



# NAHASDA Tribal Council Roles & Responsibilities

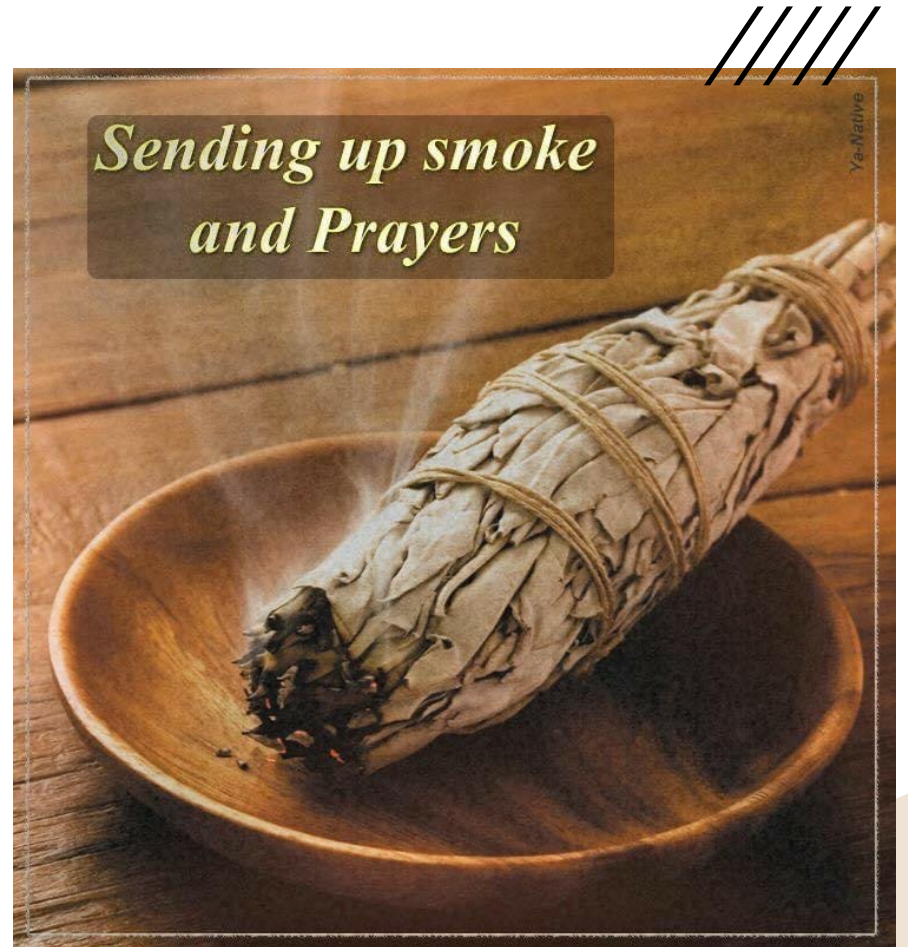
Day # 2  
September 27, 2023

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Brought to you courtesy of the National American Indian Housing Council and the Office of Native American Programs



WELCOME &  
GOOD  
MORNING!



# Getting to know the Instructor

Greetings my name is Cheryl Causley

My Anishinaabe name is Red Bird Woman. I am Loon Clan and I come from Gnoozhekaaning (Place of The Pike); Bay Mills (We are Ojibwe/Chippewa.) Bay Mills is a Reservation located in the Upper Peninsula of Michigan, we are at the top and our waters border Canada.

I served as my Tribes Director of Housing for over 28 years.

I also served as The Chairwoman of the Great Lakes Indian Housing Association for 7 Years.

I was honored to serve as the Chairwoman of the National American Indian Housing Council (NAIHC) for Four years and on the Board of Directors as Vice-Chair and Secretary for an additional 12 years.

My duties included serving as the Co-Chair of the Economic, Finance & Community Development Committee for The National Congress of American Indians (NCAI) and the Housing Subcommittee Chair which committees of Jurisdiction included

- Economic Development
- Housing
- Telecommunications & Technology
- Transportation





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# Course Description

*This core training is being offered to aid Tribal Council Members understand the background and history of "NAHASDA" The Native American Housing Assistance and Self Determination Act. To develop their knowledge of the Federal Rules and Regulations that must be adhered to when accepting funding from the Department of Housing and Urban Development (HUD) for the Indian Housing Block Grant Program (IHBG).*



# Training Objectives:

Participants will learn of the many requirements they will need to ensure they have in place to run a successful Indian Housing Program and the role of the Tribal Council in this process.





# Schedule

## September 27, 2023

### 11:00- 4:00 EDT

11:00 A.M.-1:00 P.M.      Welcome, Introductions, Class

1:00 -2:00 P.M.              Lunch Break

2:00- 4:00 P.M.              Class Resumes

# Reference Materials

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RM # 1 NAHASDA STATUTE

RM # 2 Regulations 24 CFR Part 1000

RM # 3 Uniform Administrative Requirements 2 CFR Part 200

RM # 4 PG 2003-04 Tribally Determined Wage Rates (TDW)

RM # 5 Program Guidance 2020-02 Useful Life

RM # 6 Program Guidance 2014-09 Useful Life

RM # 7 PG 2013-07 Tribal Employment & Contract Preference Laws

RM # 8 Procurement Policy Sample

RM # 9 PIH 2023-01 Changes to Federal Micro Purchase & Simplified Acquisition Threshold

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# Reference Materials

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RM # 10 PG 2023-01 HUD Income Limits

RM # 11 PG 2013-05 Calculating Annual Income for Purposes of Eligibility

RM # 12 PIH 2014-02 Assisting Non-Low-Income Families

RM # 13 PG 2014-03 (R) Insurance Requirements under the IHBG Program

RM # 14 PIH 2022-16 Total Development Cost TDC for NAHASDA

RM # 15 PG 2002-13 Conflict of Interest in Admissions

RM # 16 PG 2018-02a Guidance on IHP/APR HUD form 2737

RM # 17 HUD IHBG Monitoring Plans Template Links

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This webinar  
is being  
recorded.

# NAHASDA Tribal Council Roles & Responsibilities





# MODULES

## **AFFORDABLE HOUSING ACTIVITIES SUBPART B**

### **ELIGIBLE PARTICIPANTS AND PAYMENTS CHARGED**

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

### **PAYMENTS CHARGED**

- Maximum & Minimum Payments
- Flat or Income Adjusted Rents
- Income Verification Requirements
- Utilities Are they part of the Rent or Homebuyer Payment?
- Insurance Requirements



# MODULES

## **CONFLICT OF INTEREST**

- In The Administration of Contracts
- In Admissions
- Written Code of Standards of Conduct
- Code of Ethics
- Ethical Standards of Conduct
- 7 Keys to Handling Conflicts of Interest

## **INDIAN HOUSING PLAN SUBPART C**

### **The IHP/APR & Self-Monitoring Requirements**

- Indian Housing Plan
- Annual Performance Report
- Self-Monitoring Requirements





# MODULES

## **ALLOCATION FORMULA SUBPART D**

### **INDIAN HOUSING BLOCK GRANT (IHBG) FORMULA**

- Purpose and Background
- The Formula Response Form
- Components of the Formula
- Reviewing FCAS Data

## **RECIPIENT MONITORING, OVERSIGHT AND ACCOUNTABILITY SUBPART F**

### **Monitoring, Oversight And Accountability**

- Monitoring Activities Under NAHASDA
- Organization & Structure (ONAP Monitoring Plan)



# MODULE

## ELIGIBLE PARTICIPANTS

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

## Payments Charged

- Maximum & Minimum Payments
- Flat or Income-adjusted Rents
- Income Verification Requirements
- Are utilities part of the Rent or Homebuyer Payment

AFFORDABLE HOUSING ACTIVITIES SUBPART B

Your Housing Program will have multiple decisions to make, as it shapes the programs you offer your Tribal Members. Many of these decisions are created as a result of the laws we must follow for NAHASDA Compliance.

The decision-making authority is dependent on how you have structured your housing program. As a Tribal Council how involved are you in Housing?

- If you have a Housing Board of Commissioners, do you have a Tribal Council Liaison?
- Do you receive a copy of the meeting minutes to keep you informed of the decisions effecting your Tribal Members?

This module has various examples about some of the required Tribal decisions:

**Selection:**

Do you offer Tribal Preference in selection?

Do you have priorities in selection?

**Continued Occupancy:**

Do you continue to serve your Tribal Members in your Low Rent programs when their adjusted income is above 80% of Median Income?

Do you require them to transfer programs if you offer something in addition to Low-Income Rental?

Do you charge them the same amount they were paying as a Low-income tenant, or do you charge them according to HUD's formula or Fair Market Rent?

**Providing Assistance to Non-Low-Income Families/Exceptions:**

Do you service Essential Families? Who deems them Essential?

Do you service Law Enforcement Officials ?



Program  
Recipient's  
Eligible  
Families



# Eligibility Requirements

## 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)

# What is a "Family"?

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





# Types of Eligible Families

- Low-income Indian families
- Non-low-income Indian families
- Essential families
- Law enforcement officers



# Eligible Indian Families

**Can serve any low-income Indian family**

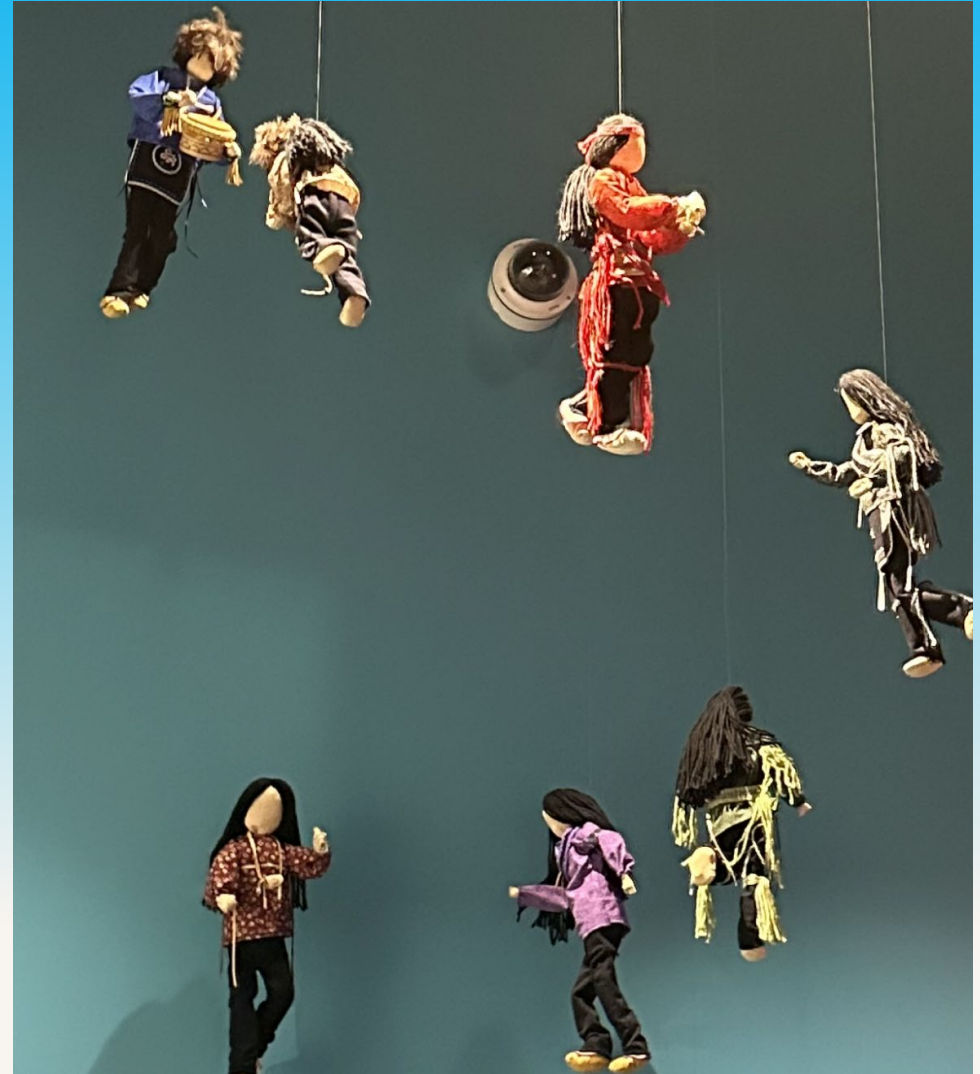
In Indian area

Activity and area described in IHP

**Definition of low-income**

80% of median

Greater of Indian area or US median income limits



# Persons Making up a Family

Indians

Non-  
Indians

Elderly

Near  
Elderly

Disabled

Single(Sole)

Minors

Students



# Unsuitability

Determined by the Recipient (tribe or TDHE) examples of unsuitability include:

- Violent criminal background
- Drug-related criminal background
- Poor history related to previous housing
- In debt to the Tribe or TDHE



# Low-Income Family

A “low-income family” means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for the purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing Levels of construction costs or unusually high or low family incomes.

The term “median income” means, with respect to an area that is an Indian area, the greater of—

the median income for the Indian area, which the Secretary shall determine; or the median income for the United States.



# Low-Income Requirements

- **Section 4 (15) of NAHASDA defines “median income” with respect to an area that is an Indian area, the greater of –**
- The median income for the Indian area, which the Secretary shall determine; or
- The median income for the United States.





# What is "Median" Income?

## MEDIAN INCOME-

... means, with respect to an area that is an Indian area, the greater of--

(A) the median income for the Indian area, which the Secretary shall determine; OR

(B) the median income for the United States.

Families eligible for services under NAHASDA include low-income Indian families on Indian Reservations and other Indian areas. The definition of Indian area is where the Tribe or TDHE is authorized to provide services under NAHASDA. Some tribes limit services to low-income Indian families within their reservations or jurisdictions; others provide services to qualifying families outside their jurisdictions. For purposes of NAHASDA, low-income has been determined to be 80% of the median income for the area in which the housing entity provides services or the United States (whichever is higher). For example, if the median income for Big House County is \$40,000 (80% of which is \$32,000) and the United States median income is \$60,000 (80% of which is \$48,000), the tribe would use the United States median income and Indian families could make up to \$48,000 and be considered eligible for the programs paid for with IHBG funds.

# Median Income

Note: These numbers change so **make sure your staff is using the most current numbers available** (to qualify as many Tribal Members as possible) they are published annually (usually in early Spring) by HUD. ONAP Program Guidance No. 2023-01 Published July 6, 2023, provides the most current income limits by family size under the Native American Housing Assistance and Self-Determination Act of 1996.

It can be further complicated if a reservation has lands in more than one county. The tribe normally would have to look at the median income for each county. However, to simplify the matter the tribe can use the county with the highest median income, compare it against the national median, and then use the higher of the two.

An Indian is defined (by NAHASDA) as a person who is a member of a federally recognized tribe or a state recognized tribe of which the tribe has met certain conditions to receive funds under the 1937 U.S. Housing Act. Indian tribes determine their own membership criteria and eligibility.



## Program Guidance No. 2023-01

**Purpose:** This guidance replaces Program Guidance 2022-01 and provides the latest U.S. Housing and Urban Development (HUD) Income Limits applicable to the Indian Housing Block Grant (IHBG) program.

**Background:** HUD Notice PDR-2023-01, published May 15, 2023, contains the methods used to calculate the Fiscal Year (FY) 2023 Fair Market Rents (FMR) and enumerates the procedures for interested parties to request reevaluations of their FMRs. The FY 2023 FMRs are based on the updated metropolitan area definitions published by the Office of Management and Budget on September 14, 2018, and incorporated by the Census Bureau into the 2021 American Community Survey data. The FMRs are used to establish Median Family Income (MFI) limits for the IHBG program. The FY 2023 area and State MFI are available on HUD's website at: [huduser.gov/portal/datasets/il/il2023/select\\_Geography.odn](https://huduser.gov/portal/datasets/il/il2023/select_Geography.odn)

This Guidance is in the Reference Materials

# PROGRAM GUIDANCE



No. 2023-01  
July 6, 2023

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**PROGRAM:** Indian Housing Block Grant

**FOR:** All Tribal Government Leaders and Tribally Designated Housing Entities

**FROM:** Hilary Atkin, Director for Office of Grants Management, PNPB *HLA*

**TOPIC:** Income Limits for the IHBG program under the Native American Housing Assistance and Self-Determination Act of 1996

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**Purpose:** This guidance replaces Program Guidance 2022-01 and provides the latest U.S. Housing and Urban Development (HUD) Income Limits applicable to the Indian Housing Block Grant (IHBG) program.

**Background:** HUD Notice [PDR-2023-01](#), published May 15, 2023, contains the methods used to calculate the Fiscal Year (FY) 2023 Fair Market Rents (FMR) and enumerates the procedures for interested parties to request reevaluations of their FMRs. The FY 2023 FMRs are based on the updated metropolitan area definitions published by the Office of Management and Budget on September 14, 2018, and incorporated by the Census Bureau into the 2021 American Community Survey data. The FMRs are used to establish Median Family Income (MFI) limits for the IHBG program.

The FY 2023 area and State MFI are available on HUD's website at: [huduser.gov/portal/datasets/il/il2023/select\\_Geography.odn](https://huduser.gov/portal/datasets/il/il2023/select_Geography.odn)

To find an MFI for a specific area, under the section title, "Access Individual Median Family Income Areas" click the link, "Click Here for FY 2022 MFI Documentation" then search on the appropriate geographic area.

Recipients of IHBG funding must ensure the Annual Income of program participants does not exceed the MFI. [Program Guidance 2013-05](#) addresses the three Annual Income definitions that recipients may adopt in their policies to compute Annual Income to determine program eligibility.

**Guidance:** Pursuant to 24 CFR §1000.10, median income for the IHBG program is defined as the greater of:

- 1) The median income of the counties, or their equivalent in which the Indian area is located; or
- 2) The median income for the United States.

## PROGRAM GUIDANCE 2023-01

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Tribes with large reservations or those that encompass more than one county may have more than one income limit. To reduce administrative burden, the Tribe or Tribally Designated Housing Entity (TDHE) may set income limits for multi-county reservations at the income limit level of the county with the highest income limits.

If the MFI limit for a county located within your Indian area is lower than the United States MFI limit, you must use the U.S. MFI limit. The U.S. MFI for FY 2023 is \$96,200. Therefore, the adjusted income limits broken out by family size and 80 and 100 percent (80/100%) of MFI are shown below.

### **2023 Median Family Income \$96,200**

<b>% Median Income</b>	<b>1 Person</b>	<b>2 Persons</b>	<b>3 Persons</b>	<b>4 Persons</b>	<b>5 Persons</b>	<b>6 Persons</b>	<b>7 Persons</b>	<b>8 Persons</b>
80%	\$53,850	\$61,550	\$69,250	\$ 77,000	\$ 83,100	\$ 89,250	\$ 95,450	\$101,600
100%	\$67,350	\$77,000	\$86,600	\$ 96,200	\$103,900	\$111,600	\$119,300	\$127,000





# Adjusted Income

Adjusted income is derived by subtracting any of the deductions (or allowances) that apply to the household from the household's annual (gross) income.

The Household's eligibility for deductions depends, in part on the type of household.

Not all households are eligible for all deductions.

## Statutory Exclusions/Deductions

These exclusions are applicable regardless of which method of calculating Annual Income is used

1. \$480 for
  - Children under 18
  - Persons with disabilities over 18, and
  - Full time students under 18
2. \$400 For elderly or disabled family
3. Medical and attendant expenses over 3% of income
  - Medical only if elderly or disabled family
  - Attendant for disabled person to allow family member to work
4. Childcare expenses that enable family members to work or go to school
5. Earned income of minors under 18
6. Travel expenses, not to exceed \$25 per family per week, for employment or education
7. Other exclusions provided in the local housing policies



# ELIGIBLE FAMILIES

Assistance for eligible housing activities under NAHASDA are generally limited to low-income Indian families on Indian reservations and other Indian areas. NAHASDA specifically identifies four types of families that may be assisted:





# PIH 2014-02 Providing Assistance to Non-Low-Income Families:

This Notice describes how (Non-Low-Income Families, Adjusted Income over 80% of HUD Median Income limits) May receive NAHASDA Assistance. Essential Families and Law Enforcement Officials and the process involved in documenting these determinations and how to request HUD approval to assist Non-low-income families.



## U.S. Department of Housing and Urban Development Office of Public and Indian Housing

**Special Attention of:**  
Administrators, Offices of Native American Programs;  
Tribes, Tribally Designated Housing Entities (TDHEs)

Notice PIH 2014-02

Issued: January 24, 2014

Expires: Effective until amended,  
revoked or superseded

Cross References: 24 CFR §§  
1000.104 - 1000.118  
PIH Notice 1999-6

**1. SUBJECT:** Providing Assistance to Non-Low-Income Families under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA).

**2. PURPOSE:** This Notice provides guidance on the requirements of Section 201(b) of NAHASDA, the recent revisions to the Indian Housing Block Grant (IHBG) regulations that became effective on January 3, 2013, and replaces PIH Notice 1999-6. It describes how non-low-income families (families with incomes over 80 percent of the HUD median income limits) may receive assistance under NAHASDA, and provides details on exceptions for essential families and law enforcement officials. This Notice also explains the process for documenting these determinations and how to request HUD approval to assist non-low-income families.

**3. BACKGROUND:** One of the national objectives of NAHASDA is to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by low-income families on Indian reservations and in other Indian areas. Generally, assistance under NAHASDA is limited to low-income Indian families on Indian reservations and other Indian areas. Section 201(b) provides some exceptions to this requirement.

**4. TYPES OF ELIGIBLE NON-LOW-INCOME FAMILIES:** IHBG recipients may provide non-low-income families with IHBG assistance as defined below:

**Ten Percent Non-Low-Income.** Recipients may use up to 10 percent of the amount planned for the tribal program year for families with incomes that fall between 80 percent and 100 percent of the median income without HUD approval if the recipient determines that the need for housing for such families cannot be met without such IHBG assistance. For purposes of the Notice, this exception to the low-income requirement is called the "10 percent authority".

# SEC. 201. ELIGIBLE FAMILIES

Except as provided under paragraphs (2) and (4), and except with respect to loan guarantees under the demonstration program under title VI, assistance under eligible housing activities under this Act shall be limited to low-income Indian families on Indian reservations and other Indian areas.

- (2) EXCEPTION TO LOW-INCOME REQUIREMENT- (A) EXCEPTION TO REQUIREMENT- Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.
- (B) LIMITS- The Secretary shall establish limits on the amount of assistance that may be provided under this Act for activities for families who are not low-income families.



# SEC. 201. ELIGIBLE FAMILIES

(3) ESSENTIAL FAMILIES- Notwithstanding paragraph (1), a recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) LAW ENFORCEMENT OFFICERS- A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this Act for a law enforcement officer on an Indian reservation or other Indian area, if-- (A) the officer— (i) is employed on a full-time basis by the Federal Government or a State, county, or other unit of local government, or lawfully recognized tribal government; and (ii) in implementing such full-time employment, is sworn to uphold, and make arrests for, violations of Federal, State, county, or tribal law; and (B) the recipient determines that the presence of the law enforcement officer on the Indian reservation or other Indian area may deter crime.



## Non-Low-Income Families

A non-low-income family is one whose income exceeds 80% and is less than 100% of the applicable median income limits AND has a need that cannot reasonably be met without IHBG assistance. Housing assistance for non-low-income families requires HUD approval as required in §§ 1000.106, 1000.108 and 1000.110. If the Recipient plans to: (1) use more than 10 percent of the amount planned for the tribal program year for such assistance or (2) provide housing for families with income over 100 percent of the median income. In cases in which HUD approval is not required, the Recipient must still determine and document when there is a housing need for non-low-income families and that this need cannot reasonably be met without IHBG assistance.



# How Many Non-Low-Income Families?

Only 10% of IHBG grant may be used for families with adjusted income between 80% to 100% of median income

If more than 10% = HUD approval is required

If household income is greater than 100% of median = HUD approval is required in ADVANCE of assisting Family

Non-low-income family in housing assisted under 1937 Act for continued occupancy.  
10% cap on assistance to families 80-100% of median income does not include families that are initially low-income but later experience an increase in income.

You must document a need for Housing that cannot reasonably be met without IHBG Assistance



# Examples of Required Documentation

Property inspections

Evidence of living in temporary housing

Verification of family income

Rejection letters from lender or landlord

Letters stating family does not qualify for other federal, state, or local housing programs

## *Non-Low-Income Assistance Policy*

**POLICY:** The ATIHA will provide assistance to non-low-income families to the greatest extent feasible and in accordance with the Native American Housing Assistance and Self-Determination Act of 1996, hereinafter referred to as NAHASDA.

**PURPOSE:** This policy describes the exception to the low-income requirement whereby non-low-income Indian families may receive assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). This policy also describes the following:

- The method for determining and documenting when housing need cannot reasonably be met without NAHASDA assistance;
- The process for ATIHA to request HUD approval to assist non-low-income Indian families is also described.

**APPLICABILITY:** All non-low-income families requesting housing assistance (except educational and advocacy assistance) in any of the ATIHA 1937 housing stock or housing assisted with NAHASDA funds.

**POLICY:**

1. NAHASDA Assistance to non-low-income families may be made available under the following circumstances subject to the availability of funds
  - a. Through conditions specified in the ATIHA Indian Housing Plan under the following circumstances:
    - i. When a total of 10% of the total grant funds for a given IHP are designated by the ATIHA as being available for assistance to families whose incomes are between 80% and 100% of median income;
    - ii. When the ATIHA has a HUD approved "model activity" to provide assistance to moderate- and above-income families.
  - b. Other conditions under which non-low-income Indian families can receive benefits under the Indian Housing Block Grant (IHBG) Program include the following:

- i. Loan guarantee activities under Title VI of NAHASDA;
  - ii. Loan guarantee activities under Title VII of NAHASDA.
- 2. In order to provide assistance to non-low-income Indian families, certain conditions must be met.
  - a. In all cases, ATIHA must determine and document that there is a need for housing for each family which cannot reasonably be met without assistance.
  - b. The ATIHA must state in the ATIHA IHP that it intends to use up to 10 percent of its annual grant amount to assist Indian families with incomes that fall within 80 to 100 percent of the median income without HUD approval.
  - c. HUD approval is required if the ATIHA plans to use more than 10 percent of its annual grant amount for such assistance or when a ATIHA plans to provide assistance to families with incomes over 100 percent of median income. In these cases, a model activity would be required.
  - d. A non-low-income Indian family cannot receive the same benefits provided to a low-income Indian family
- 3. **DETERMINATION OF NEED** for housing which cannot reasonably be met without IHBG assistance should consider but is not limited to the following:
  - a. Inadequate housing - A housing need exists if a family resides in inadequate housing. Inadequate housing includes substandard and overcrowded housing, and for the purposes of this notice, inadequate housing is defined as housing that:
    - i. is not safe, is not in a physically sound condition with all systems performing their intended design functions, or
    - ii. does not provide adequate space and privacy for all intended household members.
    - iii. Temporary housing and homelessness - Families living in temporary housing such as emergency shelters or transitional housing, or in a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for people have a housing need.
    - iv. Cost burden - When a family pays over 50 percent of their gross income for housing (including utilities) due to the lack of more affordable housing, it can be determined that there is a housing need or a need for housing that is more affordable.
    - v. Inaccessibility to financing

- b. When the ATIHA determines that a family seeking IHBG assistance does not have a legitimate housing need, the family will be notified, in writing, of the determination.
  - c. Inaccessibility to financing
- 4. **DETERMINATION THAT HOUSING NEED CANNOT BE MET WITHOUT IHBG ASSISTANCE** should consider but is not limited to the following:
  - a. Rental and homeowner housing - In cases where a family is living in inadequate rental housing, the ATIHA should determine if the family could find adequate rental housing without requiring IHBG assistance before other options, such as homeownership, are considered. If a family can afford adequate rental housing without assistance, the ATIHA may not want to consider providing IHBG assistance for homeownership.
  - b. Income and assets - It should be determined if the family has sufficient income, creditworthiness, and/or assets that would enable them to obtain adequate housing (which may mean rental housing) without IHBG assistance.
  - c. Private and governmental programs - In cases involving homeownership, the ATIHA should determine whether the family could qualify for a conventional or government backed mortgage, e.g., Section 184, FHA, VA, or RDA. Are there any local or state programs available to the family? For a family who could qualify for a mortgage, but was rejected due to credit problems, the ATIHA should consider whether the family would be able to meet program requirements including repayment, if applicable.
  - d. Housing market conditions - What is the current availability of housing, both rental and homeownership units? Is there a sufficient number of affordable units on the market that would allow the family to find an adequate unit without IHBG assistance?
  - e. Housing location - For families who reside within the reservation/Indian area and would not consider moving from the reservation/Indian area, the ATIHA need only consider the availability of housing on the reservation/Indian area when determining if the housing need can be met without IHBG assistance.
  - f. Overcrowded conditions - In cases of overcrowded conditions, the ATIHA should determine if the situation exists due to choice or necessity. Does the family or families have adequate resources to alleviate the overcrowded conditions without IHBG assistance?
- 5. **DOCUMENTATION** of housing need and the need for IHBG assistance is required in all cases. ATIHA must carefully document their determination of housing need and the reasons why the housing need cannot reasonably be met without IHBG assistance. Because housing need and the inability to secure housing without IHBG assistance can occur due to a variety of different circumstances, the type of documentation required will vary depending on the

situation. The ATIHA should consider the documentation listed below and determine, based on the circumstances of the non-low-income family, the type(s) of documentation that would best support its determinations.

