937 Housing Act. Under the provisions of Section 502(b) of the Act these units shall be considered and maintained as affordable housing for purposes of NAHASDA.
- do not apply to owner-occupied units that receive NAHASDA assistance for rehabilitation or units that are being purchased by a family with NAHASDA-based financing or mortgage assistance. However, like all other assisted units, these units must receive initial inspections by the recipient prior to occupancy by the beneficiary household; and, may be conducted more or less frequently than annually

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### Excerpt – Inspection Policy

**Frequency** - Inspections will be conducted at least annually to ensure that the participant is meeting their responsibility for providing routine and non-routine maintenance.

1. New participants
  - Schedule monthly inspections for at least the next three (3) months and will meet the mandatory attendance at the maintenance counseling class, known as the "Better Renter's Series".
  - Upon a satisfactory determination that the participant is meeting his maintenance obligations, schedule inspections every three (3) months.
  - Upon a satisfactory determination that the participant is meeting his maintenance obligations, schedule inspections every six (6) months.
  - Upon a satisfactory determination that the participant is meeting his maintenance obligations, schedule inspections every year.
2. Existing participants
  - Schedule a regular inspection at least annually. Upon a satisfactory determination that the participant is meeting his maintenance obligations and is in compliance with the terms of the lease, schedule the next inspection for next year.
  - Upon a dissatisfactory determination, apply appropriate level of scheduled inspections to ensure that corrected action has been taken. Depending on the severity, the ANY TRIBE Executive Director will prescribe a schedule accordingly.
  - Upon a serious finding of non-compliance, terminate or follow procedure for new participants.

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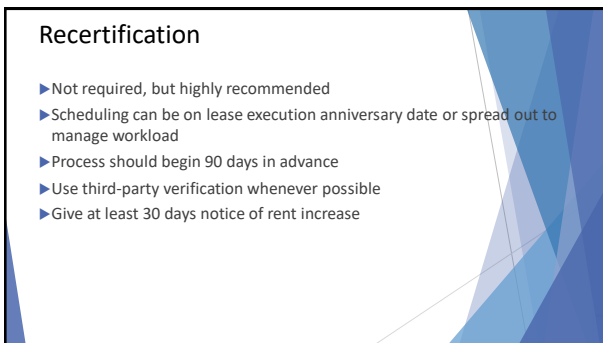
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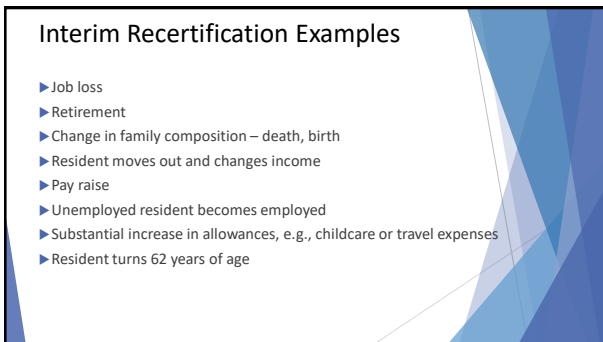
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**WHOSE REQUIREMENTS**

Sets TDC limits.  
 Requires Indian preference.  
 Require a credit check for admission.  
 Structures priorities.  
 Requires compliance with 2 CFR Part 200.  
 Develops procurement policies.  
 Creates policy for a lease option program.  
 Requires leveraging.  
 Prepares a housing counseling program.  
 Requires a selection and verification policy.  
 Non-low-income families must have a need that cannot be met without IHBG assistance.

NAHASDA	
NAHASDA	
	RECIPIENT
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**LEASE PURCHASE PROGRAM ISSUES**

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**Why Lease Purchase?**

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- ◆ Helps potential home buyers to save for down payment/closing costs/mortgage and replacement reserve
- ◆ Opportunity to train potential home buyers on obligations of homeownership
- ◆ Provide homeownership opportunities to nontraditional homebuyers
- ◆ *Consistent with tradition of Native families owning their own home*

219

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**Lease Purchase Program Requirements**

Eligibility requirements are different than rental program requirements

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**Lease Option Period Varies** 221

- ❖ Low Income Housing Tax Credits (LIHTC) – 15 years minimum, then home bought or conveyed
- ❖ Mortgage-driven – 1-5 years typical, then home bought with a mortgage loan
- ❖ Different needs, different designs

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**Lease Option Period Varies** 222

- ❖ Low Income Housing Tax Credits (LIHTC) – 15 years minimum, then home bought or conveyed
- ❖ Mortgage-driven – 1-5 years typical, then home bought with a mortgage loan
- ❖ Different needs, different designs

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**Mortgage-Driven Lease Purchase** 223