Documentation supporting the determination of housing need and a determination that the need cannot reasonably be met without IHBG assistance could include, but is not limited to, the following:

- a. Property inspections (completed by the ATIHA or other reliable sources); code violation letters from a local government citing unsafe conditions; family information including size and the number, age, and sex of children living in the home.
  - b. A statement from a temporary housing facility stating that the family has been residing at the facility because they have no other reasonable alternative. For homeless families, the lack of any information indicating that the family has adequate housing along with an explanation from the family stating why they do not have adequate housing would be sufficient documentation.
  - c. A statement signed by the head of household explaining why the family has a housing need that cannot be met without assistance. The statement should be specific regarding the reasons why a housing need exists and the steps that the family has taken to secure housing without assistance. The family should provide the ATIHA with verification to support its statement.
  - d. Copies of tax returns, payroll stubs, rent receipts, utility receipts or canceled checks, etc. Third party verifications must be used to confirm information provided by the family
  - e. Rejection letters from financial institutions or landlords.
  - f. Letters from state, local or federal agencies stating that the family does not qualify for housing programs or that there are no programs available.
  - g. Notes including names and phone numbers of persons the family has contacted in an attempt to secure housing.
  - h. Poor credit by itself does not constitute need.
6. When HUD approval is required before a family can obtain assistance, a copy of the ATIHA'S documentation and request for HUD approval is to be sent to the Area Office of Native American Programs (ONAP).
  7. When HUD approval is not required, the ATIHA'S documentation should be kept on-site and be available for HUD review.
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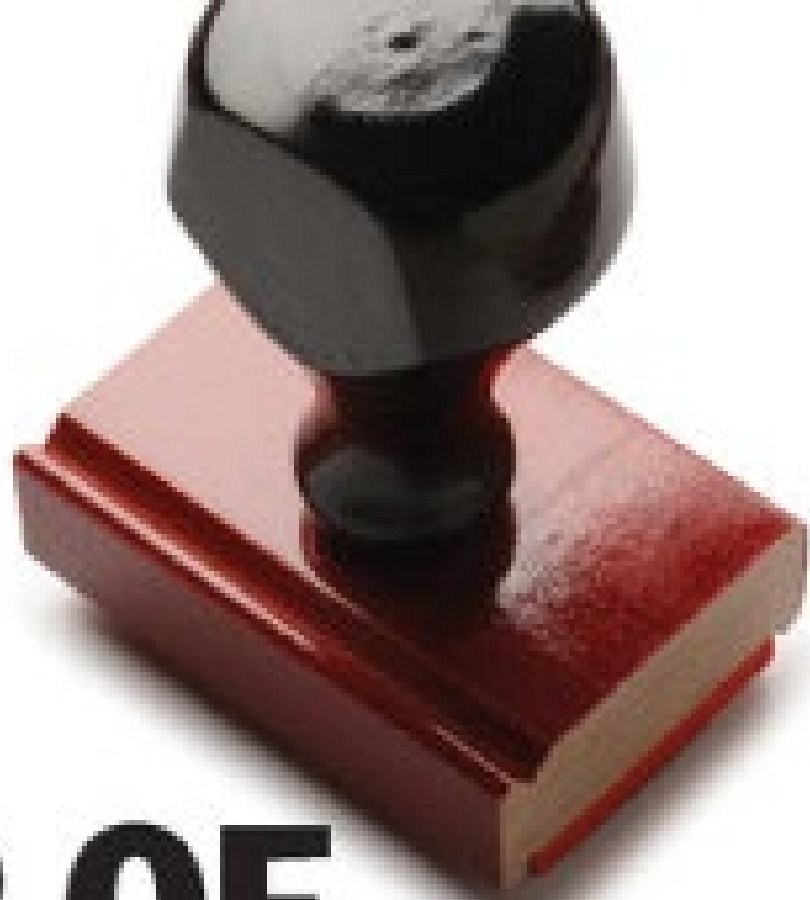
# MODERATE INCOME CHECKLIST

<b>I. Determination of Need</b>	
<input type="checkbox"/>	<b>A. Inadequate Housing</b>
	Lacks Energy Efficiency
	Over Crowded
	Poor Plumbing
	Electrical Deficiencies
	Inadequate Drain field
	Structurally Unsound
	Pest Infested
	Fire Hazard
	Inadequate Heating and/or Cooling
	No Heating
	Inadequate Cooling
	Lack of Water Pressure
	No Insulation
	Single Wide Trailer
	Not Code Compliant
	No Child Safety Measures
	Incomplete Kitchen
	Incomplete Bathroom



<input type="checkbox"/>	B. Temporary Housing
	Living with Relatives
	Motels/Hotels
	Transitional Shelter
<input type="checkbox"/>	C. Homeless
<input type="checkbox"/>	D. Cost Burden (Housing costs exceed 50% of AGI including utilities)
<input type="checkbox"/>	E. Inaccessibility to Financing
<b>II. Determination that Housing Need cannot Reasonably Be Met</b>	
	Rental Housing not available in area
	Affordability
	Income & Assets Insufficient
	Housing Stock Insufficient
	Conventional Mortgages not available on trust land
	State Housing Finance Programs not available
	Section 8 waiting list is too long
	Inadequate Housing Stock in Area
	Family Desires Residence on Reservation or in Village

<b>III. Documentation</b>	
	Property Inspection
	Code Violation Letters
	Family Size and Unit Size
	Statement from a Temporary Housing Landlord
	Affidavit from Family
	Payroll Stubs
	Rent Receipt
	Rejection Letters
	Denial Letters



**STAMP OF**

**APPROVAL**

## Obtaining HUD Approval

Submit proposal to provide assistance to non-low-income families as part of Indian Housing Plan (IHP) Request proposal as amendment to IHP

Submit special request to HUD

# Essential Family

Essential families may receive assistance if the family's housing need cannot be met without IHBG assistance, and the Recipient determines that the non-low-income family's presence is essential to the well-being of the Indian families living on the reservation or in the Indian area.



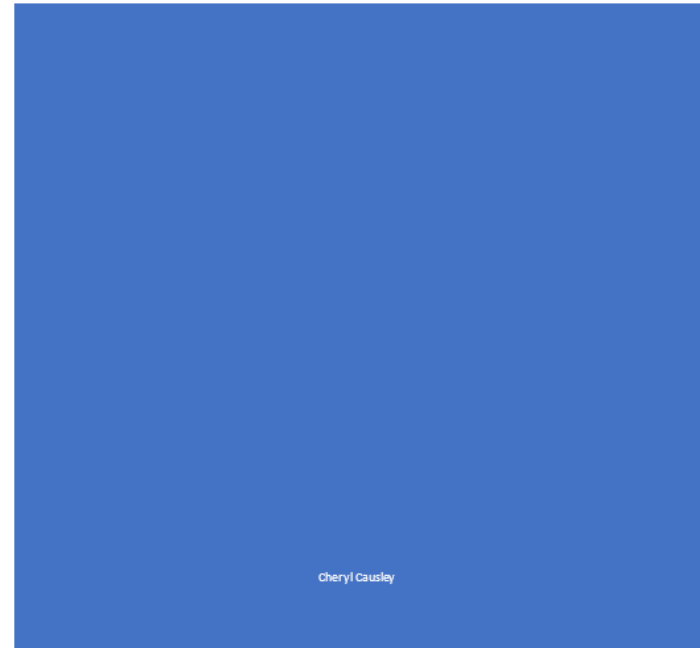
# PIH Notice 2014-02 Essential Families

PIH Notice 2014-02 Essential Families. A non-low-income family may receive IHBG assistance if the recipient determines that the presence of the family is essential to the well-being of Native & Alaskan families and the need for housing for such family cannot be met without such IHBG assistance. Families assisted under this provision can receive the same amount of benefits as low-income families, as provided in 24 CFR § 1000.110(e), and they do not count as non-low-income families for the purposes of the 10 percent authority even though HUD approval is not required. Guidance on documenting these determinations is covered further in this Notice. To be considered an essential family, an IHBG recipient must first determine a family is essential to the well-being of the Indian families residing in the Indian area and determine that the need for housing the family cannot be reasonably met without IHBG assistance. The criteria and rationale for determining if a family is essential should be clearly described in the recipient's policy, and documentation must be maintained that clearly supports the determination. The recipient must make a determination about each essential family and document its determination even in cases when HUD approval is not required. The recipient may use the guidance in this Notice when determining if there is a need for housing for the family that cannot be reasonably met without IHBG assistance.





# ESSENTIAL FAMILY POLICY



Cheryl Causley

## ESSENTIAL FAMILY POLICY

PURPOSE: ATIHA may provide housing or housing assistance to Essential Families in our Indian area under the following conditions:

- The ATIHA determines that the presence of the family on the Indian area is essential to the well-being of Indian families, and
- The family demonstrates a need for housing that cannot reasonably be met without IHBG assistance that can be independently verified and documented by ATIHA staff.
- Housing is available to accommodate the essential family.

In accordance with PIH Notice 2014-02, Providing Assistance to Non-Low-Income Families under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA), the ATIHA shall provide a rationale for making its determination using at least the following criteria:

### I. DETERMINATION OF NEED

#### A) Inadequate Housing

- Lacks Energy Efficiency
- Overcrowded
- Poor Plumbing
- Electrical Deficiencies
- Inadequate Drain field
- Structurally Unsound
- Pest Infested
- Fire Hazard
- Inadequate Heating and/or Cooling
- No Heating
- Inadequate Cooling
- Lack of Water Pressure
- No Insulation
- Single Wide Trailer
- Not Code Compliant
- No Child Safety Measures
- Incomplete Kitchen
- Incomplete Bathroom

#### B) Temporary Housing

- Living with Relatives
- Motels/Hotels
- Transitional Shelter

#### C) Homeless

#### D) Rent cost Burden (Housing costs exceed 50% of AGI including utilities)

#### E) Inaccessibility to Financing

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

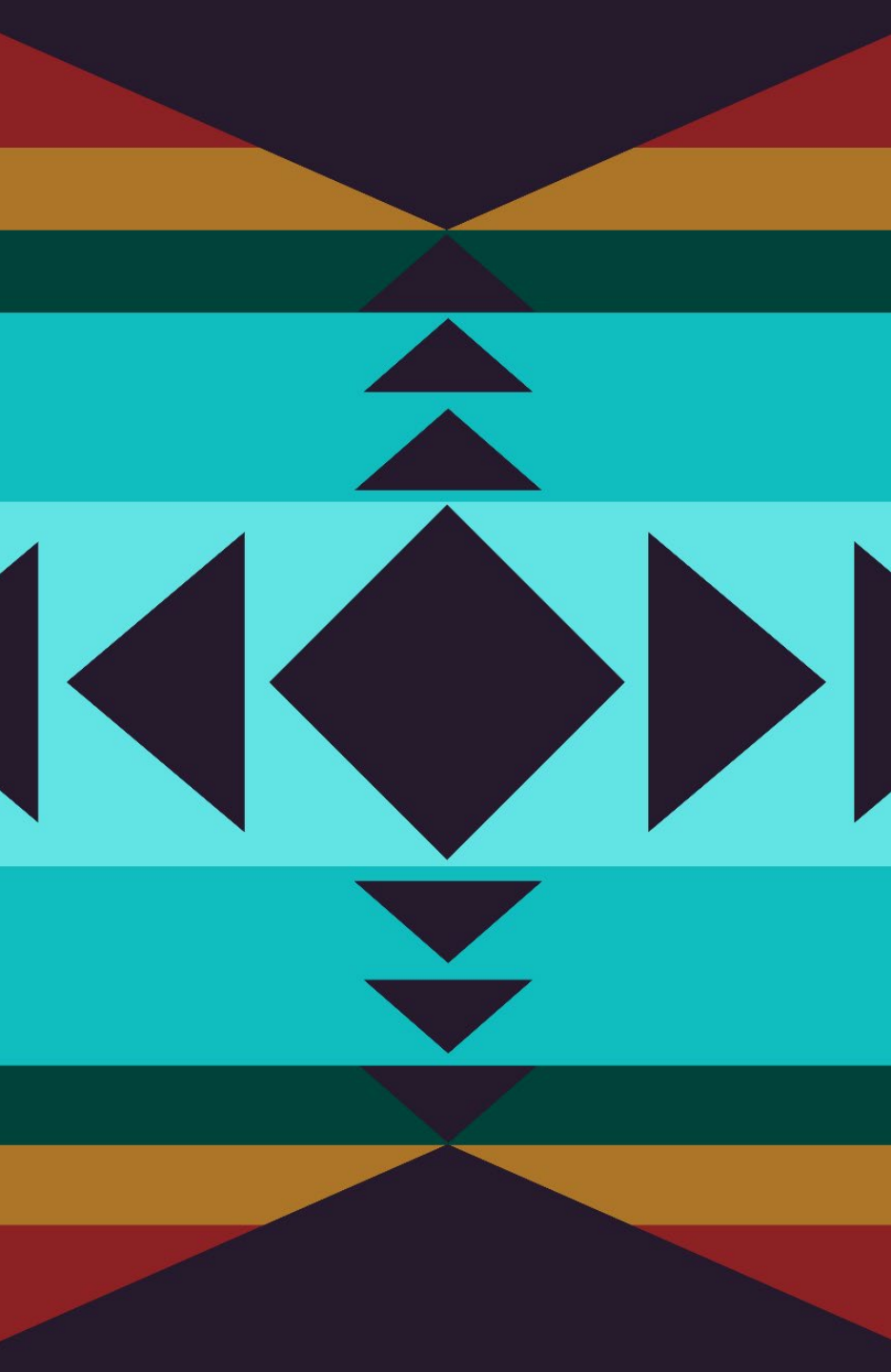
- Rental Housing not available in area
- Affordability
- Income & Assets Insufficient
- Housing Stock Insufficient
- Conventional Mortgages not available on trust land
- Section 8 waiting list is too long
- Inadequate Housing Stock in Area
- Family Desires Residence in immediate area near family

### III. DOCUMENTATION

- Property Inspection
- Code Violation Letters
- Family Size and Unit Size
- Statement from a Temporary Housing Landlord
- Affidavit from Family
- Payroll Stubs
- Rent Receipt
- Rejection Letters
- Denial Letters

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

### IV. MIHA REQUIREMENTS



A NAHASDA Recipient can only use 10% of Annual IHBG funds in this scenario \$365,000. This is the method for calculating the use of their 10% Authority amount.

***\*Someone needs to be tracking your 10% CAP***

EXAMPLE 1: The recipient is assisting a non-low-income Indian family with rental assistance. The tribe has decided to use the monthly Fair Market Rent (FMR) of 698 as the rental value for assistance. \$698 FMR value X 12 months = \$8,376 of NAHASDA Assistance.

EXAMPLE 2: The recipient is assisting a non-low Indian family with homeownership assistance. The monthly value of the homebuyer unit is \$850. \$850 value X 12 months = \$10,200 of NAHASDA assistance.

EXAMPLE 3: The recipient is assisting a non-low-income Indian family with down payment assistance. Amount of assistance being provided to non-low-income Indian family is \$7,400

$10\% \text{ of } \$365,000 = \$36,500 - (8,376 - 10,200 - 7,400) = \$25,976$

***Leaves \$10,524 of NAHASDA funds eligible for use***

# Policy Required Decisions

- The 10% cap on assistance to families 80-100% of median income does not include families that are initially low-income but later experience an increase in income. (You must address this in your policy.)

It is a Tribal decision if:

- You will continue to service these participants
- If you will charge these program participants more than your low-income participants. You may charge them the current amount they are being charged, Fair Market Rent for Area, or the HUD Formula used for Over Income Tenant calculations. Detail your decision in your policy.

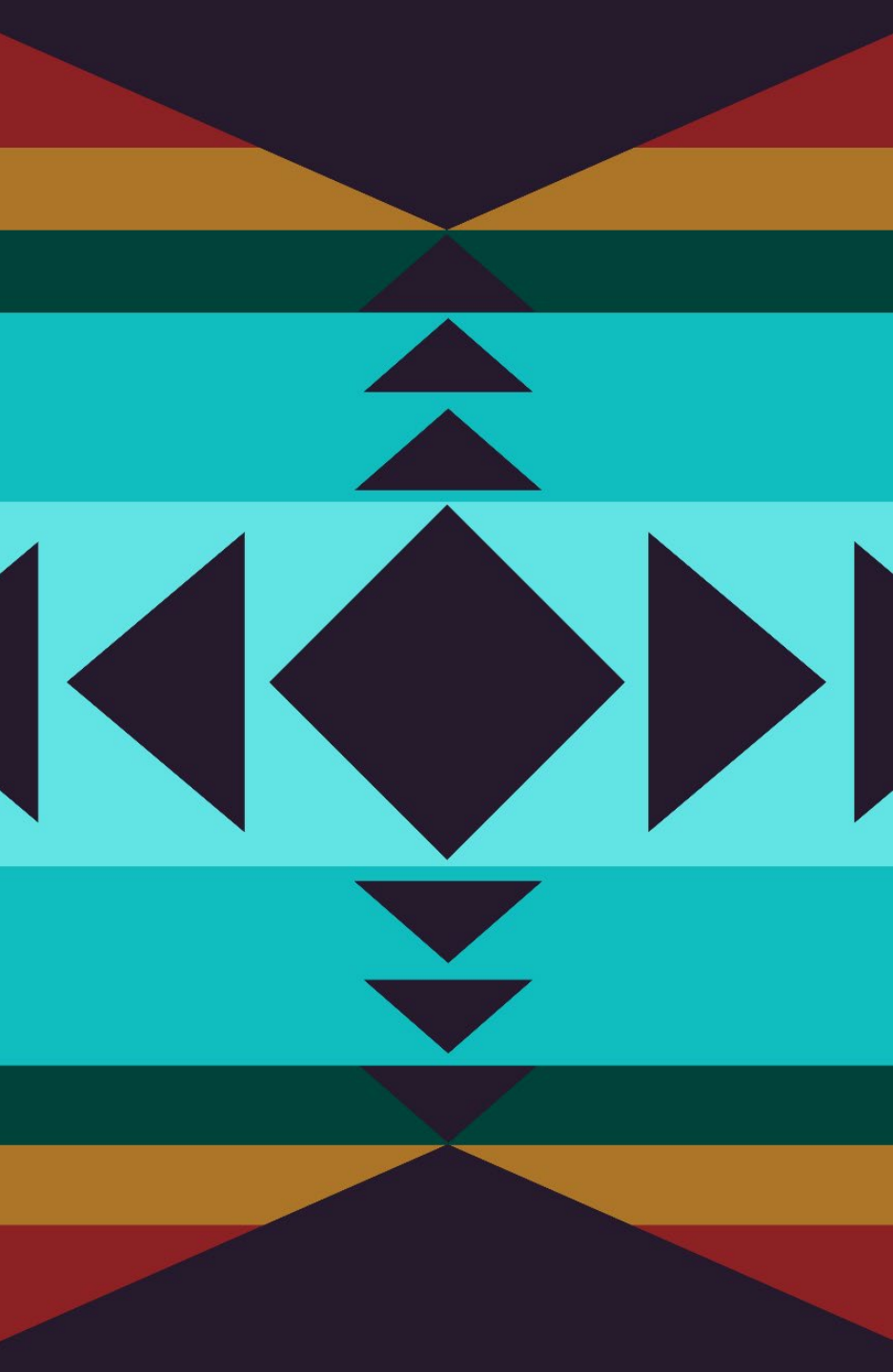
# Non-Low-Income Rental Payment Requirements

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

Determine in your policy if you are using HUD Formula or Fair Market Rent.







# Non-Low-Income Family Payments

- To calculate rental payment for non-low-income family, divide their income by 80% of median income
- Multiply that number by amount of monthly rent for low-income family
- This amount is minimum monthly payment.
- These procedures should be addressed in policies.

\* The 30% Rule does not apply to families with an adjusted income over 80% of Median Income.

# Calculating Rent for Non-Low-Income

- Eighty percent of the median income for a family of four in Seattle is \$75,040
- Rental Payment for a family at 80 percent of median income is \$1200 per month
- FMR 3-bedroom = \$1,793 per month
- A non-low-income Native family of four earns \$88,000




# Calculating Rent for Non-Low-Income

Eighty percent of the median income for a family of four in Seattle is \$75,040.



Rental payment for a family at eighty percent of median income is \$1,200 per month



FMR 3-bedroom = \$1,793 per month

# Rent Payment for Non-Low-Income Families



You must use the HUD Formula or Fair Market Rent , establish that in your policies and be consistent with your selection.



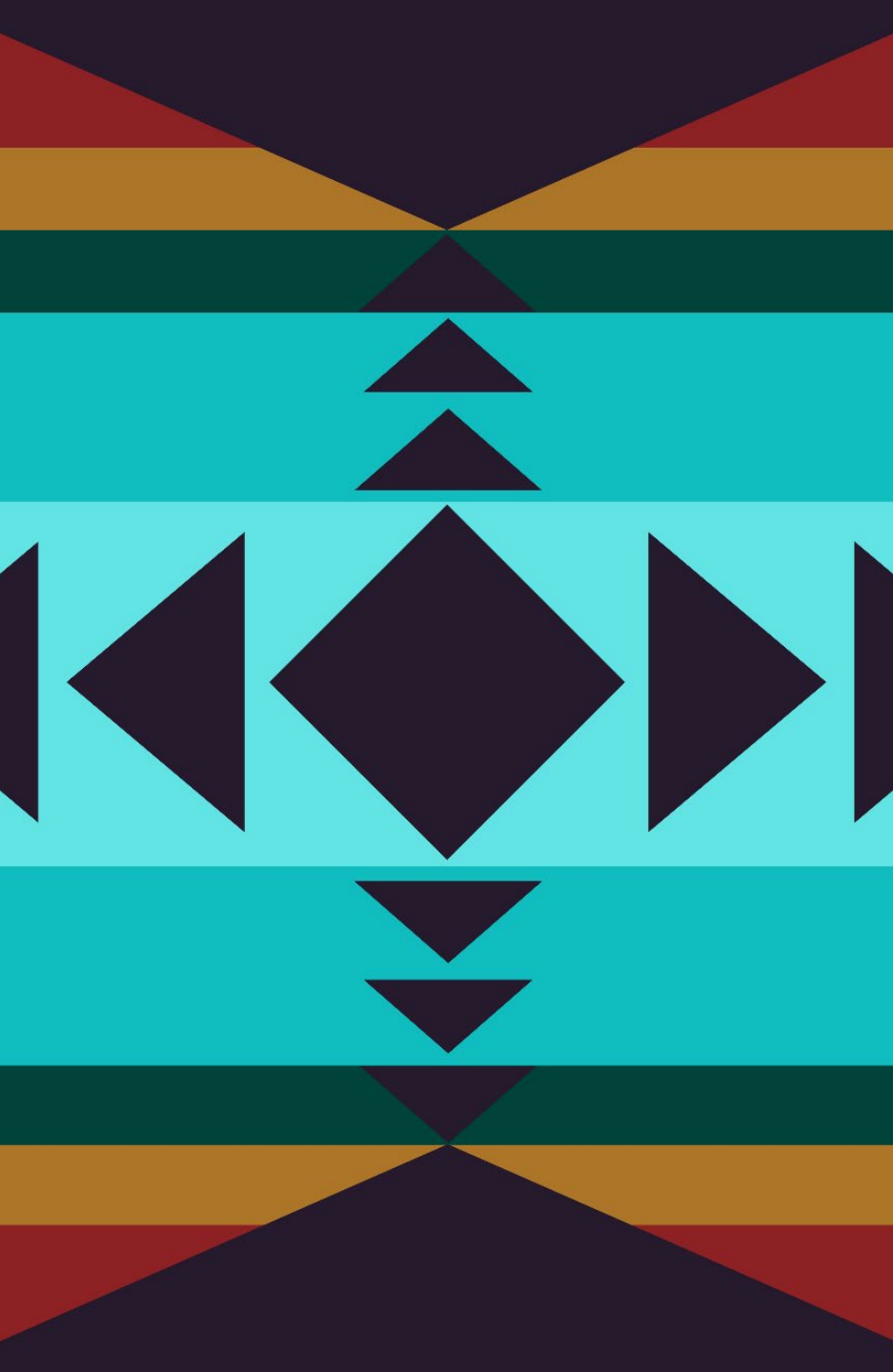
# Other Program Assistance for Non-Low-Income Families



# 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  $[\text{income of non-low-income family} / \text{income of family at 80 percent of median income}] \times [\text{rental payment of family at 80 percent of median income}]$  but need not exceed the fair market rent or value of the unit.

**Other NAHASDA assistance**, including down payment assistance, to non-low-income families, cannot exceed  $[\text{income of family at 80 percent of median income} / \text{income of non-low-income family}] \times [\text{present value of the assistance provided to family at 80 percent of median income}]$ .

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# Non-Low-Income Other Assistance Payment Requirements

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

# Non-Low-Income Other Assistance Payment Formula

$$\begin{array}{c} \text{Income of Low-} \\ \text{Income family} \end{array} \div \begin{array}{c} \text{Income of} \\ \text{Non-Low-} \\ \text{Income family} \end{array} \times \begin{array}{c} \text{Capped} \\ \text{Assistance} \\ \text{Amount} \end{array} = \begin{array}{c} \text{MAX Assistance} \\ \text{for Non-Low-} \\ \text{Income family} \end{array}$$

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) X (present value of the assistance provided to family at 80 percent of median income).

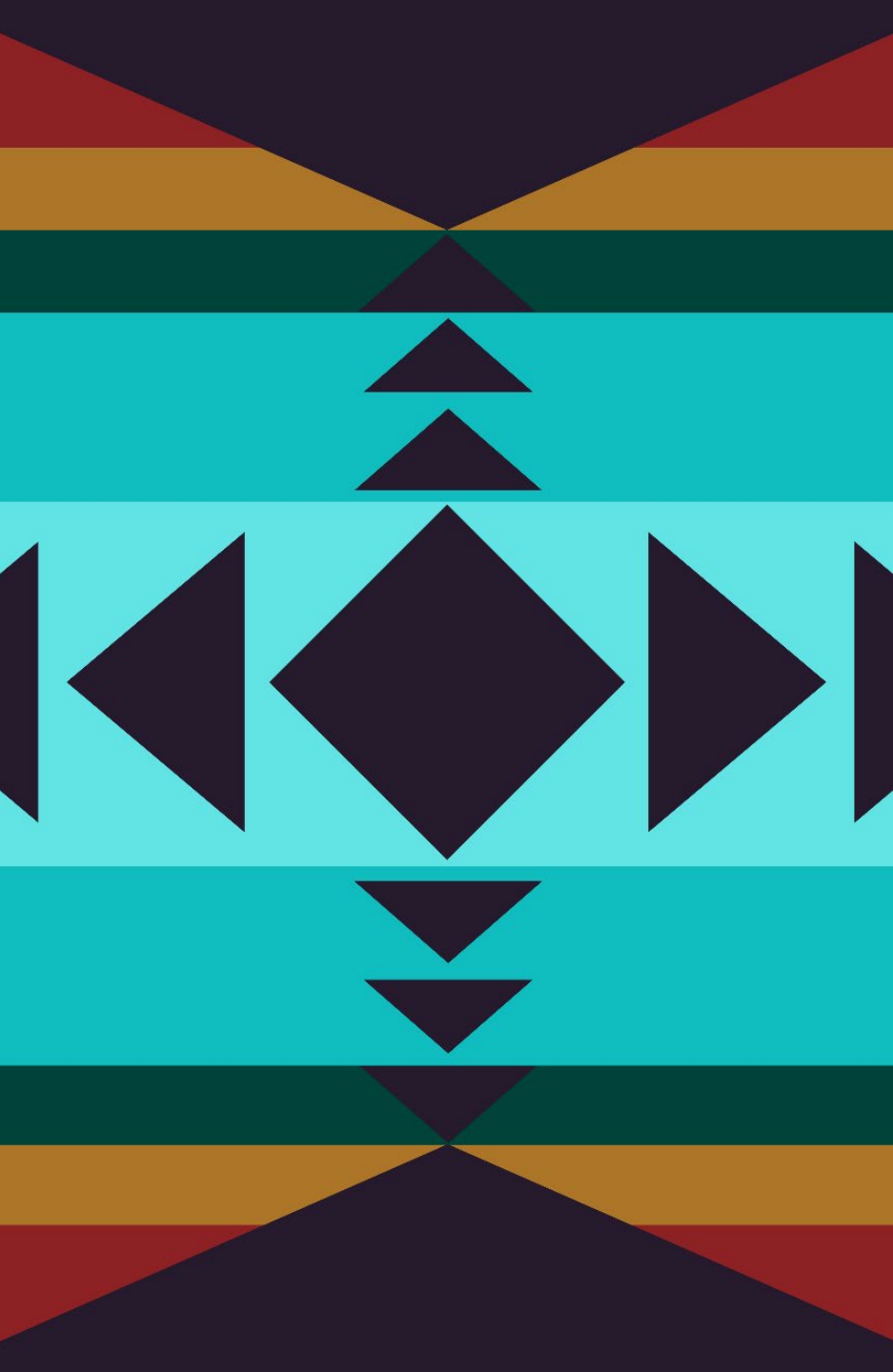
# Down Payment Assistance for Non-Low-Income Families

$$\text{Income Low Income} \div \text{Income Non-Low Income} \times \text{Assistance 80\%} = \text{Assistance Non-Low-Income}$$

$$\$75,040 \div \$88,000 = 0.85$$

$$0.85 \times \$10,000 = \$8,500$$





## § 1000.114 How long does HUD have to review and act on a proposal to provide assistance to non-low-income families or a model housing activity?

Whether submitted in the IHP or at any other time, HUD will have 60 calendar days after receiving the proposal to notify the recipient in writing that the proposal to provide assistance to non-low-income families or for model activities is approved or disapproved. If no decision is made by HUD within 60 calendar days of receiving the proposal, the proposal is deemed to have been approved by HUD.

# Law Enforcement Officers



Section 201(b)(4) of NAHASDA specifically addresses the provision of housing or housing assistance for a law enforcement officer on an Indian reservation or Indian area. The officer must be employed full-time by the Federal, state, county, tribal, or other unit of local government and sworn to uphold and make arrests for violations of Federal, state, county, or tribal law. In addition, the program must determine that the presence of the law enforcement officer may deter crime.

## Summary of Requirements for Serving Non-Low-Income Families

Applicability	HUD Approval Required	Rent/Homebuyer Payment differential Required by HUD	Counts Against 10% Authority
Essential Family	NO	NO	NO
Law Enforcement	NO	NO	NO
Continued Occupancy (Income eligible when family moved in)	NO	Determined by Tribe/TDHE Occupancy Policy	NO
Non-Low-Income Families (10% Authority) between 80- 100% of Median Income	NO	YES	YES
Secretary Approved: Exceeding 10% Authority to serve Indian Families at 80- 100% of Median Income	YES	YES	By definition these families exceed the 10% cap.
Secretary Approved: Indian family over 100% of Median Income	YES	YES	NO



# SEC. 201. ELIGIBLE FAMILIES

- (5) PREFERENCE FOR TRIBAL MEMBERS AND OTHER INDIAN FAMILIES- The Indian housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this Act on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable Indian housing plan for an Indian tribe provides for preference under this paragraph, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this Act for such tribe are subject to such preference.
- (6) EXEMPTION- **Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by federally recognized tribes and the tribally designated housing entities of those tribes under this Act.**

\*This act prohibits discrimination on the basis of race, color, or national origin in programs receiving Federal Financial Assistance.



# TRIBAL PREFERENCE IN SELECTION

The IHBG regulation at 24 CFR § 1000.120 permits Recipients to provide preference to Indian families who are members of the Indian tribe or to other Indian families. If the Recipient has adopted the preference in the admissions and occupancy policy, the recipient shall ensure that housing activities funded under NAHASDA are subject to the preference.





This module has various examples about some of the required Tribal decisions:

**RENTS CHARGED:**

Are you going to charge a Minimum or Maximum Rent?

If you are utilizing NAHASDA Funds, You are not allowed to charge a family more than 30% of their Adjusted Income unless they fall between 80% to 100% of Median Income. If it is discovered that you have charged a Low-Income participant more than 30% of their income, you must pay them back.

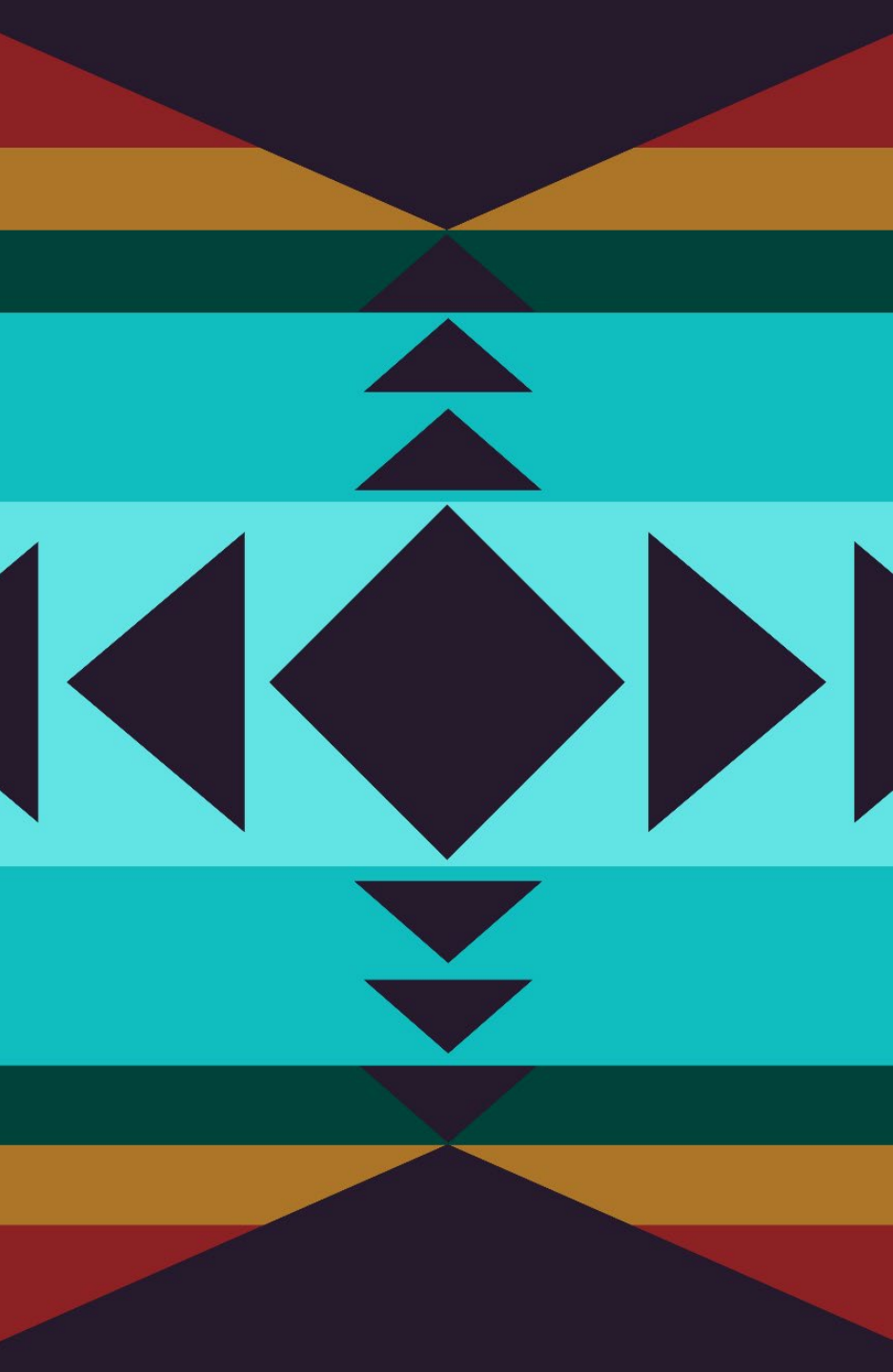
**VERIFICATION OF INCOME:**

Therefore, you should be verifying income of your participants.

# Payments Charged

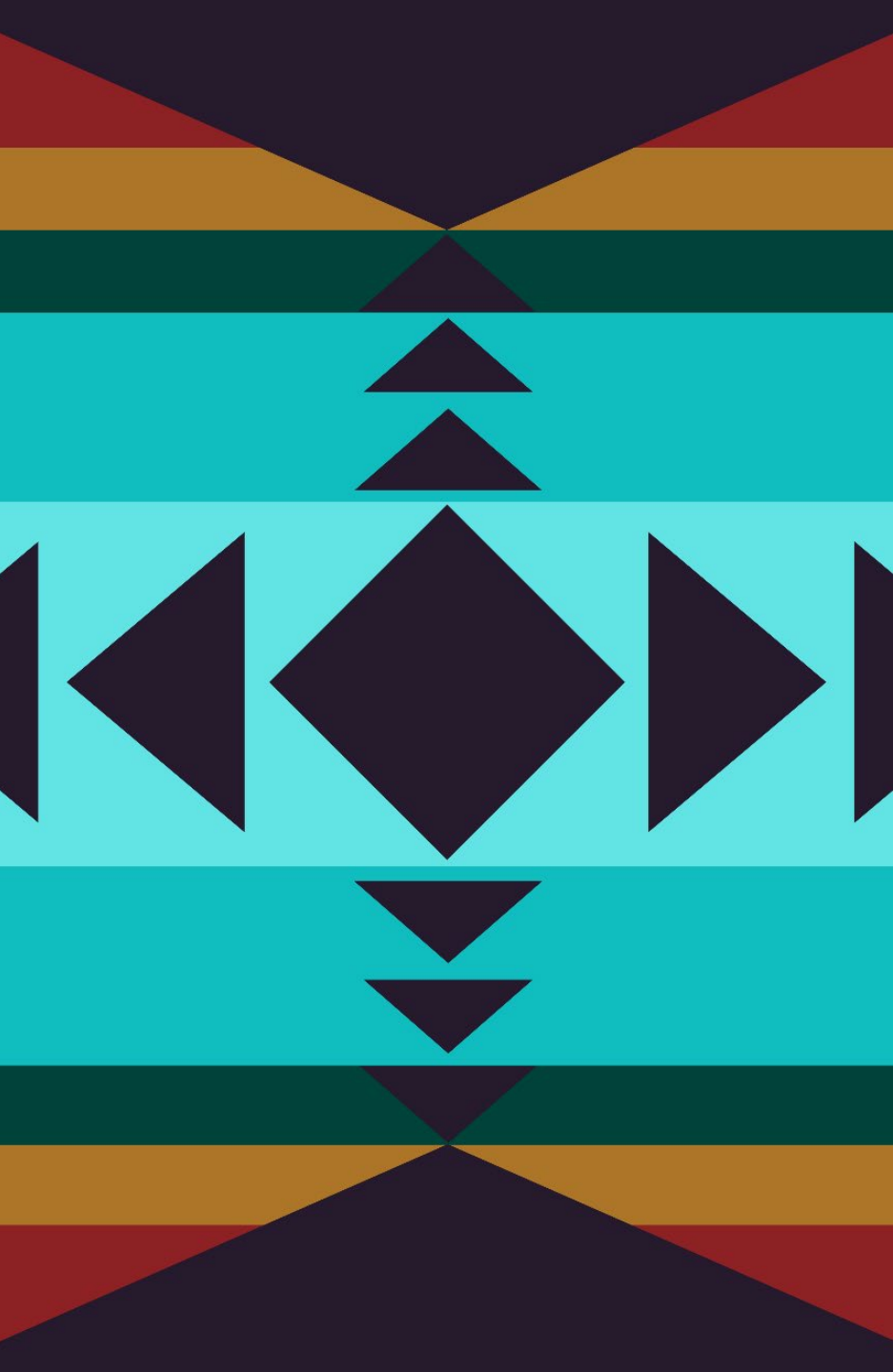


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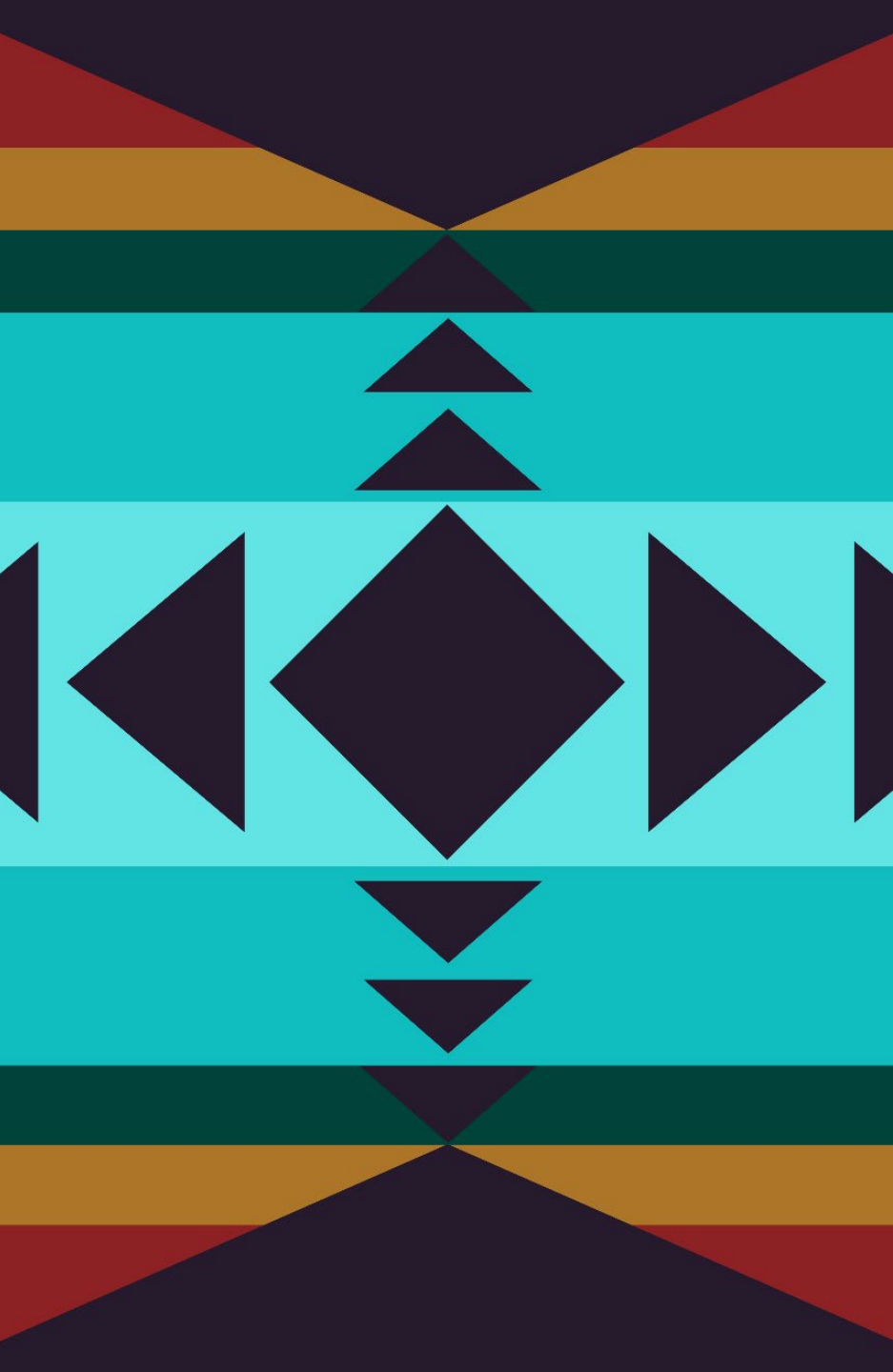
**§ 1000.124 What maximum and minimum rent or homebuyer payment can a recipient charge a low-income rental tenant or homebuyer residing in housing units assisted with NAHASDA grant amounts?**

A recipient can charge a low-income rental tenant or homebuyer rent or homebuyer payments **not to exceed 30 percent** of the adjusted income of the family. The recipient may also decide to compute its rental and homebuyer payments on any lesser percentage of adjusted income of the family. This requirement applies only to units assisted with NAHASDA grant amounts. NAHASDA does not set minimum rents or homebuyer payments; however, a recipient may do so.

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§ 1000.126 May a recipient charge flat or income-adjusted rents?

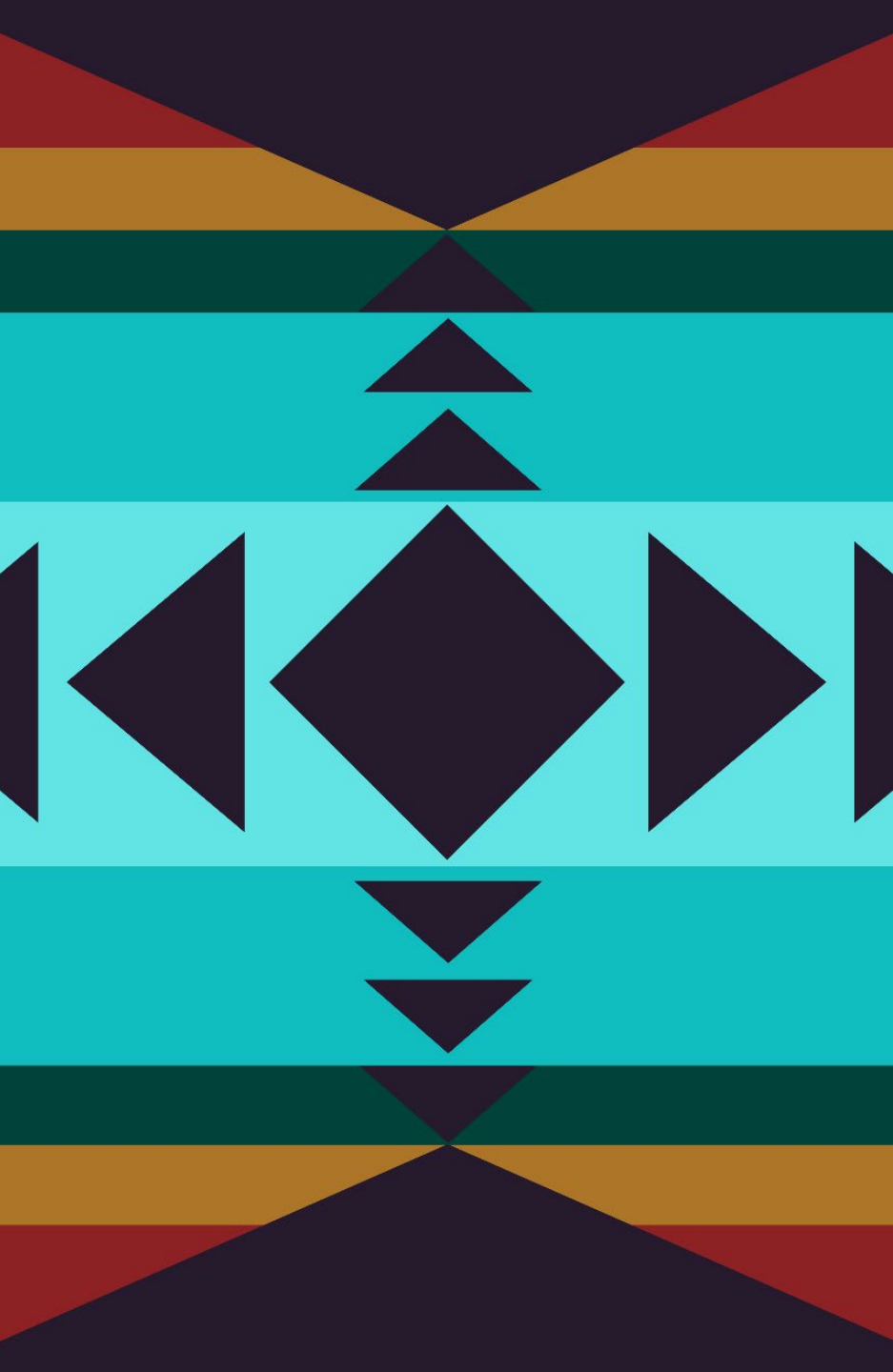
Yes, providing the rental or homebuyer payment of the low-income family **does not exceed 30 percent of the family's adjusted income.**



# § 1000.128 Is income verification required for assistance under NAHASDA?

- (a) Yes, the recipient must verify that the family is income eligible based on anticipated annual income. The family is required to provide documentation to verify this determination. The recipient is required to maintain the documentation on which the determination of eligibility is based.
- (b) The recipient may require a family to periodically verify its income in order to determine housing payments or continued occupancy consistent with locally adopted policies. When income verification is required, the family must provide documentation which verifies its income, and this documentation must be retained by the recipient.



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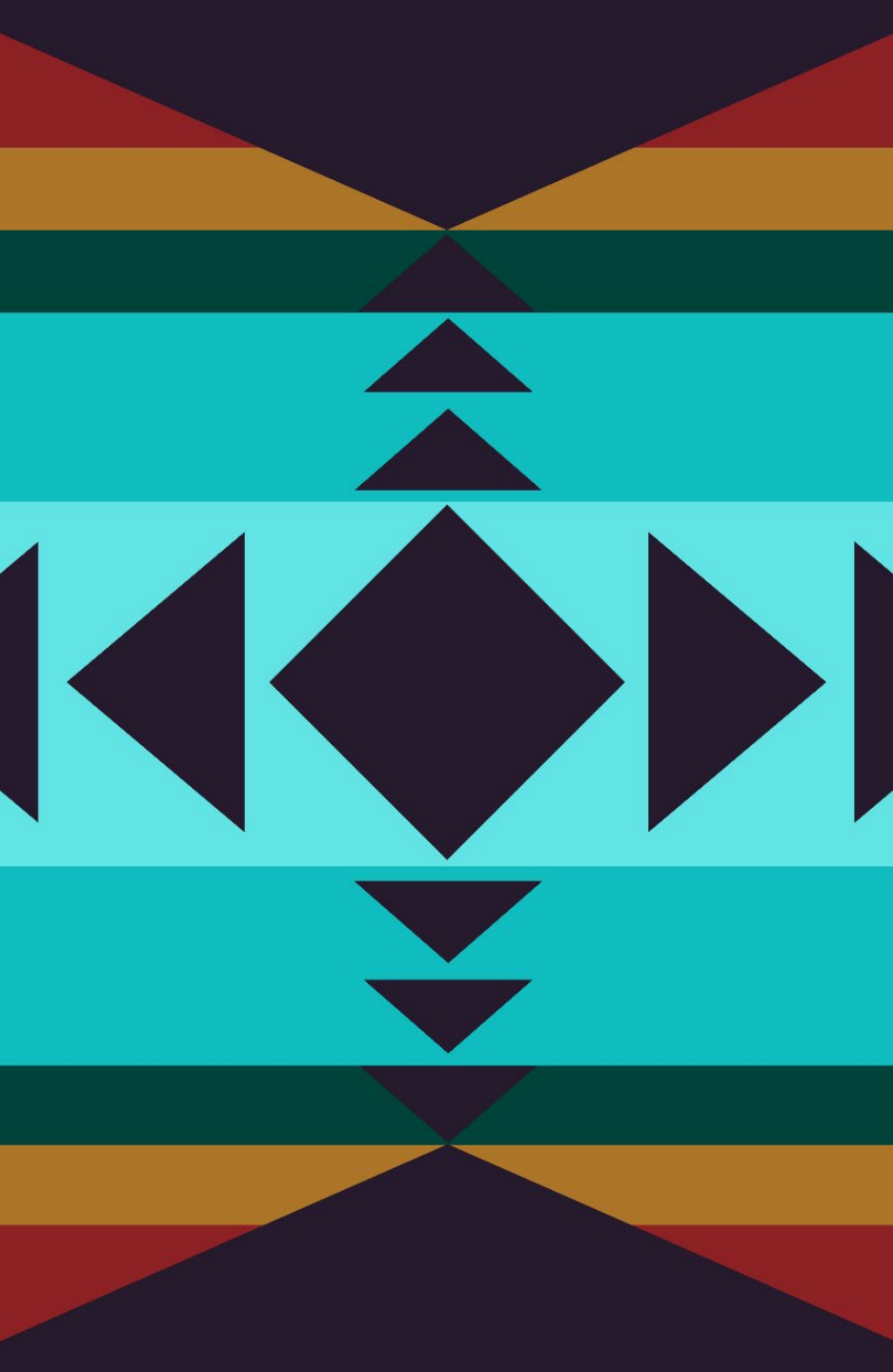
§ 1000.130 May a recipient charge a non-low-income family rents or homebuyer payments which are more than 30 percent of the family's adjusted income?

Yes. A recipient may charge a non-low-income family rents or homebuyer payments which are more than 30 percent of the family's adjusted income.

# UTILITIES



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## § 1000.132 Are utilities considered a part of rent or homebuyer payments?

Utilities may be considered a part of rent or homebuyer payments if a recipient decides to define rent or homebuyer payments to include utilities in its written policies on rents and homebuyer payments required by section 203(a)(1) of NAHASDA. A recipient may define rents and homebuyer payments to exclude utilities.



*INSURANCE*



§ 1000.136 What insurance requirements apply to housing units assisted with NAHASDA grants?

- (a) The recipient shall provide adequate insurance either by purchasing insurance or by indemnification against casualty loss by providing insurance in adequate amounts to indemnify the recipient against loss from fire, weather, and liability claims for all housing units owned or operated by the recipient.
- (b) The recipients shall not require insurance on units assisted by grants to families for privately owned housing if there is no risk of loss or exposure to the recipient or if the assistance is in an amount less than \$5000 but will require insurance when repayment of all or part of the assistance is part of the assistance agreement.



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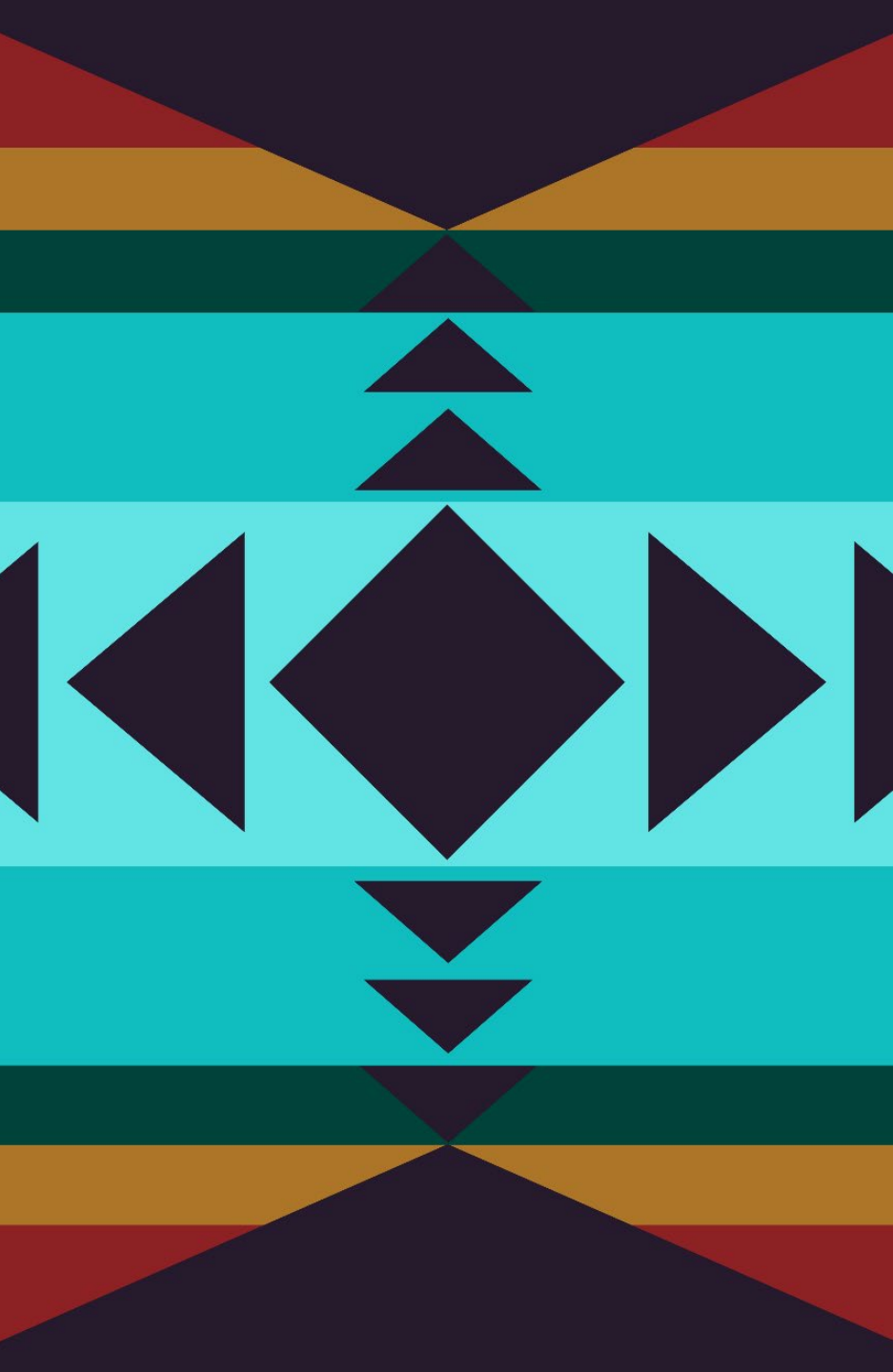
§ 1000.136 What insurance requirements apply to housing units assisted with NAHASDA grants?

- (c) The recipient shall require contractors and subcontractors to either provide insurance covering their activities or negotiate adequate indemnification coverage to be provided by the recipient in the contract.
- (d) These requirements are in addition to applicable flood insurance requirements under § 1000.38.



## § 1000.138 What constitutes adequate insurance?

Insurance is adequate if it is a purchased insurance policy from an insurance provider or a plan of self-insurance in an amount that will protect the financial stability of the recipient's IHBG program. **Recipients may purchase the required insurance without regard to competitive selection procedures from nonprofit insurance entities which are owned and controlled by recipients, and which have been approved by HUD.**

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§ 1000.140 May a recipient use grant funds to purchase insurance for privately owned housing to protect NAHASDA grant amounts spent on that housing?

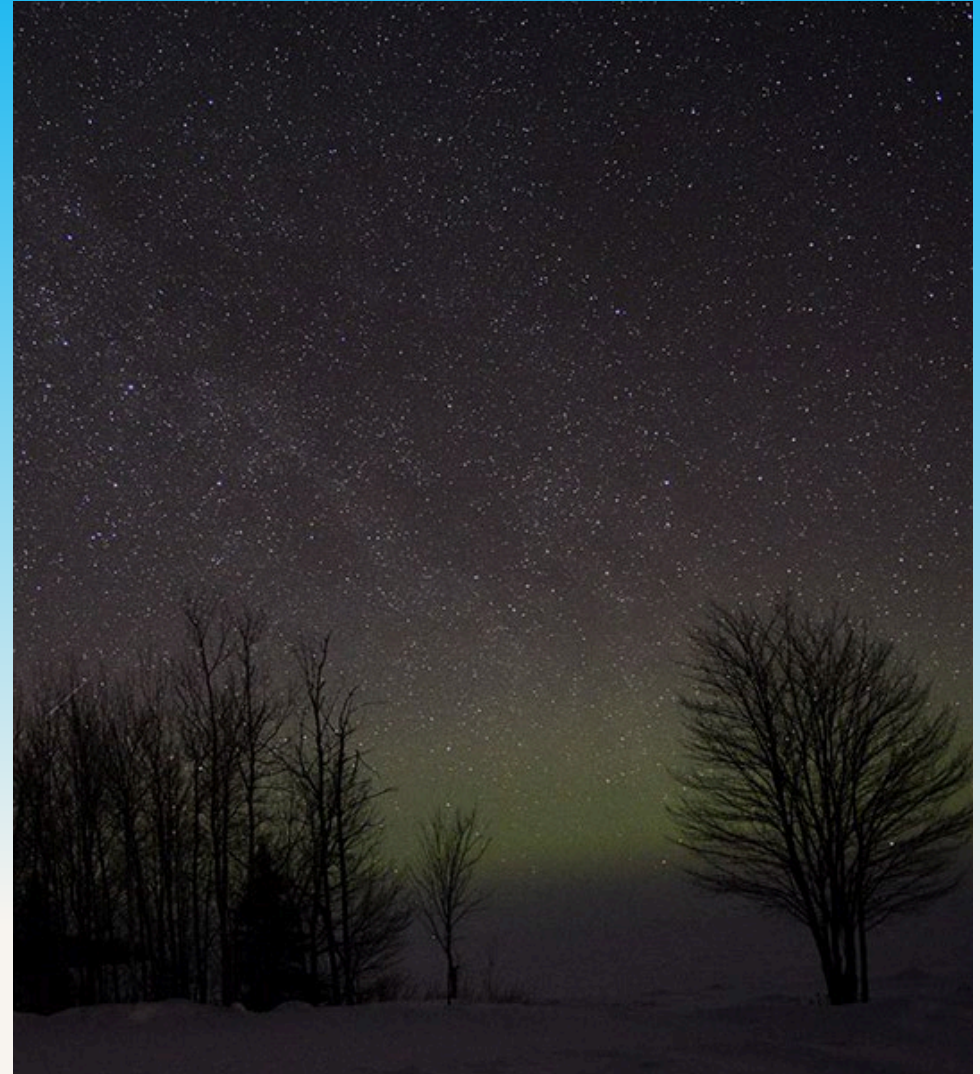
Yes. All purchases of insurance must be in accordance with § 1000.136 and §1000.138.

# INSURANCE Sample Policy Language

(a) Housing funds shall not be spent on the acquisition, construction, or rehabilitation of any home or parcel of land that is not insured against casualty, fire and flood (if necessary). Any home in a flood plain, as designated by the Tribe's Environmental Resource Staff, shall be adequately covered for flood damage or destruction to the home. The foregoing requirements shall commence at the time Housing funds are first spent and shall continue the entire time in which the Housing Department has a financial interest in a home or parcel of land, as applicable.

(b) Participants in the Rental Assistance Program, Student Temporary Housing Assistance Program, Emergency Assistance Program, or who have not exercised the option to purchase under the Lease-to-Own Program, shall not be required to insure the Housing Unit, home or rental unit. Nonetheless the Housing Department shall encourage Participants who rent to procure renters insurance.

(c) The Housing Department/Tribe shall be named as a loss payee under all required insurance policies for the period of the conditional grant under a Program, or until the conditional grant obligation is satisfied. The Participant shall provide the Housing Department/Tribe with certificates of insurance evidencing the required insurance





# MODULE

## **Conflict of Interest Requirements:**

- COI in the Administration of Contracts
- COI in Admissions
- Written Code of Standards of Conduct
- Code of Ethics
- Ethical Standards of Conduct
- 7 Keys to handling Conflicts of Interests



# ROLE OF THE BOARD OF COMMISSIONERS

**TRIBAL COUNCIL GUIDANCE:** Though Housing Authorities are under the direction of their Housing Boards , there are few mechanisms to provide them with the guidance to show them how to perform their duties in a responsible manner. Considering the high turnover typical of many boards and the fact that commissioners are appointees not necessarily chosen for their familiarity with Indian Housing, training of commissioners deserves to be made more explicitly a part of IHA life. Some IHA's have taken advantage of training for Commissioners run by Professional Housing Organizations. HUD and their Technical Assistance partners are developing training such as this to help with the much-needed training. Most however, simply set aside travel funds so that their board members can attend regional or national housing conferences. This is the only practical orientation that is provided apart from whatever other informal instruction is provided by sitting commissioners. In most instances, commissioners are dependent on the authority's executive staff and legal council for guidance and direction on IHA business. This creates a certain imbalance in the theoretical relationship between a board and its paid staff, but it seems to reflect the reality of most Housing Boards. Authorities may wish to consider making the orientation process more formal and to build in programs of continuing education.

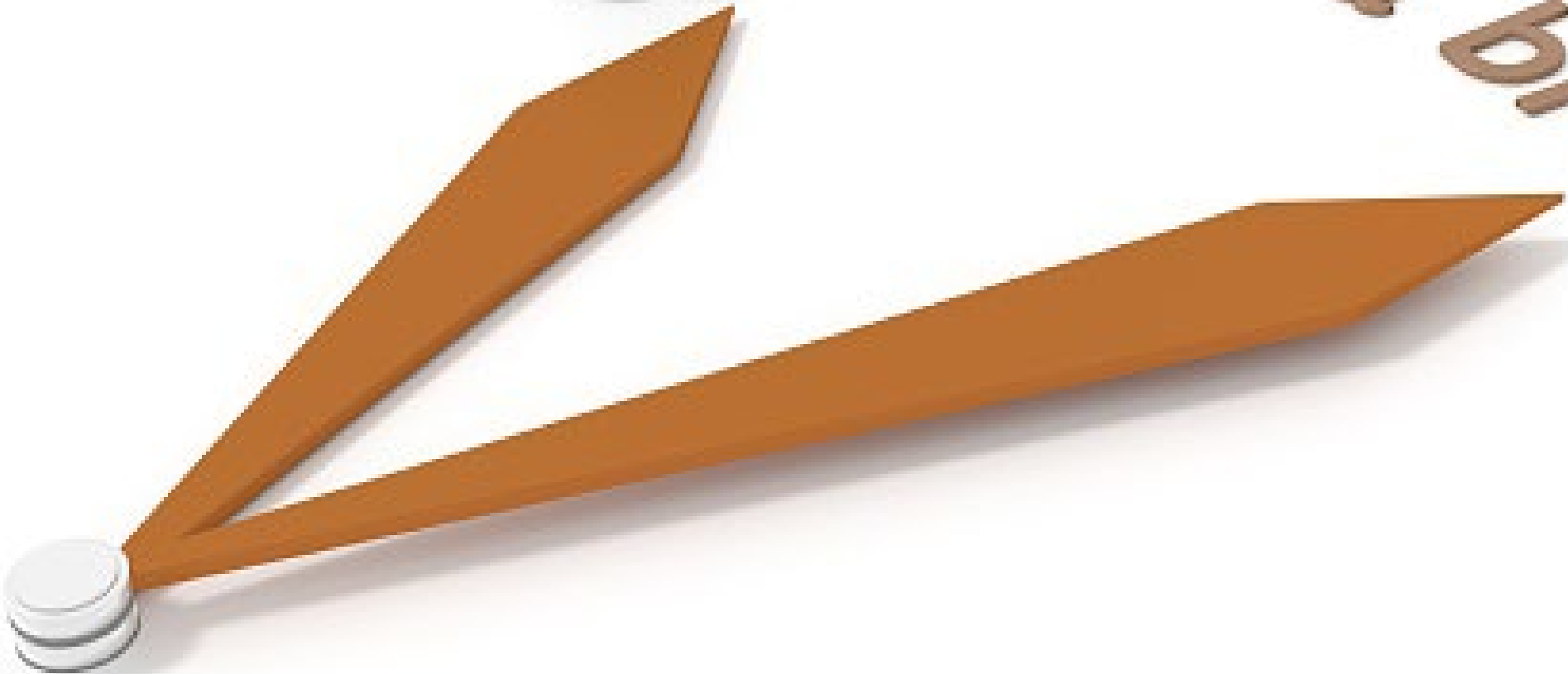
# ROLE OF THE TRIBAL COUNCIL WITH THE BOARD OF COMMISSIONERS

## EXPECTED CONDUCT OF BOARD MEMBERS:

When it comes to behavior or conduct during a Board Meeting and Conflict of Interest requirements such as Recusal it puts the Housing staff in a difficult position discussing Housing Board Members expected behavior and actions. These are areas that Housing Authorities could use Tribal Council Member involvement in the onboarding process of new Commissioners as you are The Tribal Professionals and are experienced in the proper behaviors and protocols.