- ❖ Firm option to purchase period
- ❖ Shorter lease periods
- ❖ Option to purchase EXPIRES
- ❖ Homebuyer education is critical for success
- ❖ Homebuyers must get loans to purchase
- ❖ Can solve issues of readiness to buy
- ❖ Does not solve insufficient income

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**Shorter Lease Periods** 224

- ❖ Design your lease period to match the readiness of your clients
  - ❖ Minor credit repair and counseling – maybe 2 years
  - ❖ More extensive issues – up to 4-5 years

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**Purchase Price and Sales Proceeds** 225

- ❖ Upon sale, the proceeds flow to the seller
- ❖ Use depends on how seller financed the development
  - ❖ Pay down the Tribal 184 loan
  - ❖ Pay down any other debt used to build
  - ❖ If IHBG, then is program income

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### Financial Capacity of Recipient



226

- ❖ Down payment and closing costs to purchase properties
- ❖ Subsidies to make properties affordable to target market of homebuyers
- ❖ Unrestricted cash balance to cover market changes or rent losses
- ❖ Plan to remarket or improve/market/convert to rental those properties that initial renters do not purchase

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### Housing Management Capacity



227

- ❖ Property management experience
- ❖ Understanding of single-family housing management issues in the community
- ❖ Clear division of maintenance responsibilities between tenants and owner, and capacity to manage

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### Assemble Critical Components

228

- ❖ Get unrestricted cash for rent loss and unexpected conditions
- ❖ Assign experienced staff/consultants
- ❖ Develop housing management plan (including role of tenant in maintenance and one-on-one counseling)
- ❖ Design homeownership training/ counseling

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### Use and Occupancy Agreement

229

- ❖ AKA Lease
- ❖ Term is the length of the Client Action Plan
- ❖ Address same things as a rental lease
  - ❖ Grounds for termination
  - ❖ Minimum rent (can be debt payment plus admin or management fee)
  - ❖ Inspections

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### Know your Market

230

- ❖ Potential home buyers and their affordability
- ❖ Potential properties
  - ❖ Costs to acquire and rehabilitate or construct
  - ❖ After-rehabilitation appraised value
  - ❖ Current single-family homeownership capacity
  - ❖ Costs to insure, pay utilities, manage and maintain



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### Biggest Risks....

231

- ❖ Will the families actually buy the house?
  - ❖ The lower the income and the less required up-front, the higher the risks (e.g.. loss of income, lack of incentive to stay)
  - ❖ Tenant does not meet required training/ maintenance obligations/sweat equity requirements
  - ❖ Experience of existing programs - longer the lease period the higher the risk
- ❖ Political climate



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**Biggest Risks.....**



232

- ❖ Delinquent rent payments
  - ❖ Remember, if there are two or more rent payment delinquencies, could prevent lender's willingness to permit tenant assumption of loan
- ❖ Insufficient market
  - ❖ Customers - limited customer base - good credit homebuyers with insufficient dp/cc/rr
- ❖ Lack of familiarity with mortgage financing
  - ❖ Remember, mortgage payments do not fluctuate like low-rent programs. BE SURE FAMILIES ARE PREPARED.

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**LEASE PURCHASE POLICY EXCERPTS**

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**Description of Program**

- ❖ A Recipient created Lease With Option to Purchase (LWOP) Program to assist tribal members and Alaska Natives who may not be ready to meet qualification requirements for a mortgage loan from a private lender.
- ❖ The Recipient will own the property and rent to a homebuyer family for a specified rental period, at the end of which, the renter has an exclusive option to purchase the property.

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235

### Description of Program: Goals

**1**

Promote affordable rent to own opportunities for those low- and moderate-income enrolled members who need assistance in qualifying for mortgage financing.

**2**

Provide opportunities for low- and moderate-income enrolled members to better access the private mortgage market for homeownership on The Recipient property.

**3**

Facilitate self-sufficiency of tribal members.

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236

### Application

- ❖ Application Forms
  - ❖ Intake, the Uniform Residential Loan Application (URLA) or program specific application.
  - ❖ Consent for Credit Report
  - ❖ Homebuyer Counseling Agreement
  - ❖ Goal Statement
  - ❖ Budget Worksheets
  - ❖ Applicable Verifications
  - ❖ Client Action Plan
  - ❖ Applicable Consents to Release Information

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237

### Application

- ❖ Charges
  - ❖ There is no application fee for applying; however, the homebuyer will be responsible for other fees assessed by lenders in the event the homebuyer successfully exercises their option to purchase. Also, the applicant is not responsible for the cost of the initial credit report obtained by the Recipient for the purposes of qualifying for the LWOP Program.