Time for a break





# Conflict Of Interest in the Administration of Contracts



# What Is A Conflict Of Interest

When someone in a position of trust has competing professional and personal interests

When someone makes a decision in an official capacity, and they stand to profit personally

When your interests have the potential to conflict with the best interest of the organization or those you represent





## 2 CFR 200.318 (C) (1)

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

## 2 CFR 200.318 (C) (1)

Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.





## 2 CFR 200.318 (C) (1)

However, non-Federal entities may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

# Gifts, Entertainment and Gratuities

An employee may accept food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon or dinner meeting, or other meeting where an employee may properly be in attendance; or may accept unsolicited advertising materials such as pens, calendars or other items of a nominal value.



# Gifts, Entertainment and Gratuities

An employee shall not solicit or accept directly or indirectly any gift exceeding \$50.00 value, gratuity, favor, loan or any other thing of monetary value from a person or organization who has (in the past, or tends to seek to obtain) a contractual, business or financial relation with ATIHA or who has interests which may be affected by the performance or nonperformance of the employee's official duty.

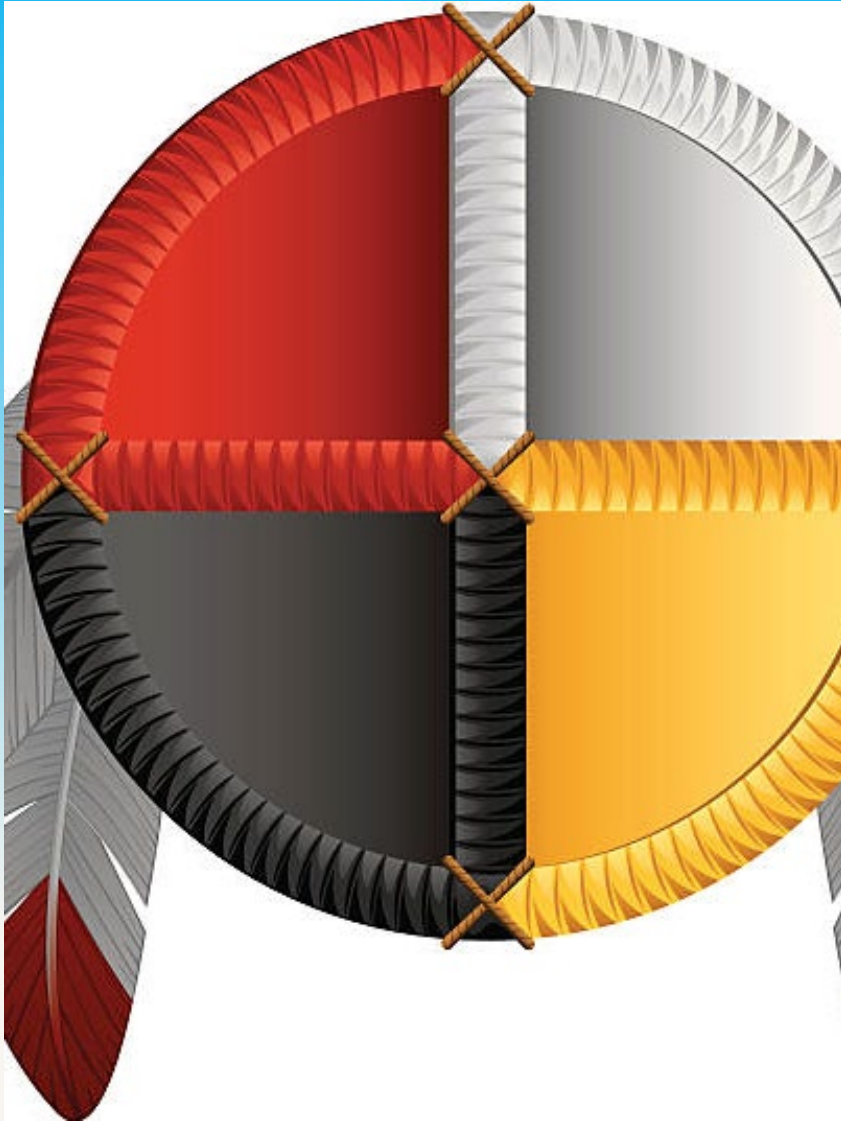




# 200.318(c)(1): General Standards

## Written standards of conduct required

- No employee, officer, or agent may participate in the selection, award, or administration of a contract if there is a real or apparent conflict of interest.
- Conflict of interest: when the employee, officer, or agent, or a member of his/her immediate family, has a financial or other interest in, or a tangible personal benefit from a firm considered for a contract. [Also §1000.30 (a) for IHBG]
- Must maintain written standards of conduct with respect to organizational conflict of interest.



# CODE OF CONDUCT

## **Conflict of Interest**

- The Any Tribal Indian Housing Authority prohibits its officers, employees, and agents from participating directly or indirectly in the selection or in the award or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:
  - An officer, employee, or agent involved in making the award;
  - His/her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister;
  - His/her partner; or,
  - An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.

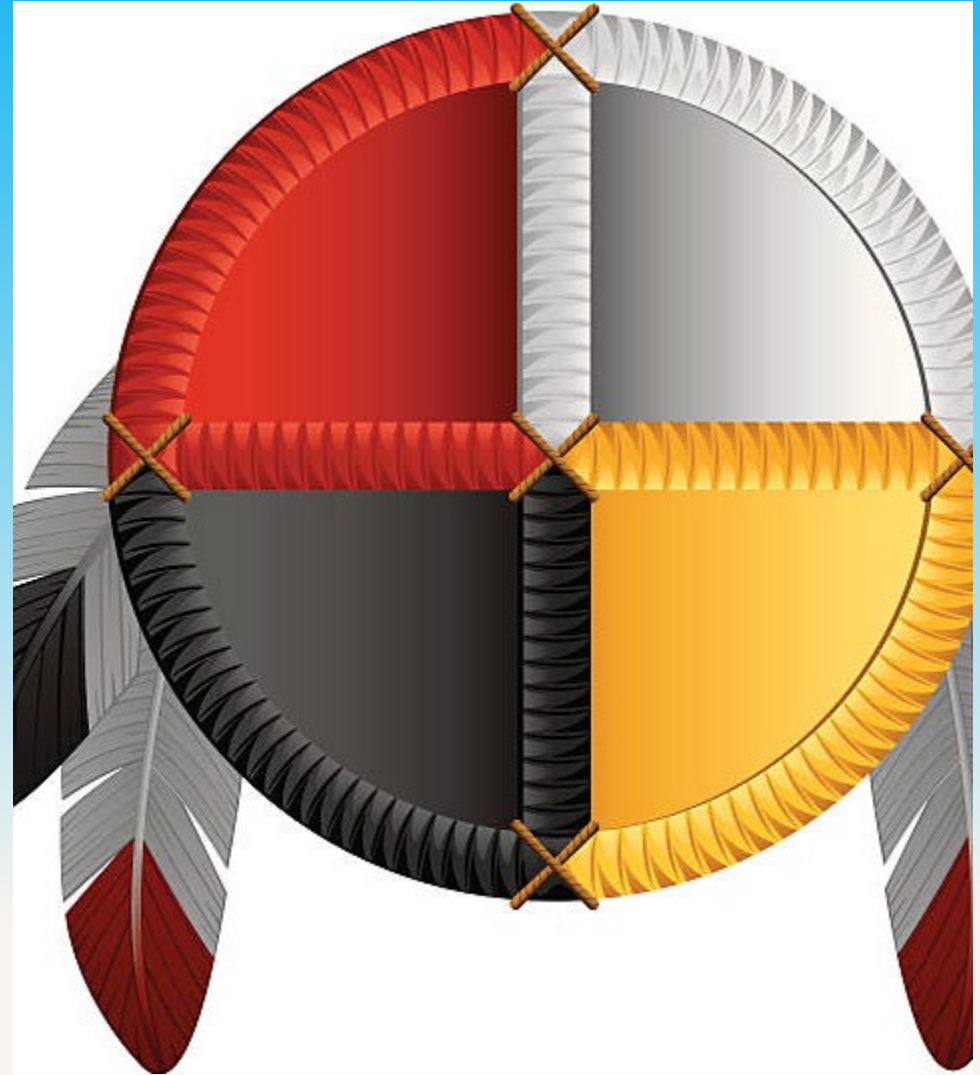
## *Gifts, Gratuities, and Use of Confidential Information*

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



# Violations

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





Use of  
Confidential  
Information





# Use of Confidential Information.

Disclosure of confidential information to any person not authorized by the Contracting Officer to receive such information shall be a breach of the ethical standards.

Confidential information includes but is not necessarily limited to the contents of a bid (prior to bid opening) or proposal (prior to contract award using competitive proposals), names of individuals or firms that submitted bids (prior to bid opening) or proposals (prior to contract award);

.

# Use of Confidential Information

IHA generated information related to a procurement (including IHA cost estimates, contractor selection and evaluation plans, specifications [before solicitation is issued]); and any other information the disclosure of which would have a direct bearing upon the contract award or the competitive process.

It is a breach of ethical conduct for any current or former employee, officer, or agent to knowingly use confidential information for actual or anticipated personal gain or for actual or anticipated personal gain of any other person





# Conflict Of Interest in Admissions

# What REQUIREMENTS regarding conflict of interest are applicable?

2 CFR 200.318 Govern procurement of supplies, equipment, other property, construction and services by recipients and subrecipients

01

24 CFR 1000.30, §1000.32 , §1000.34 , §1000.36 govern all other cases

02

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

# Conflict of Interest Requirements



Report a potential conflict of interest to ONAP



Disclose to the public the conflict of interest, the nature of the assistance to be provided the individual, and the specific basis for which there is no conflict.



# Conflicts in Admissions

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Ensure fair and equitable treatment for all

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Determine if a conflict exists

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Disclose to the public and report to HUD prior to providing assistance

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HUD may make an exception

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If family is low-income and qualifies, this is not a conflict, but disclosure is required

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If conflict is only apparent or perceived, make disclosure and inform HUD

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# Conflicts in Admissions

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



No. 2002-13  
July 25, 2002

# PROGRAM GUIDANCE

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**PROGRAM:** Indian Housing Block Grant (IHBG)

**FOR:** All Tribal Government Leaders and Tribally Designated Housing Entities  
(TDHE)

**FROM:** Ted Key, Acting Deputy Assistant Secretary, PIH

**TOPIC:** Conflict of Interest in IHBG Housing Admissions

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**Purpose:** The purpose of this Guidance is to help IHBG recipients manage those situations where conflicts of interest arise within housing programs governed by the Native American Housing Assistance and Self-Determination Act (NAHASDA) and to ensure fair and equitable treatment for all eligible participants of those programs.

**References:** NAHASDA Sections: 201(b), 203(d), 207(b) and 408; 24 CFR 85.36(a)(3); 24 CFR 1000.30, 1000.32, 1000.34 and 1000.36

**Background:** On August 2, 2001, the Department of Housing and Urban Development's (HUD) Office of Inspector General (OIG) published its report of a nationwide audit of the implementation of NAHASDA. Finding Number 6 of that audit found, in part, that among the housing entities reviewed there were undisclosed conflicts of interest and preferential treatment in the admission to their housing programs. Over half of the housing entities audited had no process to ensure adherence to the conflict of interest requirements or that admissions were made to eligible families and that all members of the tribe were treated fairly.

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

# Program Guidance 2002-13

## Conflict of Interest in IHBG Housing Admissions

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

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



## Program Guidance 2002-13

### Conflict of Interest in IHBG Housing Admissions

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#### Application of Requirements:


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

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

(See Exceptions to the Requirements In following slides.)








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

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

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

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




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

**Exceptions to the Requirements:** Exceptions may be made to the conflict-of-interest provisions. HUD approval must be obtained through the recipient's local Area ONAP before providing benefits to any individual as an exception to §1000.30(b). Exceptions will be considered on a case-by-case basis and when making the exception can be shown to further the primary objective of NAHASDA [See Section 201(a) of NAHASDA] and the effective and efficient implementation of the recipient's program, activity, or project. Before any exception may be granted, a public disclosure of the conflict must also be made and a determination that the exception would not violate tribal or any applicable state laws on conflict of interest. All records relating to exceptions made to the conflict-of-interest provisions must be maintain for at least three years after the exception has been granted.

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

§1000.30(c)]. However, the recipient must make a public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person. The recipient must also provide its Area ONAP with a copy of the disclosure before the assistance is provided to the person.




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

**Actions to be Taken:** All IHBG recipients should be sure that they have written and adopted all policies required by NAHASDA (i.e., eligibility, selection, admission, occupancy, rents charged, management and maintenance). These policies must be in accordance with NAHASDA and program regulations and enforced by a set of procedures that ensure that those policies are being adhered to in both the actions of the staff and the decisions of the Board. They should also be reviewed to ensure that they do not contain provisions that inherently allow conflicts of interest. If the housing entity does not have the necessary policies, systems, and control procedures to comply with NAHASDA requirements, they should be written and adopted immediately. All policies should be made public, and copies should be available to the public upon request.



PROCEDURE FOR DETERMINATION OF CONFLICT OF INTEREST  
IN ADMISSIONS



Cheryl Causley  
[COMPANY NAME] [Company address]

PROCEDURE FOR DETERMINATION OF CONFLICT OF INTEREST IN  
ADMISSIONS

The purpose of the Conflict-of-Interest provisions are to assist managing those situations where Conflicts of Interest arise within the ATIHA housing programs governed by the NAHASDA statute and regulations, and to ensure fair and equitable treatment for all eligible participants of the ATIHA programs (Reference NAHASDA Sections: 201(b), 203(d), 207(b) and 408; 24 CFR 85.36 (a) (3); 24 CFR 1000.30, 1000.32, 1000.34 and 1000.36; IHBG Program Guidance No. 2002-13).

1. Conflict of Interest Requirements:

a. The conflict-of-interest provisions apply to anyone who participates in the decision-making process or who gains inside information with regards to NAHASDA assisted activities. Such persons include anyone with an interest in any contract, subcontract or agreement or proceeds there under, either for themselves or others with whom they have business or immediate family ties.

1) Such individuals are, but are not necessarily limited to Housing Staff, Housing Board of Commissioners or Tribal Council Members, members of their immediate families, Housing BOC Members, Tribal Council Members, members of their immediate families and such individual business associates.

b. The requirements prohibit any such individuals from benefiting from their position personally, financially or benefit from such activities, except for NAHASDA funds to pay salaries, or other related administrative costs.

## 2. Conflict of Interest Determination:

a. Determination of whether or not there is a potential conflict of interest will be determined during the application process.

b. Applicants will be asked to disclose any personal, family or business relationships with the ATIHA.

## 3. Conflict of Interest Exclusion:

a. The conflict-of-interest provision does not apply to instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the ATIHA written policies for eligibility, admissions, and occupancy for families for housing assistance with Indian Housing Block Grant (IHBG) funds, provided that there is no conflict of interest under applicable tribal or state law.

1) However, if a ATIHA employee or his/her immediate family member is on the waiting list for housing assistance, that employee may not be involved in the application and selection process.

b. In these cases, the ATIHA must publicly disclose when a possible conflict of interest exists and report the conflict to HUD per Section 5 below.

## 4. Conflict of Interest Exceptions – HUD Approval:

a. HUD may make exceptions to the conflict-of-interest provisions that would breach Section 3(a), above, on a case-by-case basis when it determines that such an exception would further the primary objective of NAHASDA and the effective and efficient implementation of the ATIHA's program, activity, or project.

b. A public disclosure of the conflict must be made and a determination that the exception would not violate tribal laws on conflict of interest (or any applicable state laws) must also be made.

c. ATIHA must maintain all such records pertaining to the exception for a period of at least three (3) years after an exception is made.

## 5. Public Disclosure Requirement:

a. The ATIHA must make public disclosure of the nature of assistance to be provided and the specific basis for selection of the person.

b. ATIHA shall provide the Office of Native American Program (EWONAP) a copy of the disclosure before the assistance is provided to the person.



You must define  
what your Tribe  
considers  
Immediate Family  
within your policies

c. The public disclosure shall be posted in the entrance of the Housing Department Office in a place available for review to any interested person.

d. The posting shall be for a period of 7 calendar days.

6. Public Comments:

a. All conflict-of-interest comments must be in a sealed envelope addressed to ATIHA "Conflict of Interest Comments" Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of the posting.

b. Comments that are received will be reviewed at the next regularly scheduled ATIHA Board Meeting. The Board will not consider any comments received after the end of the comment period.

7. PROGRAM DEFINITIONS (As Defined In This Policy)

a. Immediate family: is defined as a parents, spouse, child, sister, brother, grandparents, uncle, aunt, nephew, niece, and grandchildren of the employee, and/or "foster", "half", "in-law", or "step" situations within these relationships.

# Notice You Post!

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

Per the Department of Housing and Urban Development (HUD) NAHASDA regulations at 24 CFR §§1000.30 – 1000.36,

The Any Tribal Indian Housing Authority (ATIHA) must publicly disclose when an individual directly affiliated with the organization has qualified and been selected to receive assistance through the NAHASDA program.

A Potential Conflict of Interest is being disclosed due to immediate family members of employees and or Housing Board or Tribal Council members of Any Tribal Indian Housing Authority and ATIHA have applied for and met the requirements for participating in the \_\_\_\_\_ Program in \_\_\_\_\_, Any Rez Nation 12345  
Participants will be provided assistance for \_\_\_\_\_.

The following applicants have met all requirements for participation:

<b>Applicant:</b>	<b>Relationship to Board/Council Member or ATIHA Staff:</b>
_____	_____

Specific Basis for the selection:

- > American Indian or Alaska Native
- > Low-income as determined by HUD
- > Primary residence
- > \_\_\_\_\_

Please be advised that all public comments must be postmarked within 7 calendar days of the initial date of this posting, as indicated below. All conflict-of-interest comments must be in a sealed envelope, addressed to: Any Tribal Indian Housing Authority, "Conflict of Interest Comment", 123 Tribal Road, Any Rez, Nation 12345

Comments that are received will be reviewed at the next regularly scheduled ATIHA Board meeting. The Board will not consider any comments received after the end of the comment period.

On this day \_\_\_\_\_ of \_\_\_\_\_, 2022, at this time of \_\_\_\_\_

This Notice was posted at (location): \_\_\_\_\_

This Notice was posted by: \_\_\_\_\_

One this day \_\_\_\_\_ of \_\_\_\_\_, 2022, at this time of \_\_\_\_\_

This Notice was taken down by: \_\_\_\_\_



Your Applications should ask..

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

**Applicant Disclosure**

**Conflict of Interest Statement**

Applicant Name(s):  
Name of Program applying for:

Application Date:

- I am applying for the ATIHA program noted above and I am disclosing that:
  - I am an ATIHA employee, or ATIHA Board of Commissioner or Tribal Council member.
  - I am an immediate family member of an ATIHA employee, or ATIHA Board or Commissioner or Tribal Council member.
  - I am a business partner of an ATIHA employee, or ATIHA Board of Commissioner or Tribal Council member.
  - I am neither to all of the above.

If you are a family member or business partner of an ATIHA employee, or ATIHA Board of Commissioner or Tribal Council member, please state their name and your relationship to them:

NAME	RELATIONSHIP

**ACKNOWLEDGEMENT**

I understand that a public disclosure of my selection will be made and that a copy of this disclosure shall be submitted to the U.S. Department of Housing and Urban Development.

I have been notified of my opportunity to receive a copy of the Conflict-of-Interest Policy or to receive additional information from ATIHA.

I understand that this disclosure does not disqualify and/or determine my application ineligible.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Other Adult \_\_\_\_\_ Date \_\_\_\_\_

Other Adult \_\_\_\_\_ Date \_\_\_\_\_

# Written Code of Standards of Conduct







# Standards of Conduct

Since the awarding of contracts by housing recipients involves the expenditure of Federal funds, employees and contractors are held to a higher standard of conduct than those who work with private contracts.

To maintain confidence that the housing recipient's procurement process is fair, it is essential that standards of conduct are maintained at all times.

Employees and Board Members must carry out their duties impartially to assure fairness. They should conduct themselves in a manner as to promote confidence in the integrity of the organization. Any attempt by an employee or Board Member to realize personal gain by conduct inconsistent with proper procurement procedures should be a breach of the Housing Standards of Conduct.

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# Action Upon Discovery of Conflict

Upon discovery of any actual or potential conflict of interest, an employee, officer, commissioner or agent must promptly file a written statement of disqualification and must withdraw from further participation in the transaction involved.



# Conflicts Prohibited: 2 CFR 200.211

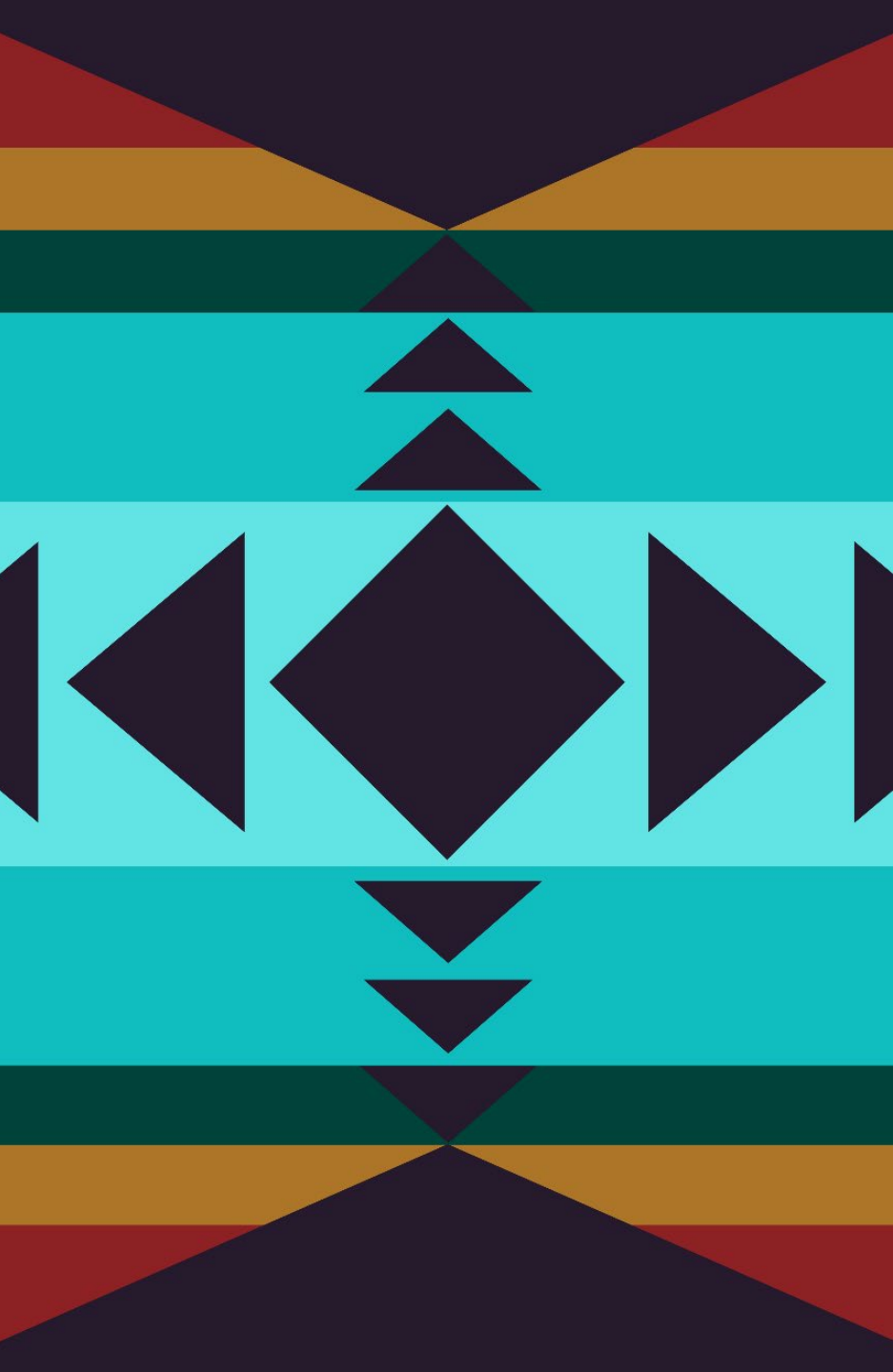
Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer, or agent shall participate in the selection or in the award or administration of a contract supported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



## Written Code of Standards of Conduct Conflict of Interest

### Conflicts Prohibited:

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



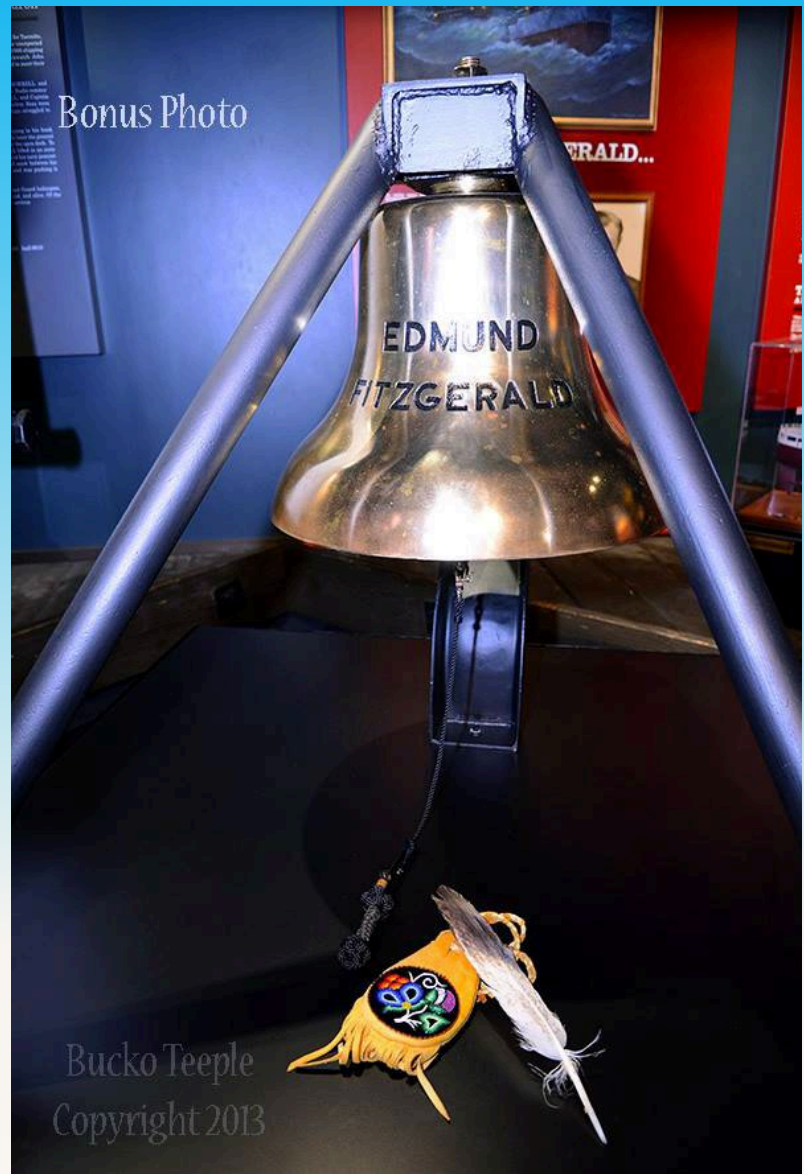
# Written Code of Standards of Conduct Conflict of Interest

## Persons Covered:

- Any person who is an employee, agent, consultant, officer, or elected, appointed official of the Tribe or the Authority or subrecipient of Authority funds, An officer, employee, or agent involved in making the award; Family member defined as: His or her relative, including father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister;
- His or her partner; or,
- An organization which employs, is negotiating to employ, or has an arrangement concerning prospective employment of any of the above.



# Code of Ethics





# The Any Tribal Indian Housing Authority (ATIHA) Code of Ethics

## **Members of the ATIHA Board Will..**

Listen carefully to other Board Members, and those served by ATIHA

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



# The Any Tribal Indian Housing Authority Code of Ethics

- Refer constituent or staff complaints to the proper level on the Chain of Command.
- Recognize that the Board Members job is to ensure that the ATIHA is well managed not to manage the ATIHA.
- Vote to hire the best possible person to manage ATIHA.
- Represent all constituents of ATIHA and not solely a particular geographic area or special interest group.
- Consider themselves each a "trustee " of ATIHA and do their best to ensure that the Housing Authority is well maintained , financially secure, growing and always operating in the best interest of the constituents.
- Always work to learn about the Board Member's job and how to do it better.
- Declare any Conflict Of Interest between their personal life and their position on the Board of ATIHA and avoid voting on issues that appear to be a Conflict of Interest.



# The Any Tribal Indian Housing Authority Code of Ethics

## **Members of the ATIHA Housing Board will not**

- Be critical, in or outside of the board meeting, of other board members or their opinions.
- Use the Any Tribal Indian Housing Authority or any part of ATIHA for personal advantage or the personal advantage of friends or relatives.
- Try to influence the decision of the ED or Staff or other Board Members, regarding placement for a home or program for your friends or family.
- Discuss the confidential proceedings of the board outside the board meeting.
- Promise prior to a meeting how each will vote on any issue in the meeting.
- Interfere with duties of the Executive Director or undermine the Executive Director's authority.
- Be involved in self-dealing that provides personal gain.

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Housing Board Members Signature

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Date





# Ethical Standards of Conduct





# ETHICAL STANDARDS OF CONDUCT





## HOUSING AUTHORITY POLICIES

The Housing Authority has adopted a series of administrative and management policies. These policies are formally adopted by the Housing Authority and until revised or changed by formal action, the tribal council, housing board and staff are required to adhere to them. Some of the provisions of these policies, but not all, reflect requirements of federal or tribal law. The Tribal Council may in certain unique circumstances formally waive some policy requirements on an individual basis, but in order to do so, the waiver procedure identified later in this policy must be followed.



## HOUSING AUTHORITY POLICIES

The Housing Authority may have also elected by formal resolution to establish alternative policies for programs that are operated without Native American Housing and Self-Determination Act (NAHASDA) assistance/funding. Such alternative policies are not subject to this policy.

Furthermore, the Housing Authority may from time to time adopt other rules, requirements, and procedures to administer its programs, but all these practices must comply with the Housing Authority adopted policies.



# THE PURPOSE OF THIS POLICY

The purpose of this policy is to establish ethical requirements and standards of conduct for current and former Housing Authority employees, Tribal Council, Board of Commissioners and contractors as well as for Housing Authority grantees.

The Housing Authority is a public tribal entity whose Tribal Council, BOC, staff, grantees, contractors, and subcontractors must function with high ethical standards to ensure that the good and honest reputation of the Housing Authority is maintained, and public moneys are protected.

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# THE PURPOSE OF THIS POLICY

The purpose of the creation of the Housing Authority is to serve the interests of the Housing Authority and the Tribal Members that it services and not the personal interests of the employees, or the individual interests of elected or appointed tribal officials. This policy simply and in a straightforward manner establishes ethical standards so that these rules can be understood and adhered to.





# REQUIREMENTS

## 1. Waivers

The policy is intended to apply in all cases. However, in rare and unique circumstances a special waiver of a particular requirement can be considered and approved by the Tribal Council. In the case of this policy this may occur only where a waiver is expressly permitted elsewhere in this policy. Such a waiver may be made only if (1) the council member with personal direct or indirect interests abstain from and is not present for both the council deliberations and decision, (2) full and complete public disclosure of a waiver request occurs before, during, and after a vote, (3) a majority favorable vote of all council members appointed is obtained and (4) the waived policy provision is not required by federal or tribal law. If the Board is unsure as to which provisions are required by federal or tribal law, they may consult with legal counsel. The meeting minutes must reflect this Board action.



# REQUIREMENTS

## 2. Tribal Ethical Requirements

Where the tribe has established by law or resolution ethical and conflicts of interest requirements for the tribe, tribal council, tribal officials and/or tribal entities, these standards shall apply. Furthermore, where those standards permit waivers of those standards such a waiver may only be entertained using the waiver procedures in the policy.

Regulation and enforcement of these tribal ethical standards shall be done by the Housing Authority so long as no tribal law dictates otherwise. These tribal standards are only minimal standards, and the following standards are additional. If a conflict arises between the tribal requirements and the following standards the most stringent or highest standard shall apply.



# REQUIREMENTS

## 3. Conflicts of Interest

The duties and responsibilities of Tribal Council members, Board Of Commissioners, employees, grantees, and agents are to the Housing Authority. These interests are not to conflict with the personal interests of the Tribal Council, BOC, or employees, grantees, and agents nor shall there be the appearance of any conflicts of interest.



# CONFLICT OF INTEREST

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest, when dealing with customers or suppliers, employees are prohibited from receiving bribes, product bonuses, gifts, merchandise, tickets and trips or unusual price breaks that would result in a personal benefit or gain for the employee, customer or buyer.

An actual conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee.



# Current Tribal Council Members

Tribal Council or Council officials who serve on the Housing Board as a liaison, are prohibited from entering, proposing, or having a contract or any financial interest, direct or indirect, in any Housing Authority project or activity.

This requirement may be waived in rare and unique cases, but only when the Tribal Council member involuntarily acquires or had acquired prior to the beginning of their tenure on the Council any such interest. The interest must be immediately disclosed, and the waiver requirements set forth above shall be followed.



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## Former Board Members

Former board members are likewise prohibited from having such a contract or any financial interest, direct or indirect, in any Housing Authority project or activity, for a period of one year after their tenure on the board.

This later requirement may be waived in rare and unique cases, but only after full and public disclosure and assurance that this interest is not obtained because of non-public information obtained because of the prior board position.



# Employees

Housing Authority employees are prohibited from entering, proposing, or having a contract or any other financial interest, direct or indirect, in any Housing Authority project or activity. Except for subsequent employment arrangements, former employees are prohibited from having a contract or any financial interest, direct or indirect, in any Housing Authority project or activity in which the former employee had a substantial interest, responsibility or involvement with during his or her position with the Housing Authority, for a period of twelve months after termination of their employment.

This later requirement may be waived in rare and unique circumstances but only after full and public disclosure and assurance that this interest is not obtained because of non-public information obtained because of prior employment.



# Employees

Housing Authority employees are prohibited from entering, proposing, or having a contract or any other financial interest, direct or indirect, in any Housing Authority project or activity. Except for subsequent employment arrangements, former employees are prohibited from having a contract or any financial interest, direct or indirect, in any Housing Authority project or activity in which the former employee had a substantial interest, responsibility or involvement with during his or her position with the Housing Authority , for a period of twelve months after termination of their employment.

This later requirement may be waived in rare and unique circumstances but only after full and public disclosure and assurance that this interest is not obtained because of non-public information obtained because of prior employment.



# Award and Administration of Contracts

No employee, Tribal Council member, Board of Commissioner, officer or agent of the Housing Authority or any grantee shall participate in a decision, selection, award or administration of a contract if in fact or by appearance the Tribal Council member, BOC, employee, officer, agent or any member of his or her immediate family, or his or her partner, or an organization which employs or is about to employ such a person, has a financial or other interest in the firm to be selected or awarded. All conflicts of interest shall be promptly, openly, and publicly disclosed by both individuals and the Housing Authority.



# Award and Administration of Contracts

Not participating in a decision, selection, award, or administration of a contract shall mean not discussing the matter in or outside meetings, not being physically present for any discussions and neither voting on nor being present for a vote. You shall also refrain from viewing or retaining any related materials. Furthermore, it means not using a Housing Authority position to influence a decision in which you have a personal interest.



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# Program Participants

Nothing in this policy shall prohibit a tenant, homebuyer, or program participant who is a tribal council member, Board of Commissioner, employee, officer, agent, or grantee from fully participating in the Housing Authority activities and decision making so long as those activities and that decision making is not particular to their unit, application, contract, or Housing Authority activity.

# REQUIREMENTS

## 4. Gifts

The Housing Authority or any grantee's officers, employees or agents will not solicit any gift nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to agreements.

It is determined that providing meals, entertainment, or gifts in an amount in excess of twenty-five dollars (\$25.00) per gift or meal, or a total per calendar year of meals, entertainment, or gifts in excess of one hundred dollars (\$100.00) per individual by an individual company, including all related concerns and individuals, is determined to be of monetary value and is therefore prohibited.

All gifts shall be recorded in writing by the officer, employee or agent and routinely disclosed to the Housing Authority. (you determine amount)



# REQUIREMENTS

## 5. Donations

The Housing Authority may solicit and accept donations to its programs; however, all such solicitations and donations shall be open and public and recorded and must be for the sole benefit of the Housing Authority and not its employees, contractors, or tribal council/board members.

Furthermore, no donations shall be solicited or made while the party donating is seeking or being considered for a contract and no donation shall be considered or accepted if it would influence the award of a contract or give the appearance of such a possible effect.



# REQUIREMENTS

## 8. Confidentiality Continued

This prohibition however may be waived by the Housing Authority, Tribal Council but only if the Tribal Council in its sole discretion so chooses and does so in writing and on the record and if (1) the information remains no longer privileged or confidential, and (2) the information is provided to other competitors by the Housing Authority or potential competitors of the former employee or council member. The Housing Authority may have other confidentiality requirements that are not contained in this policy that apply to Tribal Council/Board members and employees, current and former, that are unrelated to confidentiality and conflicts of interest.

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# REQUIREMENTS

## 9. Political Activities Prohibited

Tribal Council, BOC, staff, agents, and grantees shall not use the Housing Authority resources, moneys, contracts, personnel, or facilities for political purposes. The Housing Authority shall also restrain others from using the Housing Authority resources for political purposes.



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# REQUIREMENTS

## 11. Fiduciary Responsibility

All Tribal Council and Board of Commissioners have a fiduciary responsibility to take actions and do what is in the best interest of the Housing Authority.



# REQUIREMENTS

## 12. Drugs and Alcohol

All Tribal Council members, Board of Commissioners, employees and agents shall adhere to all Housing Authority or Tribal drug and alcohol rules and requirements including those set forth in the Personnel Policy.



## REQUIREMENTS

### 13. Disclosure

All Tribal Council members, Board of Commissioners, employees, agents, and grantees are required to promptly disclose to the Housing Authority their acts or conduct and all acts or conduct by other Housing Authority tribal council members, employees, agents, grantees, contractors, tenants, or program recipients that are illegal or are in violation of this policy and other Housing Authority policies.

Disclosure can be given to supervisors, the Executive Director, the Tribal Council, individual Council members, Board of Commissioners and the Housing Authority /Tribal attorneys. There shall be no retaliation or other punitive action taken against anyone who makes a disclosure under this section when the activities disclosed turn out to be a true violation.



# REQUIREMENTS

## 14. Board Member Involvement

The Housing Authority Board of Commissioners & Tribal Council members' primary responsibilities to Housing are to establish goals, policies, and practices for the Housing Authority and to provide an overview/ direction and monitoring of programs and activities.

Board of Commissioners and Tribal Council members are to refrain from running the day-to-day activities of the Housing Authority and from individually interjecting themselves in individual management decisions except where authorized by the Housing Authority policies or Tribal Council direction.



## REQUIREMENTS

### 15. Tribal Involvement

Elected tribal officials are important partners in carrying out the activities of the Housing Authority. The Housing Authority should routinely consult with and update the Tribe and designated officials. However, if you operate as a tribally designated housing entity established as a separate organization, tribal officials cannot direct particular services, assistance, loans, or housing being given by the Housing Authority or TDHE to specific individuals and families. Nor can tribal officials direct that Housing Authority or TDHE policies be violated. These provisions apply regarding undue influence and violation of policy regardless of the Housing Entities structure.





## REQUIREMENTS

### 16. Application to Grantees and Contractors

All the requirements contained in this policy shall additionally apply to all the Housing Authority grantees and contractors. Where feasible, these standards shall be included in grants and contracts and, where appropriate, repeated in the sub-grants and sub-contracts.



## 7 Keys to Handling Conflicts of Interest



# Integrity Bulletin

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

## 7 Keys to Handling Conflicts of Interest

Conflicts of interest arise when officials or staff stand to benefit--either directly themselves or indirectly through business partners or relatives--from the awarding or contracting of grant funds. Grantees are encouraged to avoid conflicts of interest to the extent possible. When conflicts of interest arise, grantees must identify, disclose, and manage them in compliance with applicable rules and regulations. When conflict-of-interest issues are overlooked or hidden, this creates problems for the individuals involved, as well as grantees, subrecipients, or contractors. This bulletin discusses common types of conflicts of interest, offers best practices for avoiding and managing them, and the potential consequences of not handling them appropriately.

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*Identify, disclose, and manage all real and apparent conflicts of interest through elimination, mitigation, or waivers.*

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## **1. Know the Requirements.**

In general, conflicts of interest occur when one's private interest and public duties overlap, resulting in a real or perceived lack of independence or impartiality. Common situations include:

- Elected officials voting on awarding of funds to organizations where a family member is on the staff or where the elected official is on the subrecipient's board;
- Executive directors of subrecipients entering into contracts with companies they are affiliated through employment of, or ownership by, themselves or their relatives;
- Grantee officials or staff who have relatives who may benefit from a subrecipient's programmatic activities; and
- Failure to notify the U.S. Department of Housing and Urban Development (HUD) about conflicts of interest, or late and or incomplete requests for exceptions.

The existence of a conflict of interest does not necessarily mean that any individual acted improperly or illegally, but it does mean that, unless properly handled and addressed, he or she could end up being in violation of Federal rules. Therefore, all such cases must be identified and resolved by eliminating the conflict or obtaining a written exception.

Two sets of conflict-of-interest rules exist – one for procurement activities and others for non-procurement, sub-granting/program delivery activities.

- A. **Procurement Standards**: Regulations at 2 CFR (Code of Federal Regulations) 200.318(c) require non-Federal entities to maintain written standards of conduct



- B.** covering conflicts of interest, including organizational conflicts of interest.  
Organizational conflicts of interest occur when, because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

**B. Non-procurement Standards:** Regulations at 2 CFR 200.112 require HUD to establish conflict of interest policies for Federal awards and require non-Federal entities to disclose in writing any potential conflict of interest to HUD or a pass-through entity in accordance with HUD's policy. HUD is finalizing its conflict-of-interest policy, but entities are still expected to use the policies developed under the various Community Planning and Development (CPD) program-specific regulations. In general, all CPD program regulations prohibit grant-assisted activity benefitting relatives of people who work for the grantee or the pass-through entity.



## 2. Train Employees

Grantees and subrecipients ought to build an organizational culture that is conscious of potential conflicts of interest so that action can be taken to avoid or mitigate conflicts as they arise.

Provide conflict-of-interest training for all employees, including those of the organization and the governing authority, the organization's leadership and, as appropriate, the organization's agents. To have the most impact, the organization should have a written policy requiring annual conflict-of-interest training, and legal counsel or other qualified individuals should review the policy with employees (and board members), subrecipient officers, and pass-through entity staff at least annually. Documenting training is a best practice. The organization should:

- Provide training;
- Require that staff annually submit certifications regarding outside businesses, outside employment, and volunteer positions;
- Record a certification of attendance at trainings; and
- Follow up with annual refresher sessions.

### 3. Create Procedures to Document Compliance

Conflict-of-interest policies and procedures should describe how conflicts will be handled. When a conflict or potential conflict of interest exists, the person with the conflict should advise the board or management committee in writing and seek guidance on how to resolve the conflict. Conflict-of-interest notifications usually include:

- The person's name, position, phone number and address;
- Details of the nature of the conflict of interest, (perceived, apparent, or actual);
- Date of notification; and
- Requested action to address the conflict of interest (recusal, exemption request, etc.).

The notification and subsequent actions should be recorded in minutes of board or management meetings. Record-keeping best practices includes documenting:

- Conflict-of-interest notifications;
- Cases of failure to disclose;
- Disclosure by others (for example colleague or member of the public);
- Reviews or investigations of alleged conflicts;
- Assessment of the matter and how it was considered;
- Action taken or resolution; and
- Annoying or trivial claims.



## 4. Implement the Regulations

Often people are unaware that their activities are in conflict with the best interests of the organization. A goal should be to raise awareness, encourage disclosure and discussion of issues that may constitute a conflict, and constantly encourage a “culture of candor.”

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*The primary goal in managing conflicts of interest is to ensure that as decisions are made, they are seen to be made on proper grounds, for legitimate reasons, and without bias or unfairness.*

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Leadership and culture are important aspects of compliance. Boards or leaders should establish a culture of compliance and honesty and encourage disclosure by establishing a protocol for staff to self-report possible conflicts, raise suspected conflict-of-interest issues, or ask for guidance, without fear of retaliation. Leadership should appoint an individual or office to ensure conflict-of-interest rules are implemented and followed. However, the protocol should not rely solely on voluntary compliance, but also on procedures to allow grantees and subrecipients to report and have independent checks made to ensure that conflicts do not exist.

Monitoring is a best practice that entails having someone review the names of the principals of businesses that may become subrecipients, contractors or suppliers to determine whether there are apparent or real conflicts of interest with staff or agents of the awarding entity or pass-through entity. Many organizations circulate a questionnaire each year (usually in conjunction with training) to find out whether any board member, officer, or employee has a conflict of interest. Typically, the questionnaire asks them to disclose existing conflicts and reminds them to disclose any that may crop up in the future.

Monitors should also determine whether subrecipients have conflicts of interest in the sub-awards and contracts by asking them to disclose the names of their immediate family and business partners and those of the principals of the organizations and contractors with which they transact grant project business.



## **5. Know the Consequences.**

Violating conflict-of-interest rules can have serious consequences for a grant program. Bad publicity surrounding undisclosed conflicts may seriously undermine the public trust in the program as well as damage personal reputations. Audits and investigations can result in the grantee's having to repay Federal funds, or individuals being fired or prosecuted.

### **A Conflict of Interest Can Lead to Criminal Actions**

In some cases, conflicts of interest can lead to criminal prosecutions. It's not that the conflict of interest itself is a criminal act, but it can lead to other acts, such as deliberately hiding relationships, financial gains or other advantages through false statements, misrepresentations, or filing false documents, which are crimes. With such personal risk at stake, it is easy to see why disclosures of conflicts of interest are so important.



## 6. Request an Exception

HUD may grant an exception to non-procurement conflicts of interest on a case-by-case basis. It is the recipient's responsibility to submit a written request for an exception to its local HUD CPD office. When submitting a request, the recipient must provide the following documentation as threshold requirements for consideration:

- A public disclosure of the conflict (include how the disclosure was made); and
- An opinion of the recipient's attorney that the exception does not violate State or local law.

HUD determines whether threshold requirements are met and whether the circumstances fall within exception criteria permitted by the regulations. Remember that submitting a request does not authorize a recipient to engage in any activity or enter into any contract that constitutes a conflict. You may proceed only after you receive the approval in writing from HUD.



## 7. Get Help

Conflict-of-interest requirements are often nuanced and must be reviewed case by case. HUD provides assistance when conflict-of-interest situations arise or are in question. You can get help from your local CPD office when such issues arise.

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*Bottom line:*

*Conflicts of interest are situations not allegations...  
BUT they must be disclosed and managed properly.*

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LUNCH TIME  
12 To 1:15 PM  
MDT







# MODULE

## The Indian Housing Plan & Annual Performance Report and Self-Monitoring Requirements

- Indian Housing Plan
- Annual Performance Report
- Self-Monitoring Requirements

INDIAN HOUSING PLAN SUBPART C

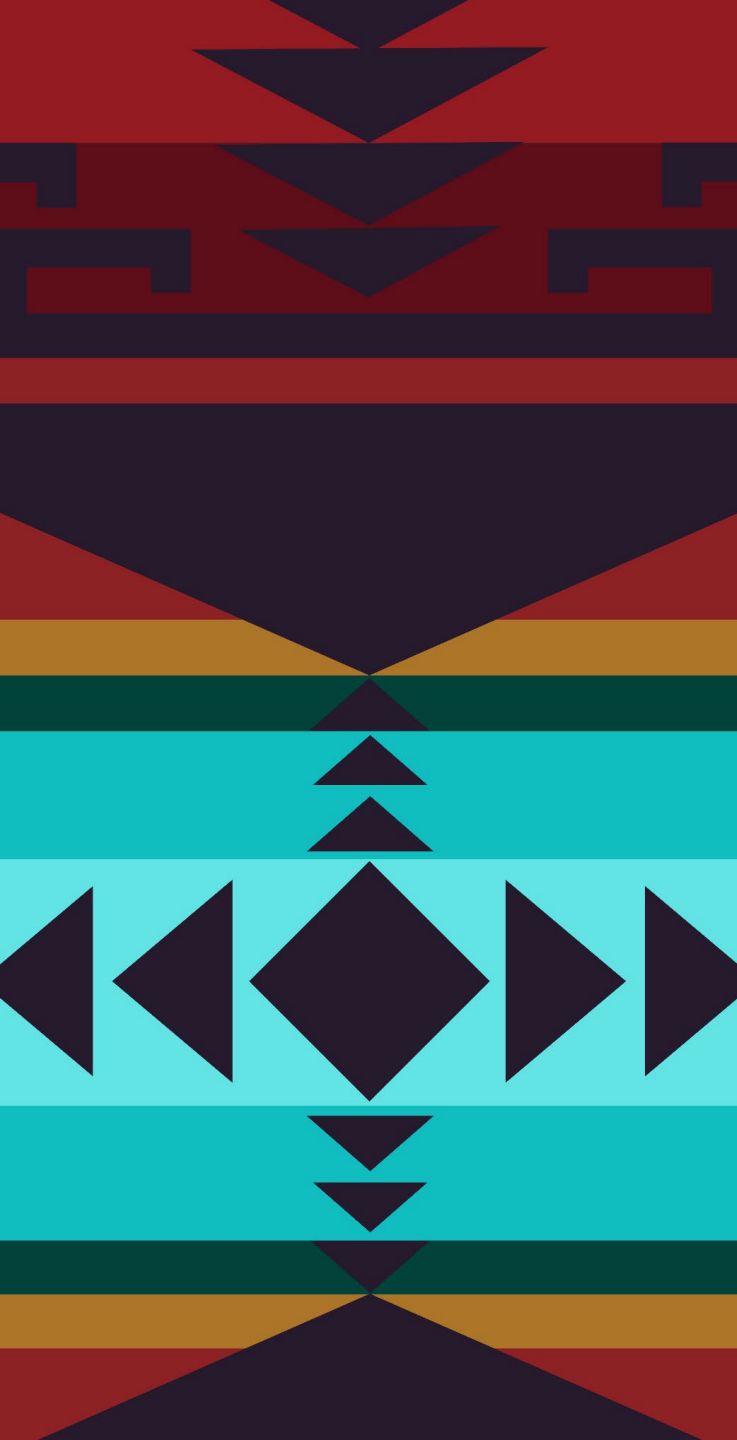
# The Indian Housing Plan & Annual Performance Report and Self-Monitoring Requirements

This Module will provide an Overview of the Indian Housing Plan that your Tribe must submit on a yearly basis to receive Indian Housing Block Grant Funds, Eligible Administrative & Planning cost amounts, As well as the Annual Performance Report also required by HUD. This module will cover timeframes, necessary content as well as posting requirements. This module will also identify Self Monitoring requirements.



# The Indian Housing Plan Guidance

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# Indian Housing Plan

The Indian Housing Plan (IHP) is a planning document for the recipient that is required by the Department Of Housing and Urban Development (HUD) prior to awarding any Indian Housing Block Grant (IHBG) funds to an eligible recipient. The IHP spells out how the recipient intends to use the funds it receives under its IHBG.



# Statutory Requirements

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



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

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

- (1) In accordance with applicable statutes, the recipient certifies that it will comply with title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes.

Yes  No

- (2) To be eligible for minimum funding in accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that there are households within its jurisdiction at or below 80 percent of median income.

Yes  No  Not Applicable

- (3) The following certifications will only apply where applicable based on program activities.

- (a) The recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.

Yes  No  Not Applicable

- (b) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.

Yes  No  Not Applicable

- (c) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.

Yes  No  Not Applicable  and

- (d) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes  No  Not Applicable

**SECTION 8: IHP TRIBAL CERTIFICATION**

NAHASDA § 102(c)

This certification is used when a Tribally Designated Housing Entity (TDHE) prepares the IHP or IHP amendment on behalf of a tribe.

This certification must be executed by the recognized tribal government covered under the IHP.

- (1) The recognized tribal government of the grant beneficiary certifies that:
- (2)  It had an opportunity to review the IHP or IHP amendment and has authorized the submission of the IHP by the TDHE; or
- (3)  It has delegated to such TDHE the authority to submit an IHP or IHP amendment on behalf of the Tribe without prior review by the Tribe.

(4) Tribe:	
(5) Authorized Official's Name and Title:	
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	

# The key components of the IHP include

The One-Year Plan is a plan of action for the use of that year's block grant allocation. In the One-Year Plan, the recipient will describe its existing housing stock, assess housing needs and determine how it will allocate its resources. Further information on the One Year Plan is found in Program Guidance 2018-02a

Guidance for Completing the Indian Housing Plan/Annual Performance Report (form HUD-52737) (Amended 10/01/2018)[Attachment: Step-by-step instructions](#) (Amended 10/01/2018)



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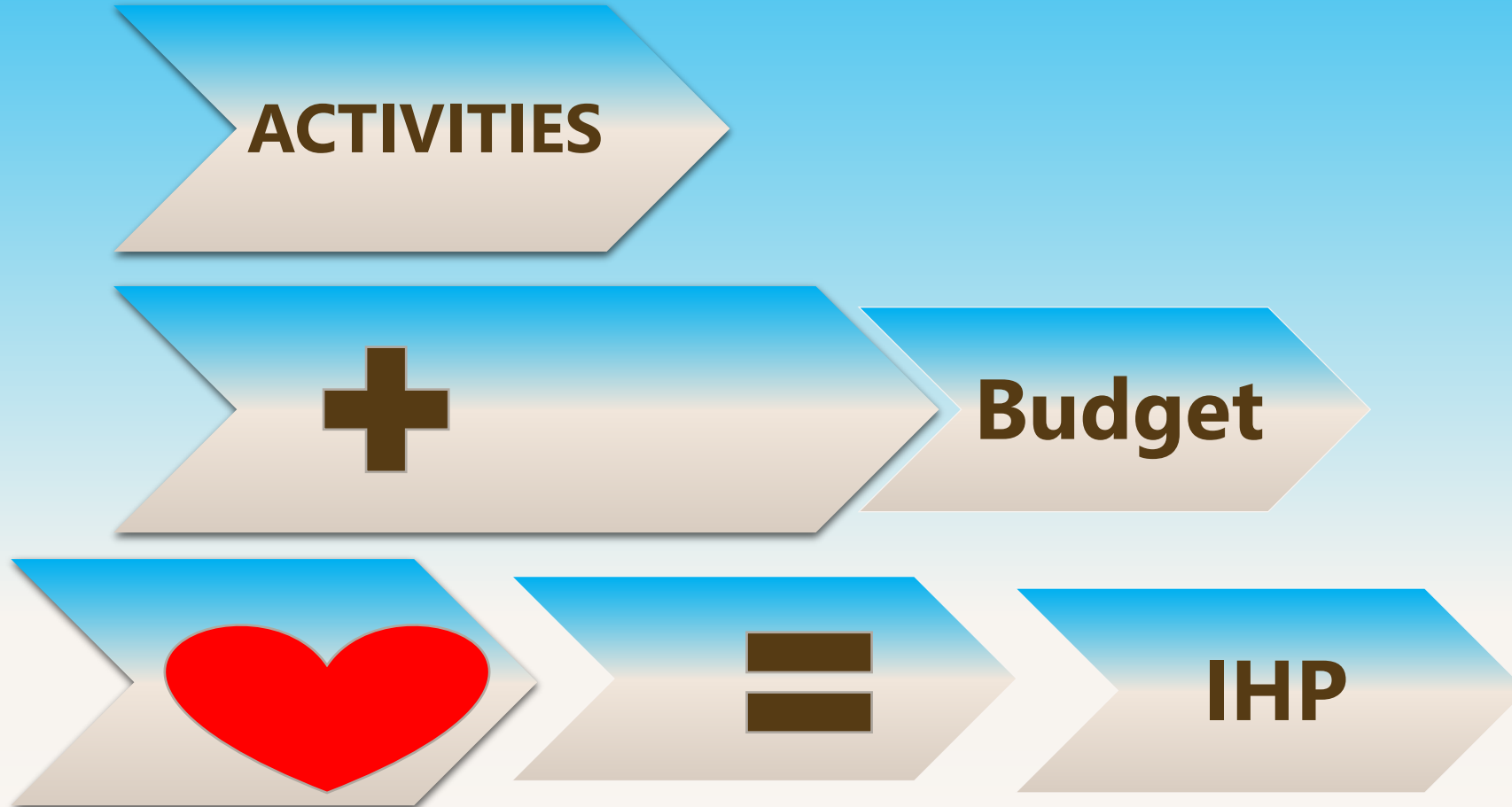
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# What is an IHP?

- An IHP is an Indian Housing Plan
- Required by HUD in order to receive IHBG Funds
- Roadmap for responding to housing needs
- The IHP spells out how the recipient intends to use funds they receive under IHBG

# What is an IHP







# Submitting the IHP/APR:

The IHBG Recipient submits the IHP/APR

- Tribe or
- Tribally designated housing entity (TDHE)

If a TDHE has been designated by more than one tribe:

- TDHE may submit a separate IHP for each, or
- Single IHP for all tribes in its jurisdiction

Be sure to include Tribal Certification



# Submitting the IHP/APR: When?

Submit IHP 75 days prior to start of the Program Year (PY)

- Effective management tool
- Allows recipients to have their IHPs in place at start of PY
- Failure to submit on time may result in NO IHBG!

What if Congressional Appropriations are delayed?

- If the PY estimate is available, you base the IHP on PY estimate listed on the Formula Response Form; otherwise, use actual grant amount from previous PY IHP
- Revise IHP (Internal only) when actual amount is known
- Update APR to include actual amount (required)



# IHP Deadlines and Waivers

Extension may be granted under exceptional circumstances

HUD cannot waive a due date outside the statutory limit provided in Section 101 (b) (2) of NAHASDA

Request waiver of the deadline

- Any time before or after the IHP submission deadline, however...
- Extension may only be granted for up to 90 days after the original deadline.

# Late Appropriations

IF APPROPRIATIONS ARE DELAYED, THE RECIPIENT CAN ACCESS INTERIM FUNDING AFTER A NOTICE HAS BEEN PUBLISHED BY HUD.

- IF YOU HAVE AN APPROVED IHP AND MEET CERTAIN OTHER CONDITIONS (regarding eLOCCS balance) YOU CAN APPLY FOR INTERIM FUNDING FROM YOUR LOCAL ONAP OFFICE
- To take advantage of this flexibility, the recipient's authorizing official must submit a written request to HUD.



# IHP and APR Guidance

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U.S. Treasury Electronic Line of Credit Control System (eLOCCS) is used to draw down funds to pay for IHP planned expenditures. Recipient **must disburse payments within 3 days of receipt** of IHBG funds into bank account.



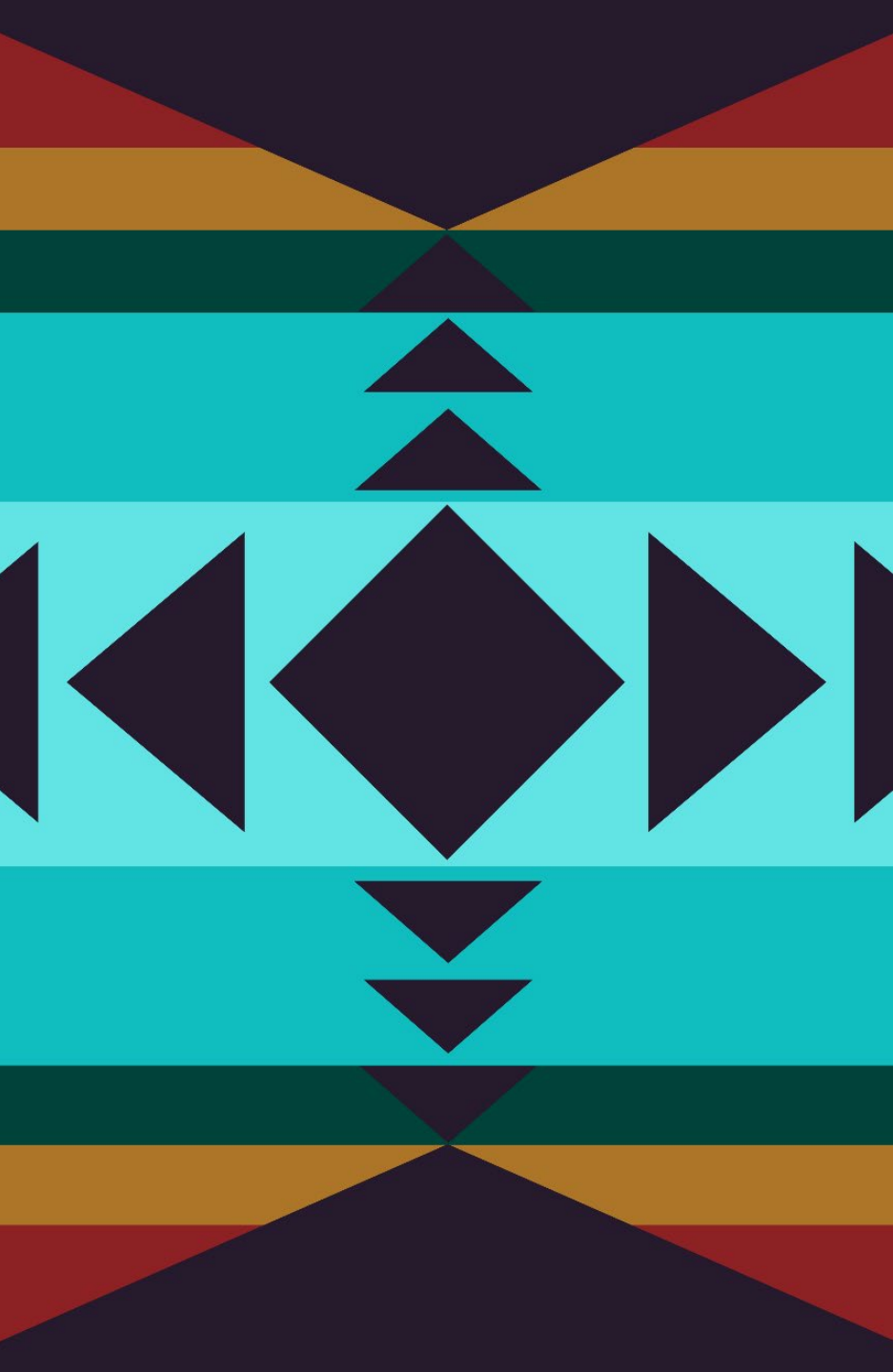




# What is the Grants Evaluation and Management System (GEMS)

To promote effective and efficient administration of Tribal housing programs, the Office of Native American Programs is modernizing information technology systems to simplify the grant management process for Tribal recipients. ONAP, with the assistance of HUD's Office of Chief Information Officer (OCIO) is developing a new system called the Grants Evaluation and Management System (GEMS).