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**238**

### Income

- ❖ Policy: The Recipient shall use the definition of income from the following that is most advantageous to the family or to the housing entity:
  - IRS,
  - Census,
  - Section 8
- ❖ Verification: Household's annual income may not exceed the applicable income limits as published annually by HUD.

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**239**

### Eligibility

- ❖ Only those who are eligible under the laws and customs of the Tribe to lease tribally owned land for residential purposes or who otherwise obtain the specific approval of the Tribal Executive Committee shall be eligible. Non-Indian and non-member spouse may join in the application process and have their income and credit considered; however, non-Indian and non-member spouses may not inherit the land pursuant to the Laws and Customs of the Tribe.
- ❖ Non-Indian or non-member spouse may not inherit the property in the case of death or be granted the property by consent of the parties or by the Courts in the event of a divorce.

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**240**

### Applicant Qualifications

Typical Requirements

- All applicants must be able to pay the minimum rent and achieve mortgage readiness according to their Client Action Plan but not to exceed three (3) years. Homebuyers must
- Be committed to purchasing the leasehold property.
- Have sufficient income required to meet the minimum rent and the other financial obligations of maintaining and buying a home.
- Be able to overcome the obstacles to mortgage readiness in a period of time not to exceed 36 months except in extreme circumstances.
- Be committed to schedule the time to participate in the required group counseling and the one-on-one counseling tailored to the individual family's needs.

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**Covenants** 241

- ❖ Codes:
  - ❖ Applicants as well as occupants are required to adhere to the Tribal Code and other applicable laws with regard to their personal conduct when it impacts their housing obligations and the rights of others. Participants in this program agree to adhere to the following covenants as long as they reside on the premises as a renter and/or subsequently as a homeowner.

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**Verification** 242



**Verifiable Information:**

All information must be verifiable. Verification must be obtained through a third party.



**Verification of Annual Income:**

Anticipated annual family income for admission will be determined by staff on the basis of verification of income at the time of initial application unless otherwise stated in the program policy or regulations.

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**Selection - Preferences** 243

- ❖ Categories of preferences are established as follows:
  - ❖ The Recipient will give first preference to families consisting of all Tribe members enrolled in the Tribe.
  - ❖ A second category of preference will be given to enrolled members of the Tribe whose family composition includes non-enrolled Tribe members. T

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### Selection of Families for a House

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- ◆ Applicants must first be determined to be eligible which includes completion of the initial HBE class.
- ◆ Applicants must be able to qualify for mortgage readiness within a maximum of three years (36 months).
- ◆ Qualifications: Applicants must execute and participate in completing a Client Action Plan (CAP) and meet the qualifications for mortgage readiness within 3 years.

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### Selection of Families for a House

245

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Waiting List Preference 1: All Tribe families who have never been assisted, do not own a home, are Low- or moderate income and meet all qualifications.

2

Waiting List Preference 2: All Tribe families who do not own a home, have been previously assisted but did not achieve homeownership for acceptable reasons, are Low- or moderate-income, and meet all qualifications.

3

Waiting List Preference 3: All Tribe families who do not own a home, are currently assisted by a the Recipient's homeownership opportunity program but have not yet achieved homeownership

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### LWOP Program Rent or Other Payments

246

- ◆ Rent Payments for Moderate Income Families:
  - ◆ Families who are moderate income: monthly rental payments will be determined by the Recipient on a case-by-case basis based on at least the following:
    - ◆ The Fair Market Rent published by HUD in the Federal Register
    - ◆ The debt service
    - ◆ A monthly income-based management fee of a minimum of \$150, and
    - ◆ Buy-down expenses.

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## Housing Counseling Policy

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- The CDHA will provide counseling and advice to tenants and homeowners with respect to property maintenance, financial management, such other matters as may be appropriate to the applicant/resident in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership; and
- The CDHA may provide the services set forth above directly or may enter into contracts with private or public organizations with special competence and knowledge in counseling families with respect to property maintenance, financial management, such other matters as may be appropriate to the applicant/resident in improving their housing conditions and in meeting the responsibilities of tenancy or homeownership; and
- All applicants for any housing assistance program offered by CDHA will be required as a condition of acceptance to satisfactorily complete 12 hours of homebuyer education and one-on-one housing counseling as needed to meet the requirements with respect to property maintenance, financial management, and such other matters as may be appropriate.

The CDHA will require such ongoing one-on-one counseling of residents who would not be acceptable credit risks for mortgage financing or other housing assistance programs because of their credit standing, debt obligations, annual income or income characteristics, or unsatisfactory monthly home payments but who the CDHA is satisfied would be a reasonable satisfactory credit risk if they were to receive budget, debt management, and related counseling.

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