GEMS does not change current program and grant administration requirements, but it will modernize administrative and reporting systems. Eventually most aspects of ONAP grant processes and grantee submission requirements will be incorporated into the new system. GEMS will replace the Energy Performance Information Center (EPIC) to centralize and streamline required submissions and communications to reduce the administrative burden on recipients and ONAP staff. All IHPs, APRs, and SF-425s previously submitted in EPIC will be archived and accessible by ONAP staff, if needed. GEMS will also reduce administrative burden and ensure accurate information on program performance by eliminating duplicative submissions of information.



# GEMS Nationwide Rollout September 25, 2023

GEMS will be available in all ONAP regions. Grantees will be able to access and fill out key documents in GEMS including Indian Housing Plans (IHPs); Annual Performance Reports (APRs); and Grant Agreements for the Indian Housing Block Grant (IHBG) formula program; and Federal Financial Report (SF-425s) for all ONAP programs including IHBG, Indian Community Development Block Grant, and Tribal HUD-VA Supportive Housing, as well as the Resident Opportunity and Self-Sufficiency program.



# EPIC Shutdown Thursday, September 14, 2023, 5:00 p.m. ET

The Energy and Performance Information Center (EPIC) will no longer be available for ONAP programs. ONAP will migrate the most recently accepted IHP/APR from previous years and the most recently submitted IHP and APR from EPIC to GEMS. The transfer of any unsubmitted IHPs or APRs is not guaranteed. ONAP strongly encourages grantees to complete and submit any in-process IHPs or APRs in EPIC before the September 14th system shutdown or start your new IHP or APR after September 25th in GEMS. If needed, you may request an IHP waiver or APR extension from your ONAP Area Office for additional time to submit in GEMS. Following the migration, ONAP will discontinue reporting through EPIC.



# GEMS Registration

To access GEMS, grantees will need to set up an account and enter information through the **Registration Portal**. GEMS does not use HUD's secure systems feature. Instead, it utilizes a one-time signature attestation for the authorized officials to submit electronic signatures in GEMS. Starting on September 25, 2023, the area offices will begin verifying and accepting registrations submitted in the portal for Eastern Woodlands, Northwest, Southern Plains, and Southwest regions. Once accepted an email with the log-in information will be sent. The spam or junk folder may need to be checked for the email.



# GEMS Training Webinars

Training webinars are scheduled for 1:00 p.m. to 3:00 p.m. Eastern on Wednesday, September 13, 2023, and Thursday, September 21, 2023. The webinars will be recorded. If you need assistance with the webinars, please contact Webex Support: (888) 793-6118.

*Session 1: The webinar begins at 1:00 p.m. Eastern on September 13, 2023; you may join the conference 10 minutes prior – **[view in your timezone.](#)***

**To join the webinar,**

**click: <https://ems8.intellor.com/login/848812>**

Join the Webex event and follow the prompts to connect audio by computer or telephone.

*Session 2: The webinar begins at 1:00 p.m. Eastern on September 21, 2023; you may join the conference 10 minutes prior – **[view in your timezone.](#)***

**To join the webinar,**

**click: <https://ems8.intellor.com/login/848813>**

Join the Webex event and follow the prompts to connect audio by computer or telephone.



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# GEMS User Resources

- [GEMS FAQs](#)
- [GEMS User Guide](#)
- [Dear Tribal Leader Letter](#)



# Training and Demonstrations

Training and Demonstrations

- **[GEMS Training on SF-425s \(January 2023\)](#)**
- **[GEMS Training on Grantee Functions \(June 2023\)](#)**

Questions? Contact Us

- Email us at **[onapgems@hud.gov](mailto:onapgems@hud.gov)** with your questions.



# Programs and Projects

Programs are ongoing activities and are in every IHP

- Maintenance
- Administration

Projects have specific start and end dates, and are dependent upon annual funding decisions

- Development
- Rental Assistance



# Key Sections of the IHP

- Cover Page (Section 1)
- Housing Needs (Section 2)
- Program Descriptions (Section 3)
- Maintaining 1937 Act units (Section 4)
- Budget (Section 5)
- Other Submission Items (Section 6)
- Certifications (Sections 7-9)

# Section 1: Cover Page

- Purpose: Provide basic background info on recipient
- Statutory/Regulatory Sections: None
- Key Contents
- Grant Information
  - Grant Number
  - Recipient program year
  - Federal fiscal year
- Recipient (Contact) Information
- Tribe/TDHE Information
  - Tax ID number
  - DUNS number (Now required for all Federal grants)
  - CCR/SAM expiration date (Updated annually)
- Formula Grant Amount

IHP-APR Adobe Fill... x

1 / 37 66.7%

**SECTION 1: COVER PAGE** Instructions

(1) Grant Number: [Yellow field]

(2) Recipient Program Year: [Yellow field]

(3) Federal Fiscal Year: [Yellow field]

(4) Initial Plan (Complete this Section then proceed to Section 2) or an Amended IHP

(6) Annual Performance Report (Complete items 27-30 and proceed to Section 3)

(7) Tribe

(8) TDHE

(9) Name of Recipient: [Yellow field]

(10) Contact Person: [Yellow field]

(11) Telephone Number with Area Code (999) 999-9999 : [Yellow field]

(12) Mailing Address: [Yellow field]

(13) City: [Yellow field] (14) State: [Yellow field] (15) Zip Code (99999 or 99999-9999): [Yellow field]

(16) Fax Number with Area Code (if available) (999) 999-9999 : [Yellow field]

(17) Email Address (if available): [Yellow field]

(18) If TDHE, List Tribes Below: [Yellow field]

(19) Tax Identification Number: [Yellow field]

(20) DUNS Number: [Yellow field]

(21) CCR/SAM Expiration Date (MM/DD/YYYY): [Yellow field]

(22) IHBG Fiscal Year Formula Amount: [Yellow field]

(23) Name of Authorized IHP Submitter: [Yellow field]

ONAP Office Use Only

Release Date: 03/08/2018

Export to XML

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# Section 2: Housing Needs

- **Purpose:** Clearly describe the types of needs for recipients

## Statutory/Regulatory Sections:

§1000.328, 102(c)(2)(A), 102(c)(2)(B), 102(c)(4)(C)

- **Key Contents**

- Number of low-income families
- Needs for all Indian families
- Description of how activities meet needs
- Geographic distribution of funds

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### ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

#### SECTION 2: HOUSING NEEDS

NAHASDA § 102(b)(2)(B)

(1) **Type of Need:** Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Indian families (column B) and all Indian families (column C) inside and outside the jurisdiction.

(A) Type of Need	Check All That Apply	
	(B) Low-Income Indian Families	(C) All Indian Families
(1) Overcrowded Households	<input type="checkbox"/>	<input type="checkbox"/>
(2) Renters Who Wish to Become Owners	<input type="checkbox"/>	<input type="checkbox"/>
(3) Substandard Units Needing Rehabilitation	<input type="checkbox"/>	<input type="checkbox"/>
(4) Homeless Households	<input type="checkbox"/>	<input type="checkbox"/>
(5) Households Needing Affordable Rental Units	<input type="checkbox"/>	<input type="checkbox"/>
(6) College Student Housing	<input type="checkbox"/>	<input type="checkbox"/>
(7) Disabled Households Needing Accessibility	<input type="checkbox"/>	<input type="checkbox"/>
(8) Units Needing Energy Efficiency Upgrades	<input type="checkbox"/>	<input type="checkbox"/>
(9) Infrastructure to Support Housing	<input type="checkbox"/>	<input type="checkbox"/>
(10) Other (specify below)	<input type="checkbox"/>	<input type="checkbox"/>

(2) **Other Needs.** (Describe the "Other" needs below. Note: this text is optional for all needs except "Other."):

(3) **Planned Program Benefits.** (Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs NAHASDA § 102(b)(2)(B)):

(4) **Geographic Distribution.** Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families. NAHASDA § 102(b)(2)(B)(i):

# Section 3: Program Descriptions & Outputs

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

**APR: REPORTING ON PROGRAM YEAR PROGRESS**  
Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month program year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month program year. (NAHASDA § 404(b))

**1.1. Program Name and Unique Identifier:**

**1.2. Program Description** (This should be the description of the planned program.):  [Help](#)

**1.3. Eligible Activity Number** (Select one activity from the Eligible Activity list. For any activity involving housing units as the output measure (excluding operations and maintenance), do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):  [Help](#)

**1.4. Intended Outcome Number** (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):  [Help](#)

**Describe Other Intended Outcome** (Only if you selected "Other" above):

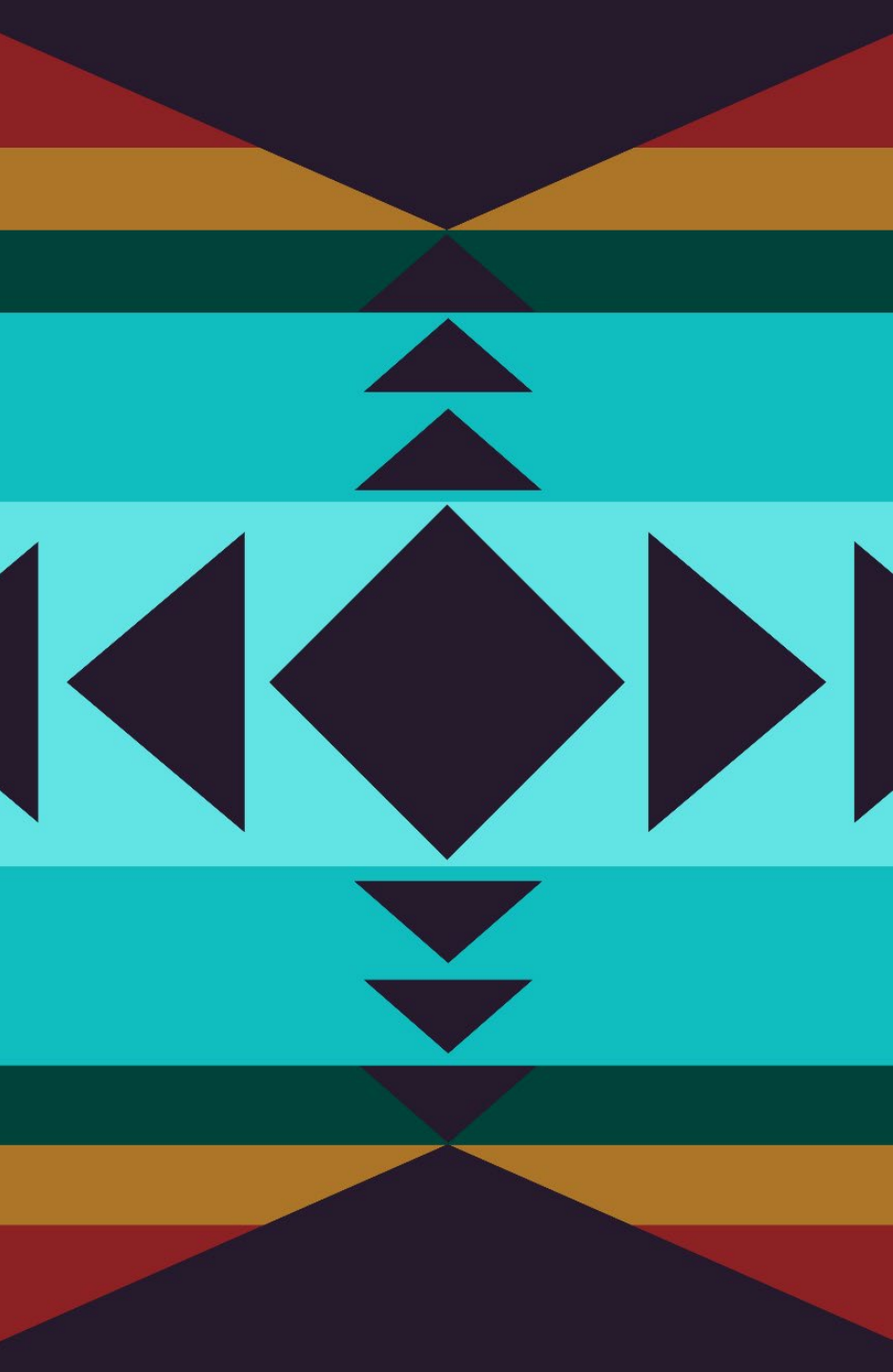
**1.5 Actual Outcome Number** (In the APR identify the actual outcome from the Outcome list.):

**Describe Other Actual Outcome** (Only if you selected "Other" above.):

**1.6 Who Will Be Assisted** (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median must be included as a separate program within this section.):

**1.7. Types and Level of Assistance** (Describe the types and the level of assistance that will be provided to each household, as applicable.):

**1.8. APR:** Describe the accomplishments for the APR in the 12-month program year. In accordance with 24 CFR § 1000.512(b)(3), provide an analysis and explanation of cost overruns or high unit costs. [Help](#)

A decorative vertical panel on the left side of the slide. It features a central light blue band with a dark purple diamond shape in the middle. Above and below this band are horizontal stripes in shades of teal, dark green, and brown. The top and bottom corners are filled with dark purple and red geometric shapes, creating a symmetrical, abstract design.

# Homeowner and Rental Activities

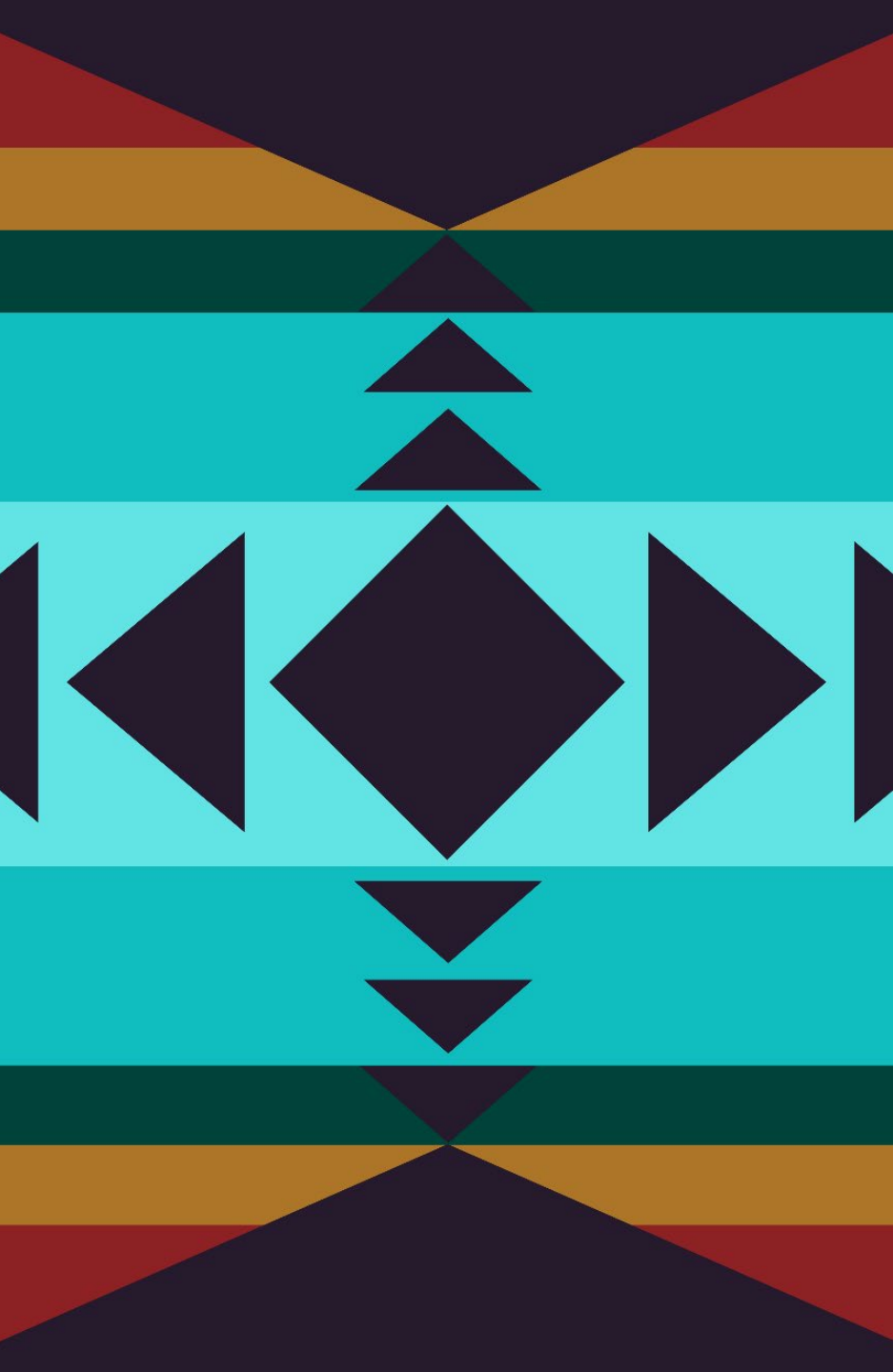
Do not combine homeownership and rental construction, acquisition, or rehab programs

For example, if constructing 5 homeownership units and 5 rental housing units, they must be two separate activities.



# Programs, Eligible Activities, Outcomes, and Outputs

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



# Programs, Eligible Activities, Outcomes, and Outputs Example

- Program: Recipient will provide Down Payment assistance for first-time homebuyers who wish to buy in the Tri-County area.
- Eligible Activities: Down Payment/Closing costs
- Outcome: Assist renters to become homeowners
- Who will be Assisted : Low-Income families
- Level and Type of Assistance: \$5,000 Cap, Grant
- Planned Outputs: Four Units

# Guidance On Allowability, Outcomes & Outputs

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



# Section 4: Maintaining 1937 Act, Demolition/Disposition

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



# Section 5 (a): Sources of Funds

- **Purpose:** Describe recipients funding sources to be used for housing purposes during coming Program Year

- **Statutory/Regulatory Sections:**

§102(c)(3)(A), §102(c)(3)(B)

- **Key Contents:**

- Funds on hand at beginning of year
- Funds expected to be received during year
- Anticipated expenditures for each funding source
- Anticipated unexpended funds for each source at end of year
- Must include anticipated receipt and use of Program Income

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**SECTION 5: BUDGETS**  
NAHASDA §§ 102(b)(2)(C), 404(b)

(1) Sources of Funding (NAHASDA § 102(b)(2)(C)(i), 404(b)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month program year. APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month program year.)

SOURCE	IHP <a href="#">Help</a>					APR <a href="#">Help</a>					
	(A) Estimated amount on hand at beginning of program year	(B) Estimated amount to be received during 12-month program year	(C) Estimated total sources of funds (A+B)	(D) Estimated funds to be expended during 12-month program year	(E) Estimated unexpended funds remaining at end of program year (C-D)	(F) Actual amount on hand at beginning of program year	(G) Actual amount received during 12-month program year	(H) Actual total sources of funding (F+G)	(I) Actual funds expended during 12-month program year	(J) Actual unexpended funds remaining at end of 12-month program year (H - I)	(K) Actual unexpended funds obligated but not expended at end of 12-month program year
1. IHBG Funds			\$0		\$0			\$0		\$0	
2. IHBG Program Income			\$0		\$0			\$0		\$0	
3. Title VI			\$0		\$0			\$0		\$0	
4. Title VI Program Income			\$0		\$0			\$0		\$0	
5. 1937 Act Operating Reserves					\$0					\$0	
6. Carry Over 1937 Act Funds					\$0					\$0	
<b>LEVERAGED FUNDS</b>											
7. ICDBG Funds			\$0		\$0			\$0		\$0	
8. Other Federal Funds			\$0		\$0			\$0		\$0	

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# Section 6: Other Submission Items

- **Purpose:** Describe various required items

## **Statutory/Regulatory Sections:**

§1000.142, 1000.108, 1000.120, 1000.302(3), 1000.238

- **Key Contents**
- Useful life
- Model activities & Assistance to Over Income
- Tribal preference
- Administration
- Expanded formula area



# Sections 7-9: Certifications

- **Purpose:** Provide various required certifications
- **Statutory/Regulatory Sections**  
§1000.20, 102(c)(5), 102(d), 104(b)
- **Key Contents:**
  - Compliance
  - Tribal certification
  - Tribal Wage Rates
  - Self-Monitoring





# Timeframes for IHP Review

---

- 60 days for original submission
- 30 days for amendments





# Critical IHP Review Points

- Completeness- Are all required elements included?
- Eligibility – Are all activities eligible affordable housing activities under the Statute?
- Consistency – Are all Key Sections of the IHP internally consistent in a meaningful way?

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# IHP Revisions

Only Required for the following reasons:

1. Adding a new Activity
2. Reducing the amount budgeted for Operation and Maintenance of FCAS (Formula Current Assisted Stock)

# IHP and APR Guidance

The Federal Fiscal Year (FFY) is always October 1 to September 30 and is always in advance of the calendar year. For example, FFY 2024 starts on October 1, 2023, and ends on September 30, 2024.

The recipient's program year for 2024 could start on October 1, 2023; January 1, 2024; April 1, 2024; or July 1, 2024. The due date of the IHP will depend on the recipient's chosen program year (PY).



# UPCOMING IHP DUE DATES

PROGRAM YEAR	IHP DUE DATE	WAIVER DEADLINE *
January 1 <sup>st</sup> , 2024	Oct 18 <sup>th</sup> , 2023	Jan 16 <sup>th</sup> , 2024
April 1 <sup>st</sup> , 2024	Jan 16 <sup>th</sup> , 2024	April 16 <sup>th</sup> , 2024
July 1 <sup>st</sup> , 2023	April 17 <sup>th</sup> , 2023	July 16 <sup>th</sup> , 2023
Oct 1 <sup>st</sup> , 2023	July 18 <sup>th</sup> , 2023	Oct 16 <sup>th</sup> , 2023

\*Maximum 90 days after due date and ONLY under circumstances beyond Tribal/TDHE's control such as a natural disaster!

# IHP and APR Guidance

In some years, the U.S. Congress does not appropriate funds until well into the FFY. For example, even though the FFY starts on October 1, it is not uncommon to have the IHBG appropriation occur in January. Thus, the recipient may not know its final IHBG grant amount until January. To address these instances, HUD runs a draft of the IHBG formula using the anticipated level of funding and sends this information to the recipient using the Formula Response Form.





# IHP and APR Guidance

If the final appropriation is unknown at the time the IHP is due, the recipient may base its IHP budget on this estimated IHBG amount or the previous year's IHBG amount. When the final appropriation is known, the recipient should update the IHP in its files to include the final amount. For any recipient, whose IHP has already been found in compliance, once the final budget appropriation is available, the Area ONAP will automatically process the grant agreement and send it to the recipient.





# IHP and APR Guidance

If the recipient adds a new activity or reduces its support for 1937 Act housing, it must submit an IHP amendment using the form provided in Section 16 of the IHP prior to the recipient's program year end. If the recipient does not add a new activity or reduce its support for 1937 Act housing, then any other changes can be reflected in the APR submission.



# IHP: Housing Needs Description

Tribes/TDHEs need to describe their housing needs for their tribal members. Periodically, a housing needs assessment should be performed to help determine:

- How many units of new Housing is needed
- What type of Housing is needed, elderly, multiplex, independent living centers, single family, apartments, 2,3,4-bedroom homes, etc.
- What family type and composition are needed, (e.g., elderly, veteran, disabled, college students, etc.);
- Amount of major and minor repair needed on existing housing
- Other data such as average annual income, household size (overcrowded), or need for single person dwellings, whether existing homes in service area have adequate plumbing, electricity or other utilities needed, etc.

Such assessments can then guide the Tribe/TDHE to develop short and long-range plans, plans to address your Tribal needs in prioritized manner.

# IHP: Program Activity Descriptions

Modernization of 1937 Act Units	Operation of 1937 Act Units
Construction of New Housing	Acquisition of Existing Housing
Rehabilitation of Rental Housing	Acquisition of Land for Housing
Down Payment Assistance	Closing Cost Assistance
Other Homebuyer Assistance	Rehab Assistance to Existing Homes
Tenant-based Rental Assistance	Housing Management Services
Crime prevention & Safety (cost)	Model Activities (Cost)
Reserve Accounts	Infrastructure to support Housing (cost)
Planning & Administration	O&M of NAHASDA-Assisted Units

# Other IHP Submission Items

Useful Life-Affordability Periods - Recipient must describe "useful life" of housing units assisted with IHBG funds which must remain "affordable" to low-income families-persons. The "affordability period" is the remaining useful life of the unit-property as approved by HUD. For example:

<b>IHBG Resources Invested:</b>	<b>Affordability Period</b>
Under \$5,000	6 months
\$5,000 to \$15,000	5 years
\$15,001 to \$40,000	10 years
Over \$40,000	15 years
New construction or acquisition of new housing units	20 years

# Other IHP Submission Items (continued)

## Tribal and Indian Preference:

- Recipients must describe its preference policy given to tribal members and-or other Indian families for housing assistance, employment and contracting to Indian organizations or Indian owned enterprises.

## Model & Over-Income Activities:

- If a model activity is proposed for funding, the Recipient must describe the undertaking and type households to be served.
- If non-low (over-income) households are to be served, describe the number for: 80-100% of Median Income, If serving (over 10%) or applicants over 100% of Median Income, require HUD approval.

# IHP Tribal Certifications

## Recipient Certification of Compliance

- Comply with Title II of the Civil Rights Act, Section 504 of Rehab Act of 1973, Age Discrimination Act of 1975 and other federal laws as applicable to Tribe/TDHE
- If Recipient receives less than \$200,000 under Formula Current Assisted Stock, certifies that there are 80% or below Area Median Income households
- Recipient maintains adequate Insurance coverage for housing units owned and operated by Recipient
- Recipient has Eligibility, Admission and Occupancy policies in place
- Recipient has Rents and Homebuyers payments policies in place

Tribal Wage Rate Certification - Recipient certifies use of Davis-Bacon or Tribal Wage rates for IHBG assisted construction or maintenance activities.

## **Tribal IHP Certification - Tribal Official signs the IHP and certifies:**

- It had an opportunity to review the IHP and-or Amendments and authorizes its submittal  
OR
- It allows the TDHE to submit the IHP and or Amendments without prior review by Tribe.



# IHP: Administrative & Planning Costs

Administrative & Planning (A & P) costs cannot exceed:

<b>Annual IHBG Grant</b>	<b>Administrative &amp; Planning Spending Cap</b>
Greater than \$500,000	20%
Less than \$500,000	30%

Eligible A & P costs:

- Preparation of IHP and APR
- Staff & overhead costs directly related to carrying out IHP activities
- Challenging the formula funding amount
- Overall program cost for administrative management
- Other A & P costs as considered at discretion of Recipient

# Annual Performance Report





# What is the Annual Performance Report (APR)?

- Describes recipient's performance for previous program year
- Highlights how recipient ensured compliance and financial accountability
- Provides statistics on unit quality and cost and program outcomes
- Used by recipient, Tribal Members and HUD to provide feedback for program performance



# Why is the APR Important?

- Statutory requirement
- Public comment
- Tool to track IHP Progress
- Self-assessment and planning
- Technical assistance necessary from HUD
- Public information



# Key Sections of the APR

- Actual Outcomes and Outputs
- Program Accomplishments
- Budget
- Expanded Formula Area
- Self Monitoring
- Inspections
- Audits
- Public Accountability
- Jobs Supported by NAHASDA



# Cover Page

- Information requested for the APR includes the following:
  - Name of the recipient
  - Name and title of person authorized to submit the APR
  - Signature of person authorized to submit the APR
  - Date of Submission





# Reporting on Programs

- Purpose: Documents the recipient's performance review
- Statutory/Regulatory Sections:
- §404(a), 404(b)(2), 404(b)(3), 24 CFR 1000.512
- Key Components:
  - Accomplishments
  - Reasons for delay
  - Outputs

# Reporting on the Budget

Describes the actual sources and uses of funds for the 12-month program year

## SECTION 5: BUDGETS NAHASDA §§ 102(b)(2)(C), 404(b)

(1) Sources of Funding (NAHASDA § 102(b)(2)(C)(i), (404(b))) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month program year. **APR Actual Sources of Funding** – Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month program year.)

SOURCE	IHP <a href="#">Help</a>					APR <a href="#">Help</a>					
	(A) Estimated amount on hand at beginning of program year	(B) Estimated amount to be received during 12-month program year	(C) Estimated total sources of funds (A+B)	(D) Estimated funds to be expended during 12-month program year	(E) Estimated unexpended funds remaining at end of program year (C-D)	(F) Actual amount on hand at beginning of program year	(G) Actual amount received during 12-month program year	(H) Actual total sources of funding (F+G)	(I) Actual funds expended during 12-month program year	(J) Actual unexpended funds remaining at end of 12-month program year (H - I)	(K) Actual unexpended funds obligated but not expended at end of 12-month program year
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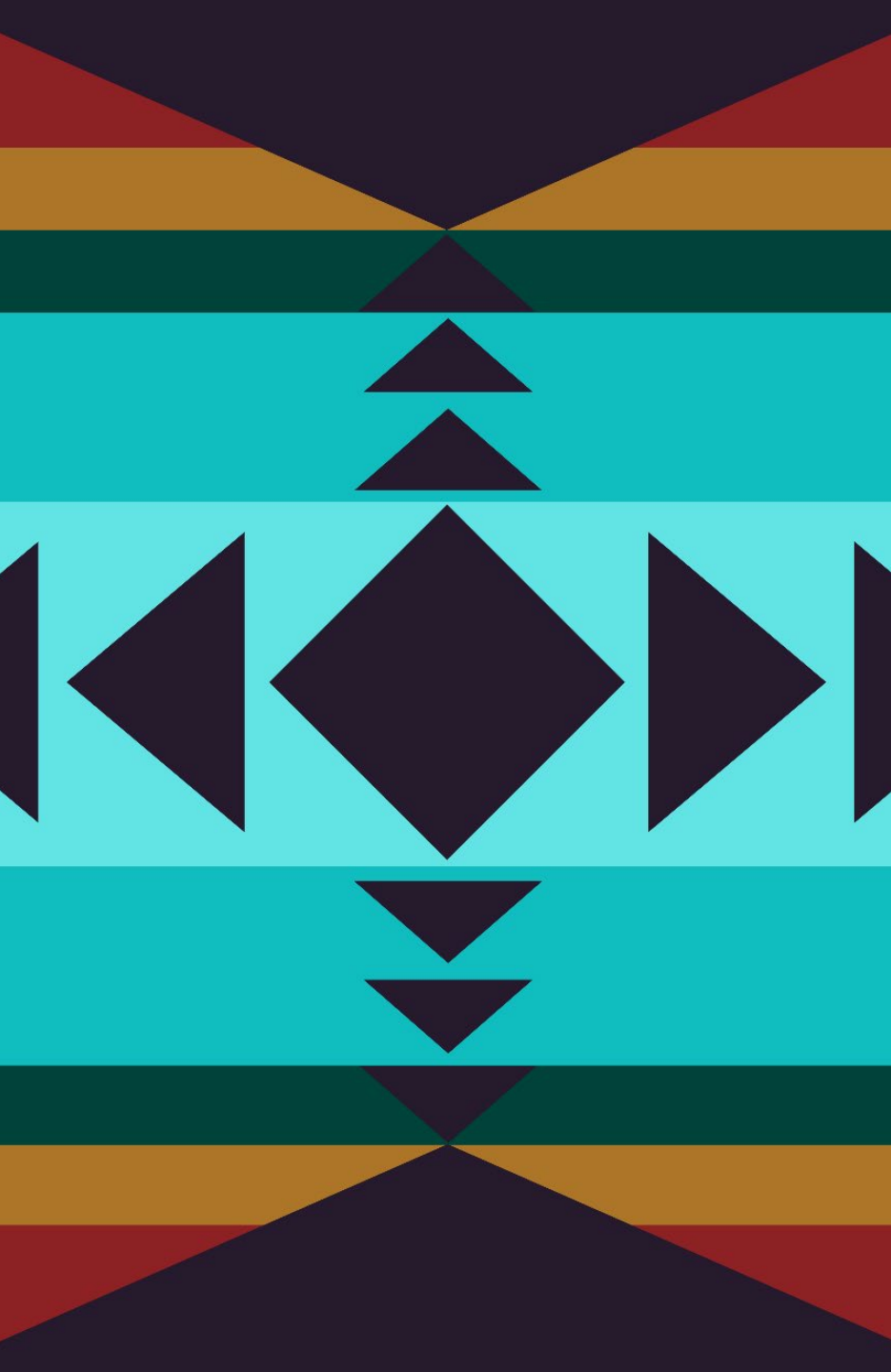
# Reporting on Other Submission Items

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



# Certifications

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



(1) In accordance with applicable statutes, the recipient certifies that: It will comply with title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes.

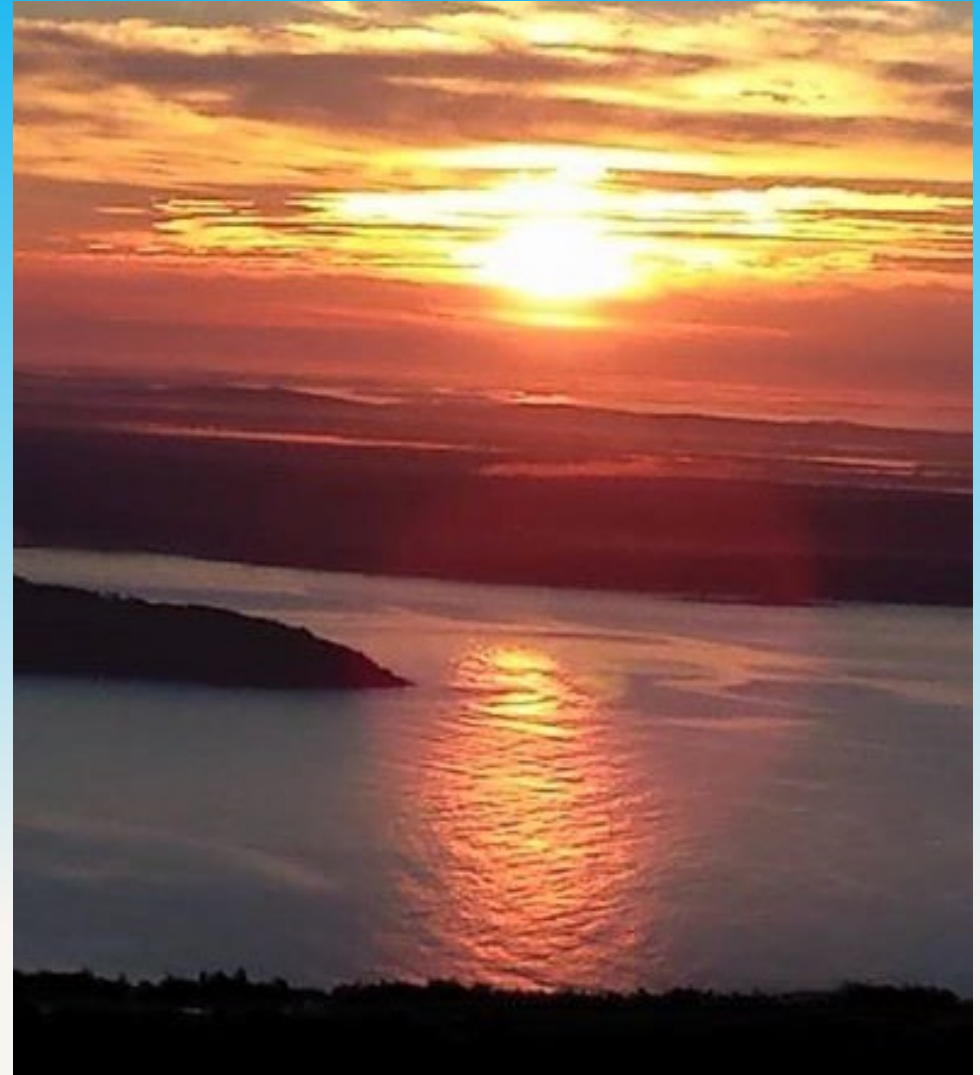
(2) In accordance with 24 CFR 1000.328, the recipient receiving less than \$200,000 under FCAS certifies that: There are households within its jurisdiction at or below 80 percent of median income.

(3) The following certifications will only apply where applicable based on program activities.

- a. The recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD;
- b. *Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA;*
- c. Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA; and
- d. *Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.*

# APR Guidance

The APR is due to the Area ONAP no later than 90 calendar days after the end of the recipient's program year, as required by 24 CFR § 1000.514. The APR must describe the activities and expenses from the previous 12-month program year. The APR is designed to track to the IHP sections so that the recipient can easily report on the progress of IHP eligible activities.







# HUD's Timeline

- Receipt of APR
  - 60 Days to review APR and make recommendations in report to recipient
    - Carried out eligible activities in a timely manner and in accordance with NAHASDA
    - Complied with the IHP
    - Report is accurate



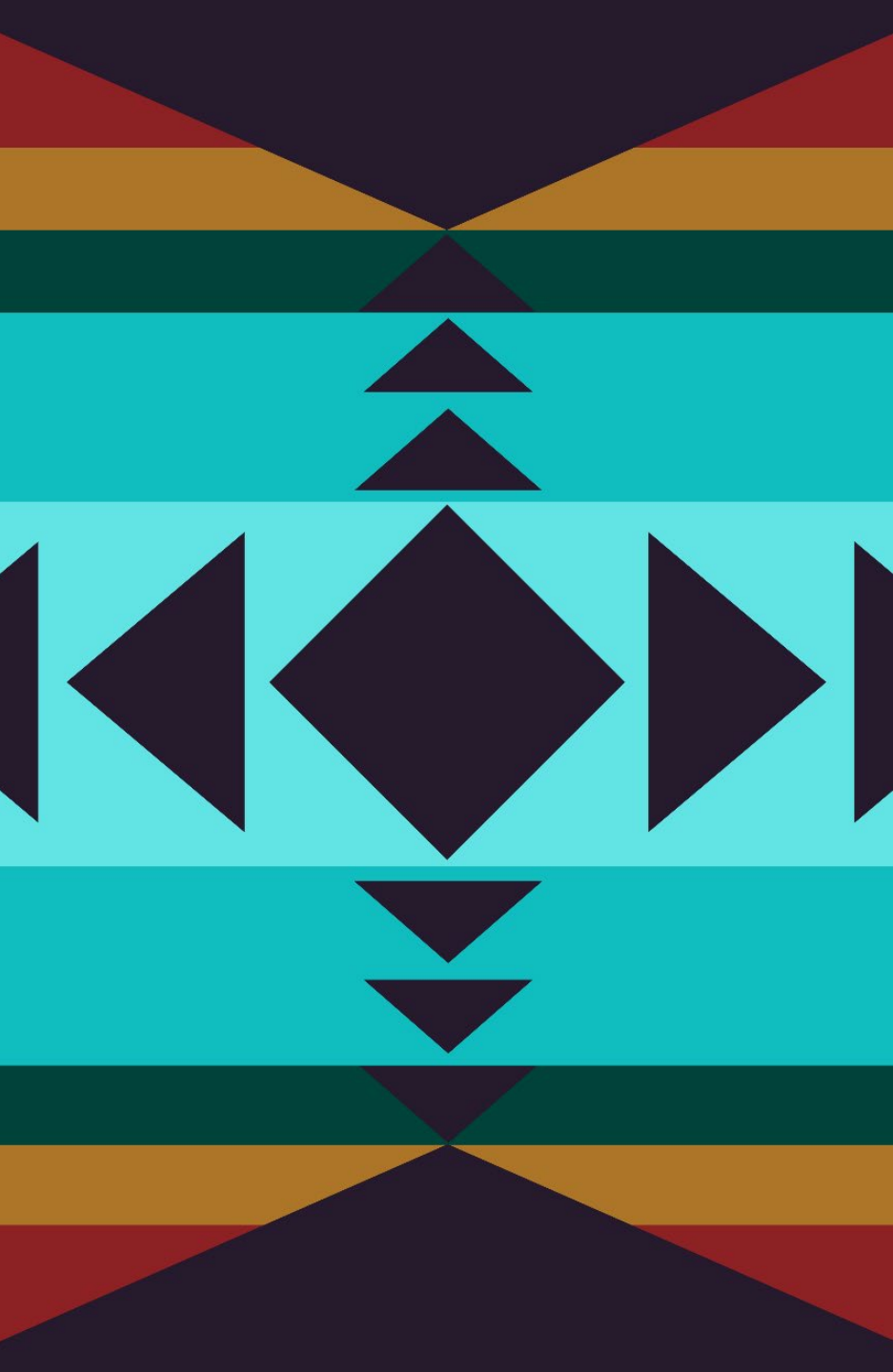
# APR Assessment

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

# Self-Monitoring







# What Is Self-Monitoring?

Self-Monitoring is the process of:

- Recording the operation of a system
- Observing/reviewing activities over the course of a year
- Detecting deficiencies and taking steps to correct them
- Recording/reporting through the Annual Compliance Assessment and Annual Performance Report



# Self-Monitoring Requirements

- Recipients must
  - Monitor grant activities in accordance with the IHP
  - Complete a compliance assessment, including unit inspections
  - Develop a corrective action plan to address any areas of noncompliance
  - Must include a summary of results and corrective actions in your Annual Performance Report



# Importance of Self Monitoring

Self Monitoring ensures

- Compliance with rules and requirements
- Compliance with the Tribe/TDHE policies and procedures
- Consistency with IHP
- Efficiency
- Effectiveness



# Self-Monitoring Requirements

- 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.
  - 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.
- 24 CFR 1000.502
  - The recipient is responsible for monitoring grant activities to ensure compliance with the applicable Federal requirements and monitoring performance goals under the IHP.



# Why Conduct Self-Monitoring?

Demonstrate accountability for performance

Build organizational capacity

Ensure compliance with regulations

Identify system weaknesses

Improve efficiency and effectiveness of practices



# Self-Monitoring Overview

- Observe/review activities over the course of a year
- Detect deficiencies and take steps to correct them
- Record/report through the Annual Compliance Assessment and APR
- Assessing compliance with the IHP, the law, and regulations



# Self-Monitoring from ONAP's Perspective

Monitor performance against goals

Check relevance and quality of activities

Identify issues internally before other partners

Solve problems promptly

# Sample Self-Monitoring Schedule

Annual Self-Monitoring Review															
Name of HA _____								START DATE _____							
								END DATE _____							
Program Area	PERSON/DEPT RESPONSIBLE	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT
Planning	Executive Director	X	X												
Policy and Procedures Review	Executive Director			X	X	X	X	X	X	X	X				
IHP/APR Compliance	CFO/ or another accounting Staff			X		Outcome	Bring to Compliance								
Organizational Structure	CFO/ or another accounting Staff				X	Outcome	Bring to Compliance								
Financial and Fiscal Management	Executive Director			X		Outcome	Bring to Compliance								
Administration and Occupancy	Executive Director			X		Outcome	Bring to Compliance								
Procurement & Contract Administration	CFO/ or another accounting Staff					X		Outcome	Bring to Compliance						
Environmental Review Compliance	CFO/ or another accounting Staff										X	Outcome	Bring to Compliance		
Final Self-Monitoring Report	Executive Director														X

# SELF-MONITORING

## SECTION 10: SELF-MONITORING

NAHASDA § 403(b), 24 CFR §§ 1000.26, 85.37, 85.40

(1) Do you have a procedure and/or policy for self-monitoring?

Yes  No

(2) Pursuant to 24 CFR § 1000.502(b) where the recipient is a TDHE, did the TDHE provide periodic progress reports including the self-monitoring report, Annual Performance Report, and audit reports to the Tribe?

Yes  No  Not Applicable

(3) Did you conduct self-monitoring, including monitoring sub-recipients?

Yes  No

(4) **Self-Monitoring Results.** (Describe the results of the monitoring activities, including corrective actions planned or taken.):



### **HUD IHBG Sample Monitoring Plans**

- [APR and IHP Compliance Monitoring Plan](#)
- [Lead-Based Paint Monitoring Plan](#)
- [Environmental Review Compliance Monitoring Plan](#)
- [General Instructions to Monitoring Plans](#)
- [Labor Standards Monitoring Plan](#)
- [Maintenance and Inspection Monitoring Plan](#)
- [Organization and Structure Monitoring Plan](#)
- [Other Programs \(ICDBG, ROSS & RHED/RIF\) Monitoring Plan](#)
- [Procurement and Contract Administration Monitoring Plan](#)
- [Relocation and Real Property Acquisition Monitoring Plan](#)
- [Section 504 Accessibility Monitoring Plan](#)
- [Self-Monitoring Plan](#)
- [Subrecipient Agreements Monitoring Plan](#)
- [Admissions and Occupancy Monitoring Plan](#)
- [Occupancy Review Form-Appendix 1](#)
- [Occupancy Tenant Files Review Forms-Appendix 2](#)
- [Financial and Fiscal Management Monitoring Plan](#)
- [Financial and Fiscal Management: Appendix 1 - Finance System Controls](#)
- [Financial and Fiscal Management: Appendix 2 - Cash Management](#)
- [Financial and Fiscal Management: Appendix 3 - Indirect Costs Cost Allocation](#)
- [Financial and Fiscal Management: Appendix 4 - Reserve Balances](#)
- [Financial and Fiscal Management: Appendix 5 - TDCs](#)
- [Financial and Fiscal Management: Appendix 6 - Program Income](#)
- [Financial and Fiscal Management: Appendix 7 - Investments](#)
- [Financial and Fiscal Management: Appendix 8 - Insurance](#)
- [Title VI Monitoring Plan](#)
- [Tribal HUD VASH Monitoring Plan](#)

This Page with the links to the Monitoring plans are in the Reference Materials...



# Other Sections

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

**Let's Take Five or 10  
Minutes....**





# MODULE Indian Housing Block Grant (IHBG) Formula

- Purpose and Background
- The Formula Response Form
- Components of the Formula
- Reviewing FCAS Data

ALLOCATION FORMULA SUBPART D



Sec. 302

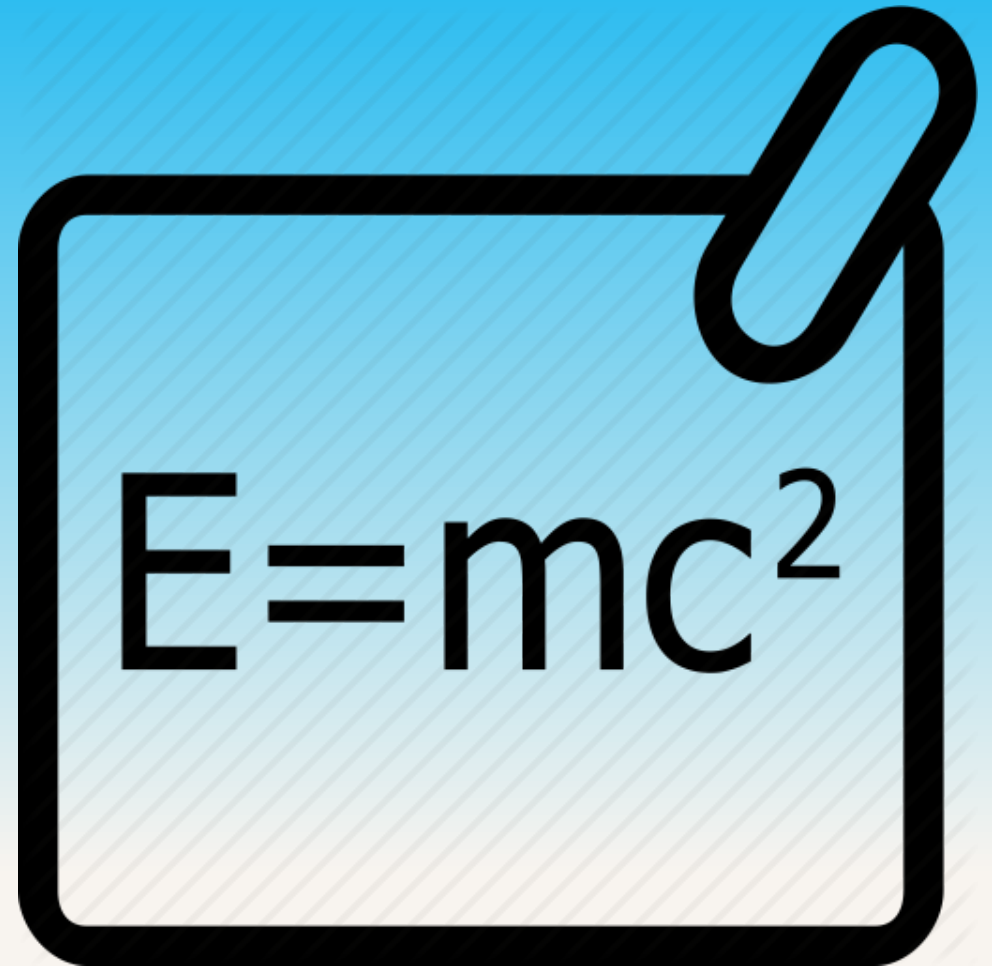
IHBG Formula





# IHBG Formula

The IHBG formula is used to allocate grant funding to Indian tribes and TDHEs. Tribes and TDHEs play an important role in reviewing, reporting, and verifying information. Formula data allows ONAP to allocate IHBG funds equitably and fairly to eligible recipients





# Statutory & Regulatory Requirements

---

STATUTORY REQUIREMENTS FOR THE FORMULA ALLOCATION ARE FOUND IN TITLE III OF THE NAHASDA ACT OF 1996.

---

REGULATORY REQUIREMENTS THAT IMPLEMENT THE FORMULA ARE FOUND IN SUBPART D, ALLOCATION FORMULA, § 1000.301-1000.340

# FORMULA

The IHBG is distributed through a formula. This formula is calculated annually, depending upon the annual IHBG appropriation from Congress.

The first annual IHBG formula run produces estimated allocations that are sent or available online to both tribes and TDHEs and is completed on June 1. Final allocations are completed after appropriations are announced and prior year carry-over is determined.

The date of the final formula run varies each year depending on when the President signs the appropriations into law. The formula contains Four key components: Current Assisted Stock (CAS), and Need, 1996 Minimum, and the Undisbursed IHBG Funds factor.





# Key Dates

## Formula Response Form (FRF):

- Sent each year around June 1
- Includes data to be used in formula and the estimated allocation amount for the coming FY
- Corrections due 60 days after date of FRF
- Census challenge deadlines are due by March 30 of the prior FY (see regulation 24 CFR 1000.336 (d) )
- Corrections must be submitted to the IHBG Formula Customer Service Center on FRF Appendices A-D

Final Allocations: Completed after the budget is appropriated

The amount that any one tribe will receive is determined by their formula numbers and by the overall programmatic funding for that year.



# Formula Purpose and Background

Allocates IHBG funds

Developed as part of  
Negotiated  
Rulemaking

Intent: Make  
equitable distribution  
of annual  
appropriation

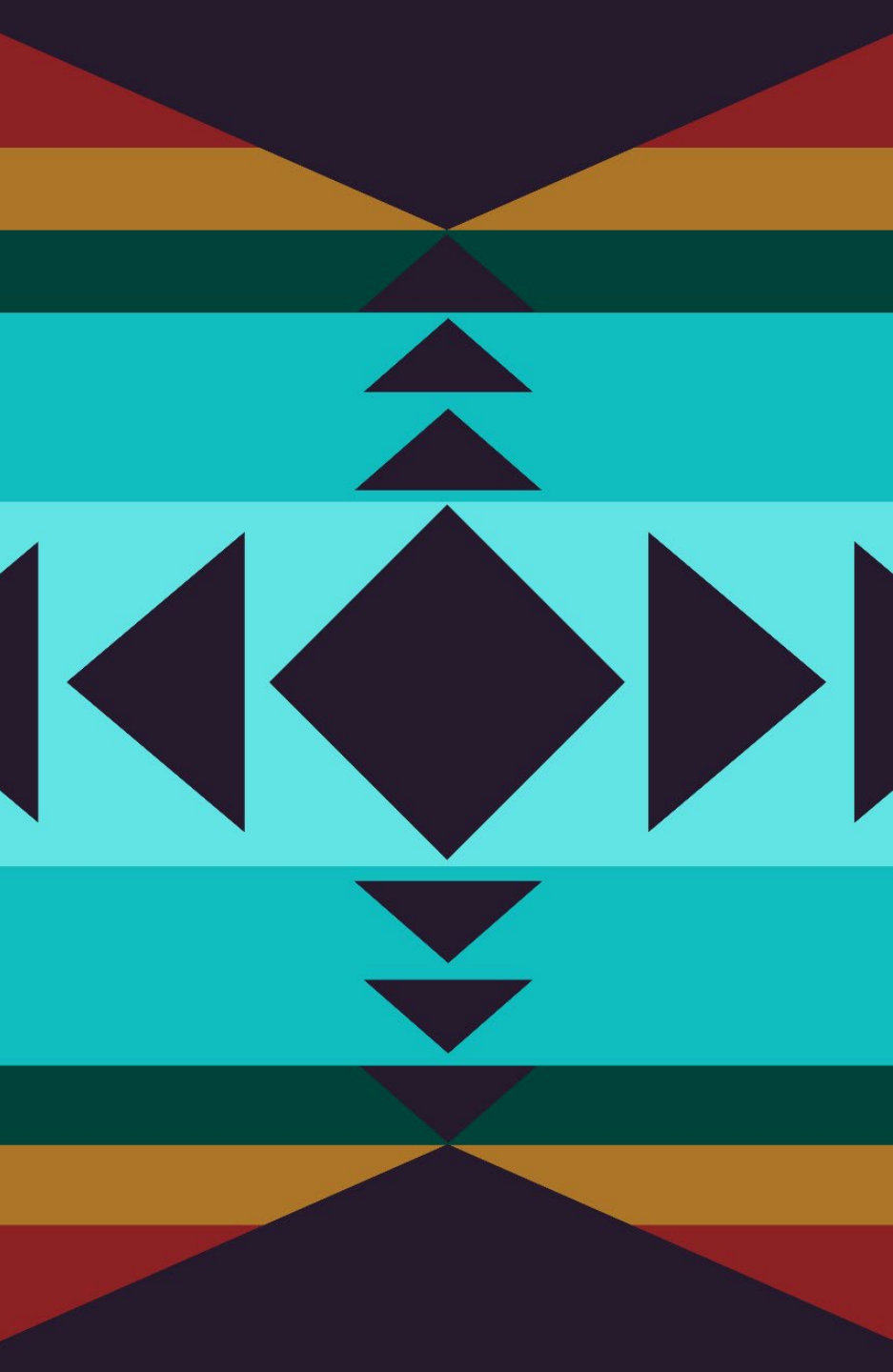
Allocation is basis of  
your annual budget

# Formula Components

- Four components make up formula
  - Formula Current Assisted Stock (FCAS)
  - Need
  - 1996 Minimum
  - (New) Undisbursed IHBG Funds Factor (UDFF) [§1000.310 and 342]







# Component 1: Formula Current Assisted Stock

1. FCAS is Housing developed under the 1937 Act (before NAHASDA) called Current Assisted Stock (CAS):

- Low Rent
- Mutual Help
- Turnkey III
- Section 8

2. 1937 units in the development pipeline (after NAHASDA)

3. Section 8 – expired but still managed like Sec 8 program

# FCAS

## Two elements of FCAS in formula

- Operating Subsidy
- Modernization allocation

## FCAS adjusted by

- FY96 national averages for Operating Subsidy and Modernization allocation
- Local costs and inflation adjustments

# FCAS Change Highlights (PIH 2017-15)

Removed reducing  
Section 8 units based  
on FCAS reductions

Codified conversions  
policies & required  
reporting on formula  
response form (FRF)

Clarified  
homeownership unit  
FCAS eligibility after  
becoming eligible for  
conveyance

Clarified demolished &  
rebuilt unit eligibility

§1000.316(c) and  
§1000.318(e)

A decorative vertical strip on the left side of the slide features a symmetrical geometric pattern. It consists of horizontal bands of color: dark purple, red, gold, dark green, and teal. Overlaid on these bands are various geometric shapes in dark purple, including triangles pointing up and down, diamonds, and triangles pointing left and right.

# Unit Conversions

The final rule adds a new §1000.316(c), which adds the existing unit conversion policy to the regulation. Before the final rule went into effect, tribes/TDHEs were only required to report the units converted before October 1, 1997. Under the new rule, beginning in Fiscal Year (FY) 2018, tribes/TDHEs are required to report all unit conversions on the Formula Response Form.

# Demolished Units (new) 1000.318(e)

A unit that is demolished pursuant to a planned demolition may be considered eligible as a FCAS unit if, the unit is rebuilt within one year.

If the unit cannot be rebuilt within one year because of relative administrative capacities and other challenges faced by the recipient, a one-time, one-year extension may be requested.

Requests must be submitted in writing to the Formula Center and include a justification for the request.

# Units Not Eligible as FCAS

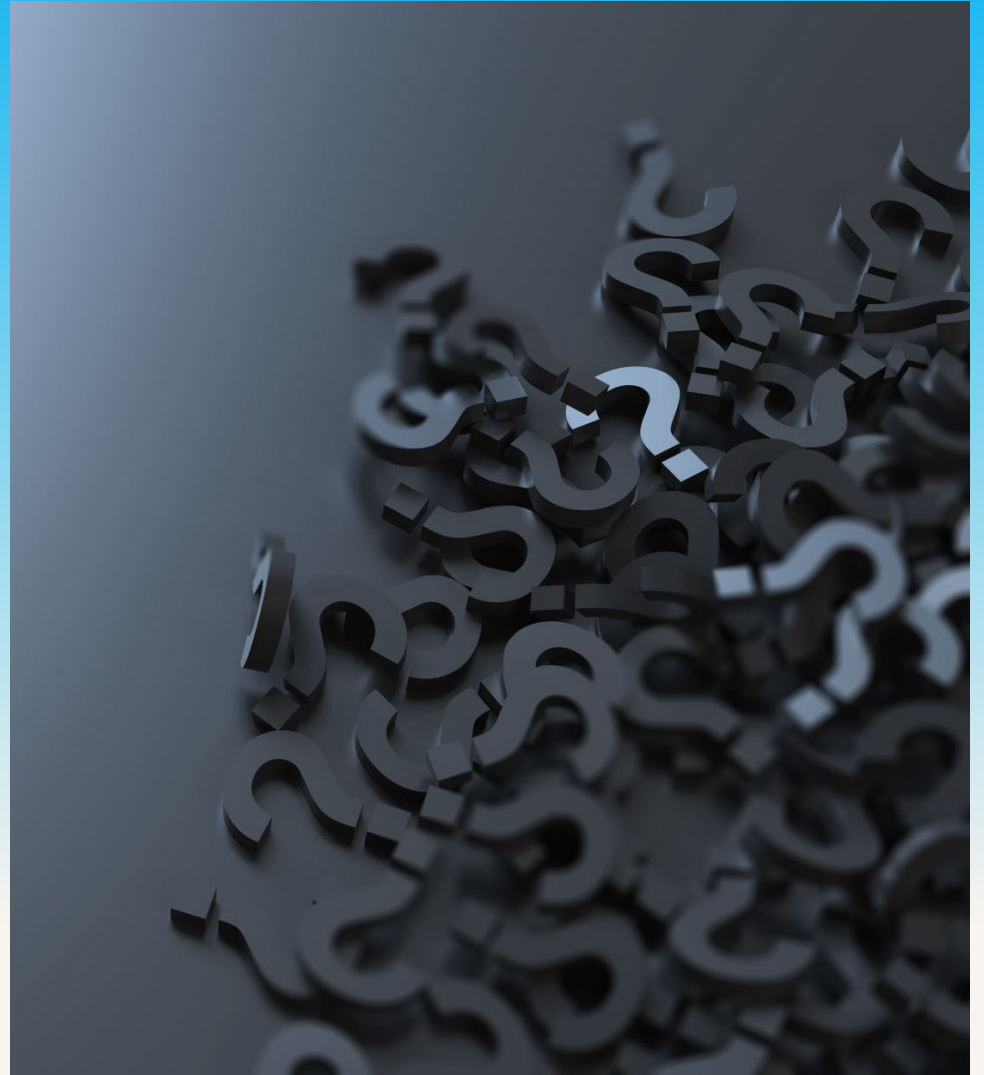
Units built over the number specified in the original ACC for Projects with DOFA after October 1, 1997.

Units not used as low-income housing dwelling units include:

- Units used for non-dwelling purposes
- Vacant units, unless being made available for occupancy
- Units being used for VASH program

Conveyance eligible, conveyed, or demolished units not rebuilt within one year.

Units constructed with NAHASDA funds





# Reviewing FCAS Data

1

Review the Formula Response Form

2

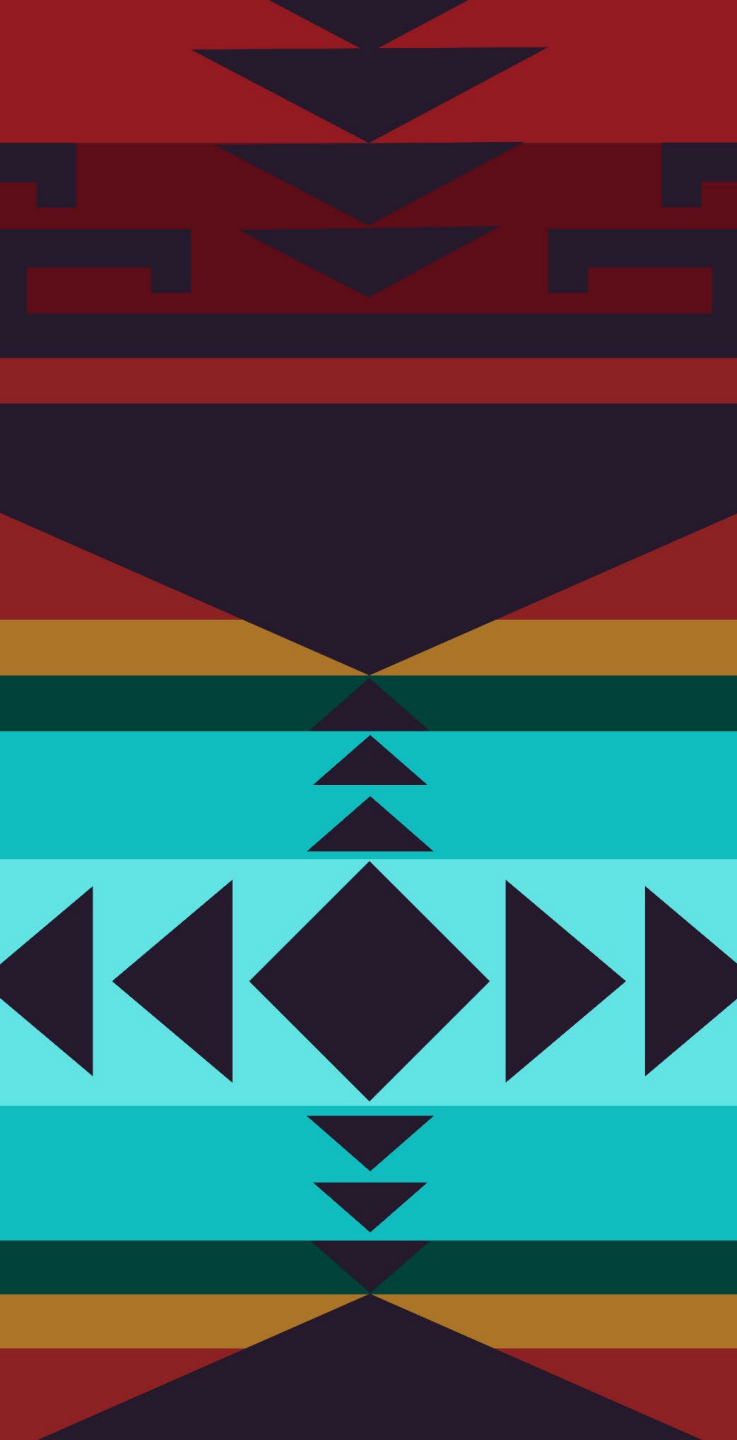
Report any corrections to unit counts, unit types, and actual/expected DOFA

3

Submit within 60 days of Formula Response Form publication (usually August 1)

4

Submitted corrections will be reviewed and HUD will inform the tribe of the corrected unit counts



# Finding Your Formula Data

[Indian Housing Block Grant Program \(IHBG\) Formula | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)

# Component 2: Need

➤ Six weighted variables use the American Community Survey (ACS) 5-year Data

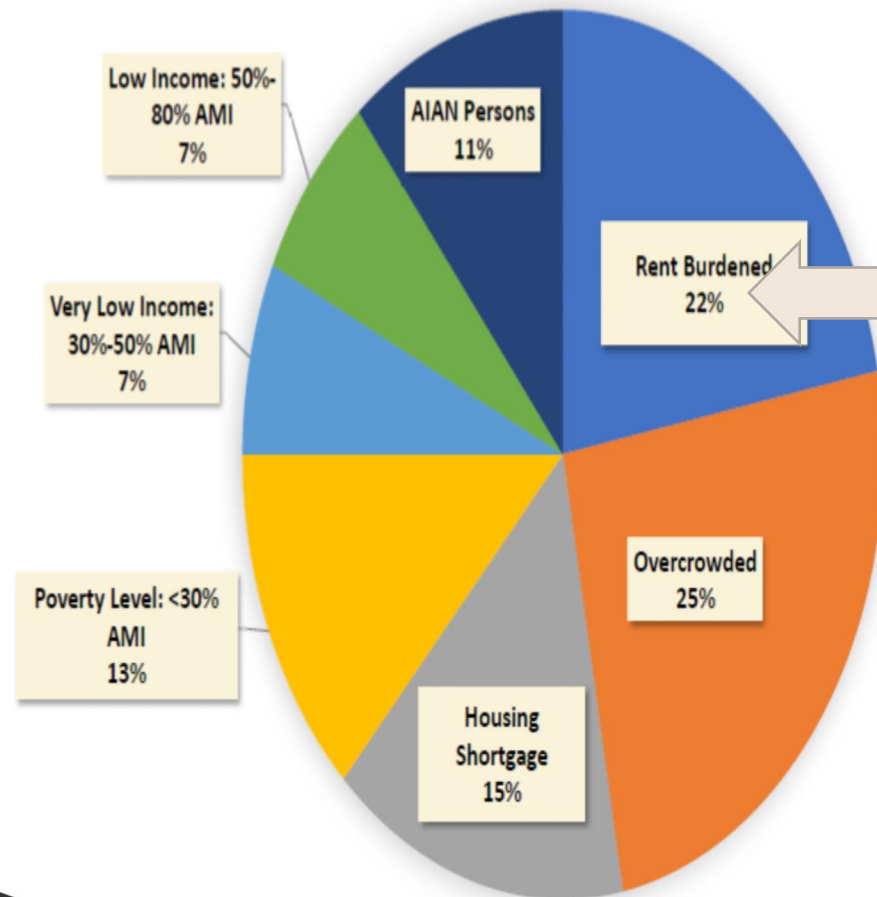
&

➤ One variable (AIAN) uses the Decennial Census Data which is updated annually using Census pop estimates.

(Please see 24 CFR 1000.330 (b) (1) )



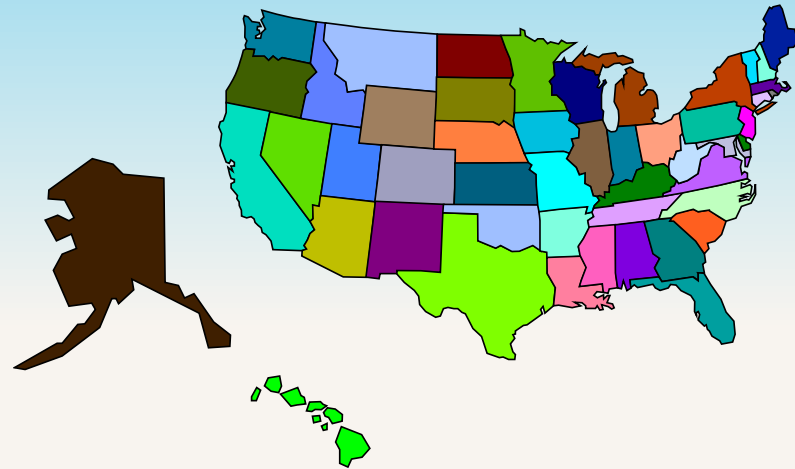
## Need Component Weights [\$1000.324]



This is Housing Cost Burden which includes more than rent.

# Formula Area

Geographic area providing substantial housing services  
Formula area and Indian area are different!



# Population Cap

Control to maintain fairness



```
graph TD; A[Control to maintain fairness] --> B[Only if AIAN persons > 2x enrollment]; B --> C[Challenge process available];
```

Only if AIAN persons > 2x enrollment

Challenge process available



# Component 3: 1996 Hold Harmless

A tribe's IHBG funding is never reduced below its FY 1996 funding level.

This is the amount the tribe's IHA received in FY 1996 for operating and modernization subsidy.

IHBG funding is adjusted to the amount received in FY 1996.

This is a statutory requirement.

# Component 4: Undisbursed IHBG Funds Factor ([§1000.342)



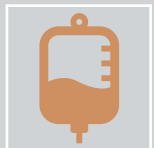
New formula factor



Provides adjustments for tribes with

**Initial allocation of \$5 million or more**

**Have undisbursed IHBG funds greater than the sum of their prior 3 years' initial allocation**



Initial allocation will be reduced, and any amounts recovered will be redistributed

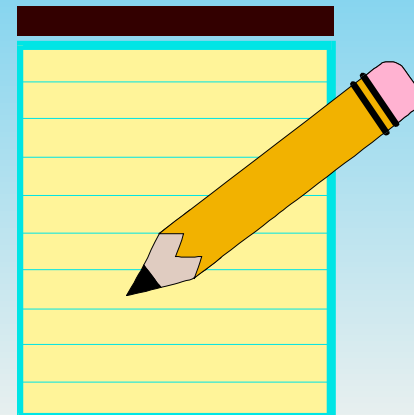
# Formula Response Form

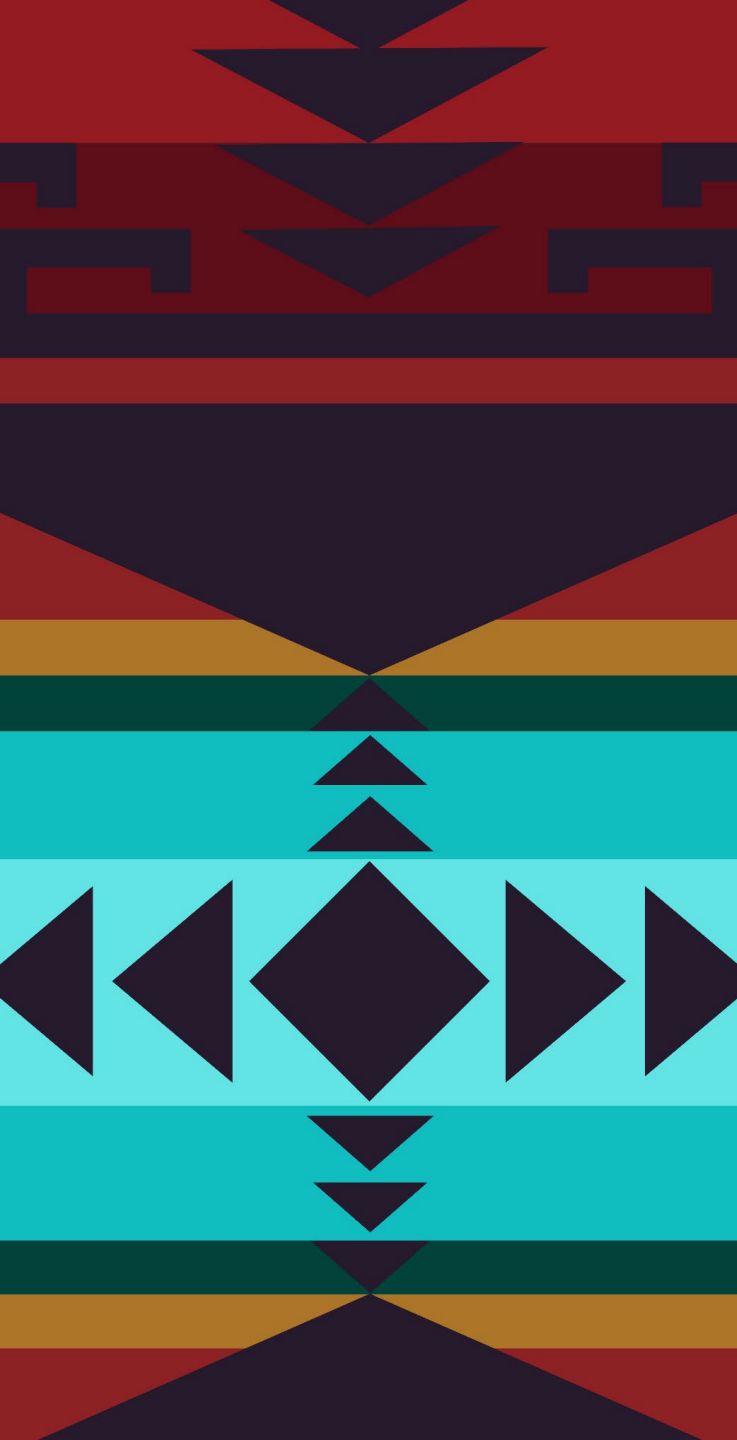
HUD notifies recipients of

- Data to be used in formula
- Projected allocation amount

Available on HUD website to recipients  
each year by June 1<sup>st</sup>

Required by regulation





All FRF'S and Final allocations will no longer be mailed they will be published at:

<https://ihbgformula.com/>

# Correcting and Challenging Data

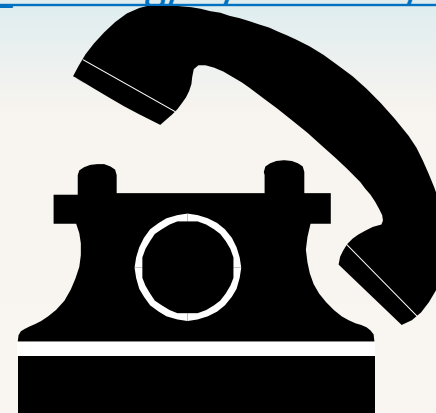
An Indian tribe may challenge the Need portion of the IHBG formula provided the data is gathered, evaluated, and presented in a manner that is fair and equitable for all participating tribes.

Tribes have until March 30 of each year to submit challenges to their Needs data in consideration for the upcoming fiscal year.



# IHBG Formula Customer Service Center

- Calculates formula allocations
- Provides TA to recipients on formula
- Receives and process corrections and challenges
- 1-800-410-8808
- IHBGformula@firstpic.org
- [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/ih/codetalk/onap/ihbgformula](https://www.hud.gov/program_offices/public_indian_housing/ih/codetalk/onap/ihbgformula)







# MODULE

## *RECIPIENT MONITORING, OVERSIGHT AND ACCOUNTABILITY*

- Monitoring activities under NAHASDA
- Audit Requirements
- Organization & Structure (ONAP Monitoring Plan)

ALLOCATION FORMULA SUBPART D

# Tribal Council Role in Housing Board Oversight

Tribal Council has the ultimate political and legal responsibility for the conduct of Tribal government and the welfare of the entire community.

You have such an important role in assisting Housing Staff and Board to fulfill its housing obligations to our communities.

Tribal officials as well as tribal staff have the added responsibility of serving the tribal community in an exemplary manner in addition to complying with the tribal and federal laws governing housing affairs. As positive role models, officials facilitate the community housing goals and objectives. Our Housing entities continue to look to you for guidance.



## The duties of the Tribal Council may include:

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



## The duties of the Tribal Council may include:

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

# Other Times you might have interaction

- Grievances - disputes by tenants or homebuyers have with respect to their lease or homebuyer agreement relating to actions taken by Tribe/TDHE - all participants should be deferred to Executive Director and respective policy(s)
- Evictions - when tenants or homebuyers violate terms of lease or homebuyer agreement and ends in termination - Same as above, refer all matters to Executive Director and respective policy(s)
- Audits/HUD Monitoring Findings - Seek report from Executive Director and Board on Corrective Action Plan to address achieving compliance

The Bottomline: Always refer back to the federal laws and regulations and TDHE policies and LEGAL COUNSEL in all disputes in order to arrive at proper solutions.

# Additional Roles of the Tribal Council

## Monitoring Roles and Responsibilities

**Overview** IHBG recipients may be tribes or TDHEs. IHBG recipients that are TDHEs are required to report to, and be monitored by, the beneficiary tribe(s). Every recipient of IHBG funding is responsible for monitoring its grant activities, monitoring any subrecipients, ensuring compliance with applicable Federal requirements, and monitoring its activities under the IHP. Even for programs that do not have self monitoring requirements, recipient self-monitoring is beneficial and recommended for all organizations to identify and confirm good practices and where improvements can be made.

**Self-Monitoring Requirements** IHBG recipients are required to complete a self-monitoring assessment of adherence to IHBG program requirements and applicable statutes and regulations at least once a year. This monitoring requirement includes conducting an on-site inspection of all housing units assisted with IHBG funds. Reporting on self-monitoring assessments is a required element of the APR. IHBG recipients, therefore, should incorporate sufficient time in their business planning cycles to complete the self-monitoring assessment prior to the end of their program year.



# Additional Roles of the Tribal Council

## Monitoring Roles and Responsibilities

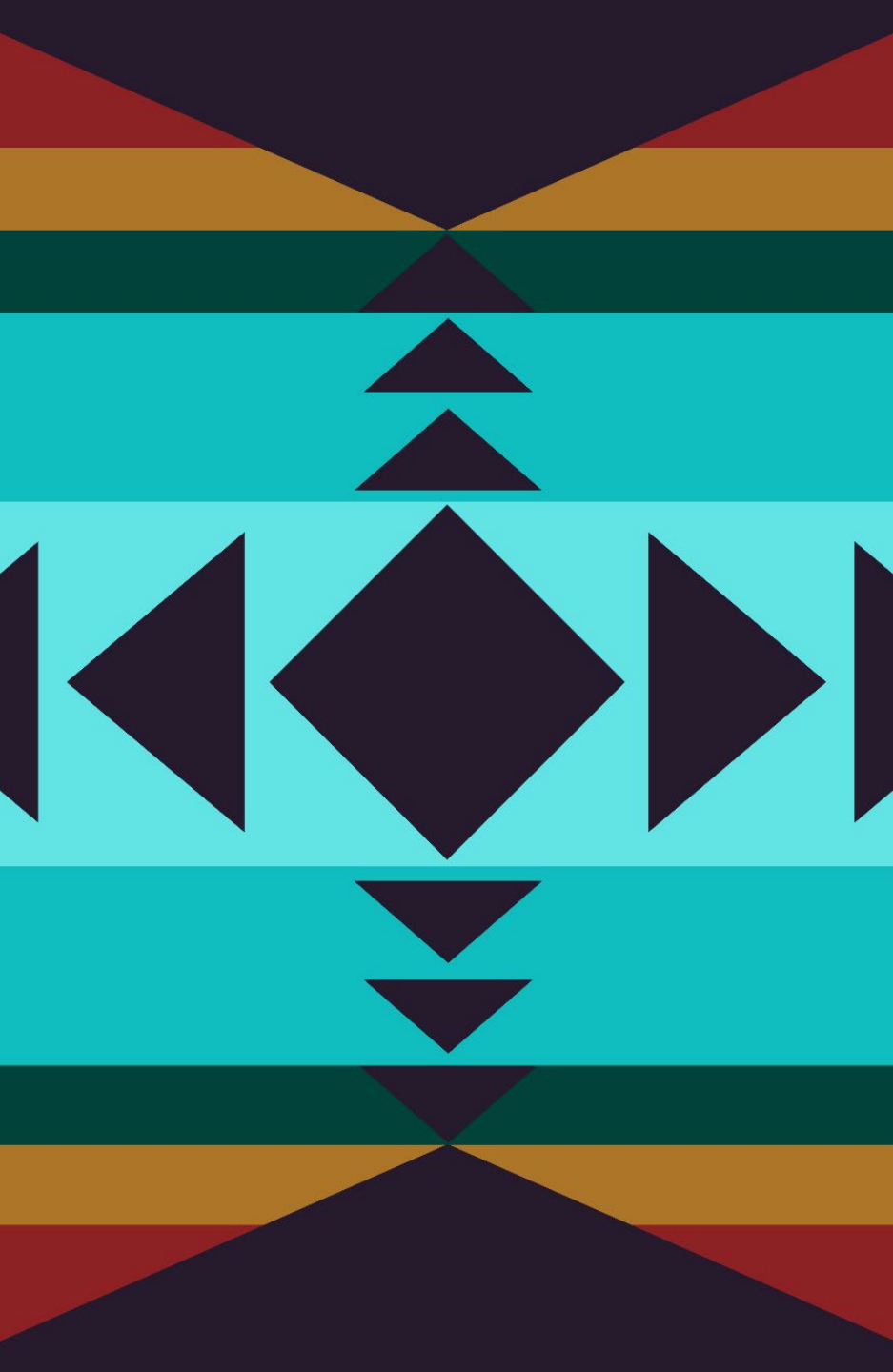
Tribal councils now have a more affirmative responsibility to exercise their oversight responsibilities over the TDHEs. TDHEs and tribal governments should seek to enhance the flow of information and communication between both bodies to better address IHBG monitoring requirements. One way to accomplish this is to have a member of the tribal council serve on the board of a TDHE as either a voting or an ex-officio member. Good Luck on this important journey.





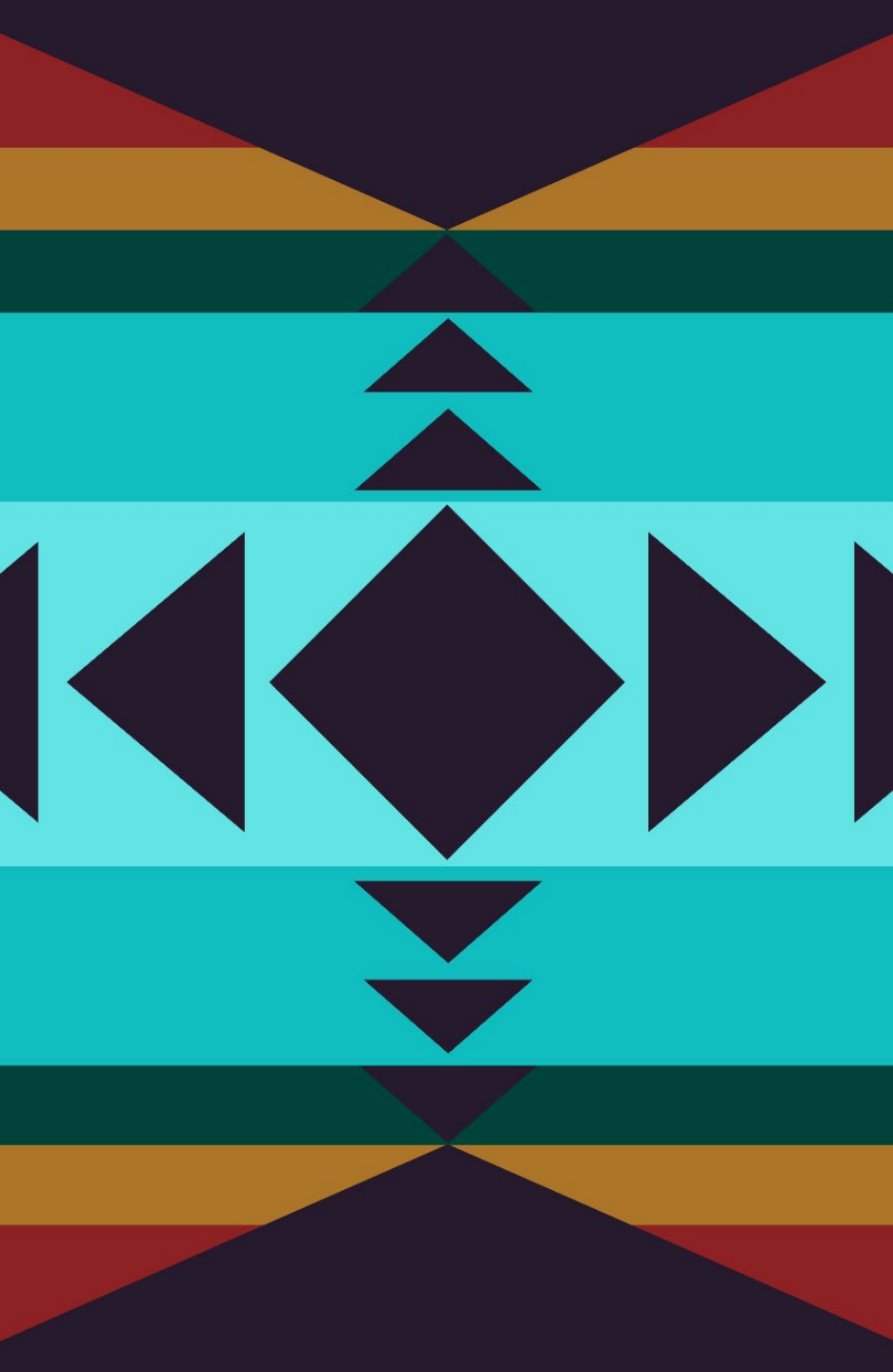
Monitoring  
Activities Under  
NAHASDA



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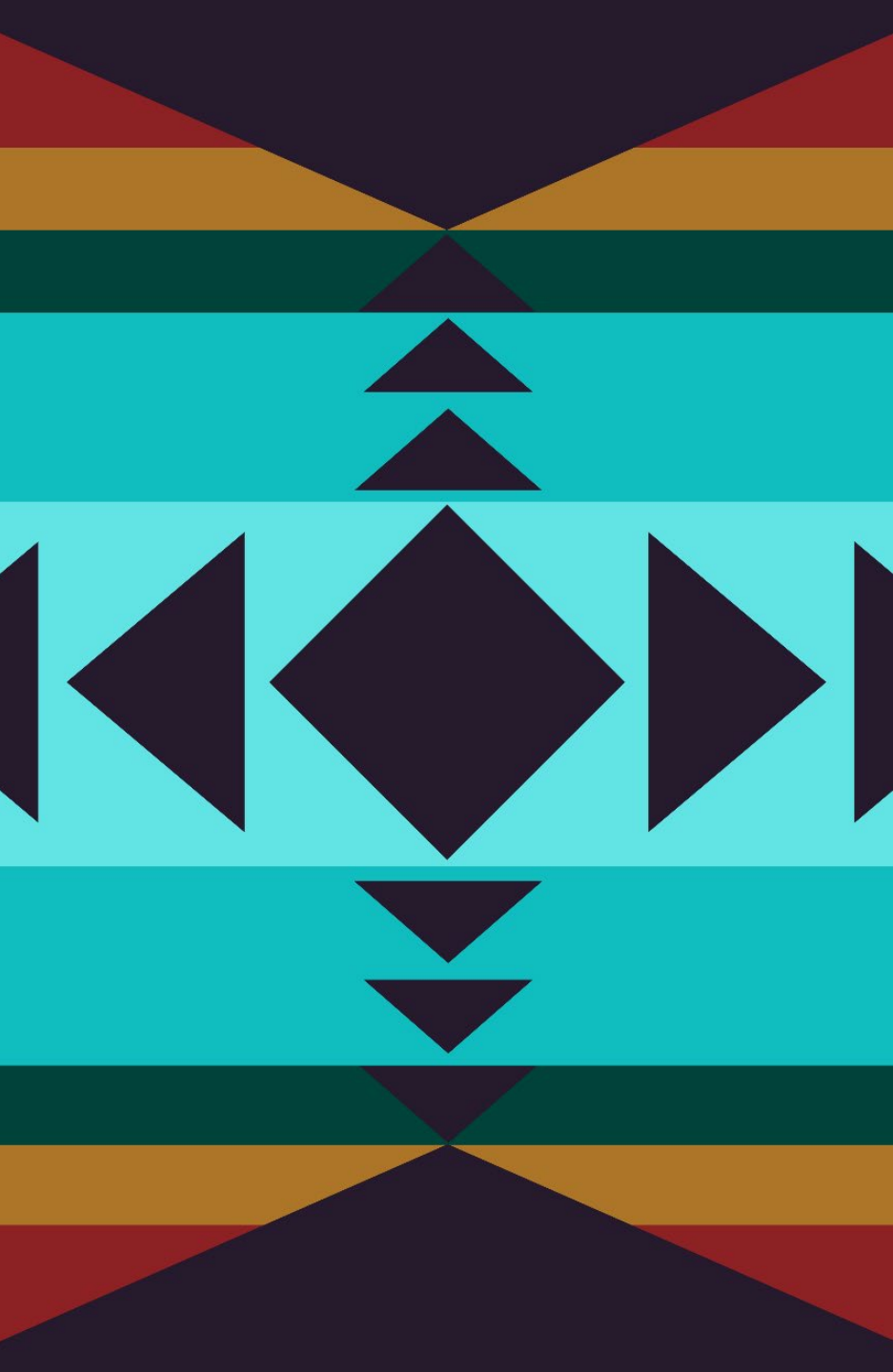
## § 1000.501 Who is involved in monitoring activities under NAHASDA?

The recipient, the grant beneficiary and HUD are involved in monitoring activities under NAHASDA.



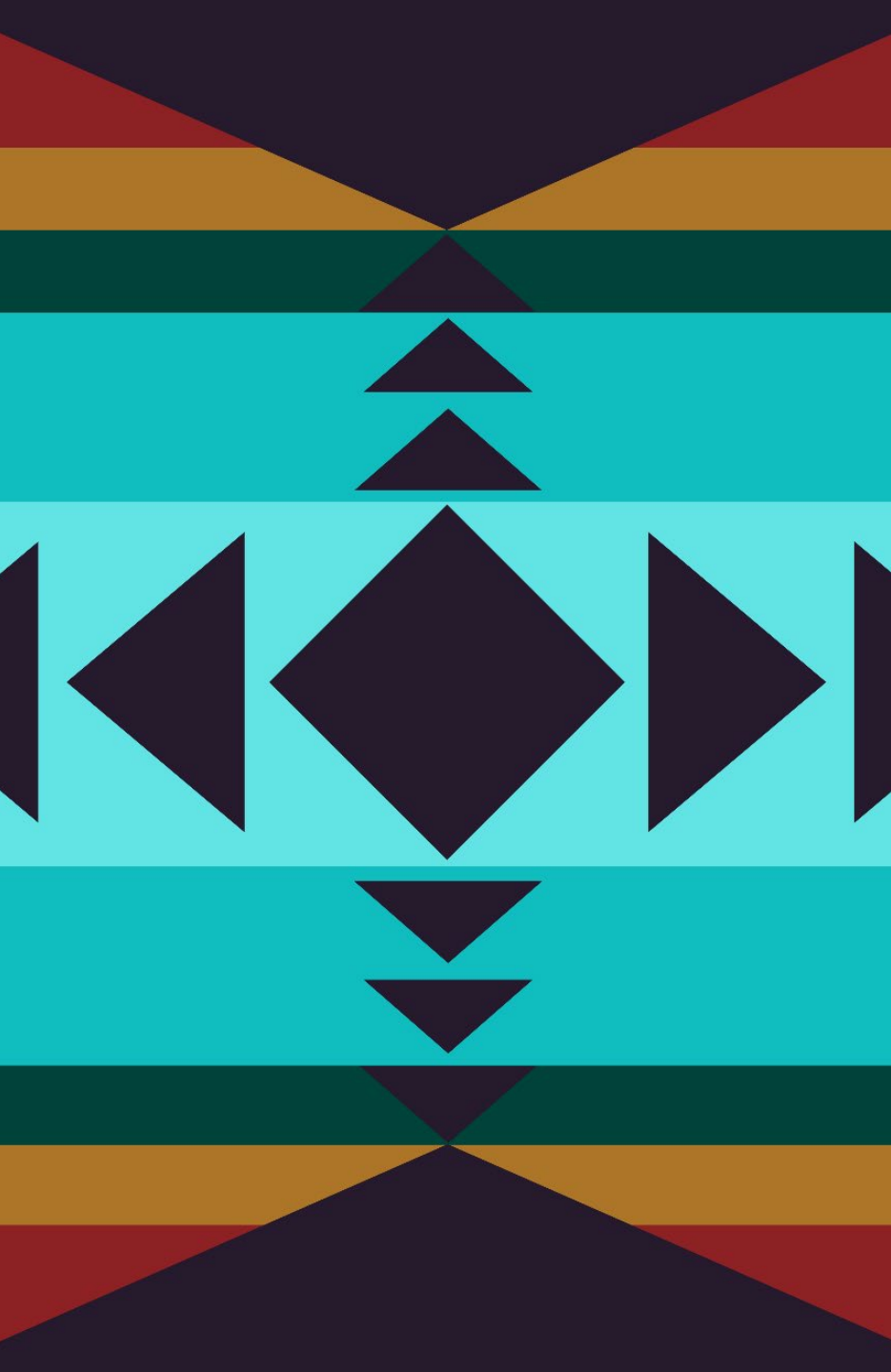
§ 1000.502 What are the monitoring responsibilities of the recipient, the grant beneficiary and HUD under NAHASDA?

- (a) The recipient is responsible for monitoring grant activities, ensuring compliance with applicable Federal requirements and monitoring performance goals under the IHP. The recipient is responsible for preparing at least annually: a compliance assessment in accordance with section 403(b) of NAHASDA; a performance report covering the assessment of program progress and goal attainment under the IHP; and an audit in accordance with the Single Audit Act, as applicable. The recipient's monitoring should also include an evaluation of the recipient's performance in accordance with performance objectives and measures. At the request of a recipient, other Indian tribes and/or TDHEs may provide assistance to aid the recipient in meeting its performance goals or compliance requirements under NAHASDA.
- (b) Where the recipient is a TDHE, **the grant beneficiary (Indian tribe)** is responsible for monitoring programmatic and compliance requirements of the IHP and NAHASDA by requiring the TDHE to prepare periodic progress reports including the annual compliance assessment, performance and audit reports.



§ 1000.502 What are the monitoring responsibilities of the recipient, the grant beneficiary and HUD under NAHASDA?

- (c) HUD is responsible for reviewing the recipient as set forth in § 1000.520.
- (d) HUD monitoring will consist of on-site as well as off-site review of records, reports and audits. To the extent funding is available, HUD or its designee will provide technical assistance and training, or funds to the recipient to obtain technical assistance and training. In the absence of funds, HUD shall make best efforts to provide technical assistance and training.

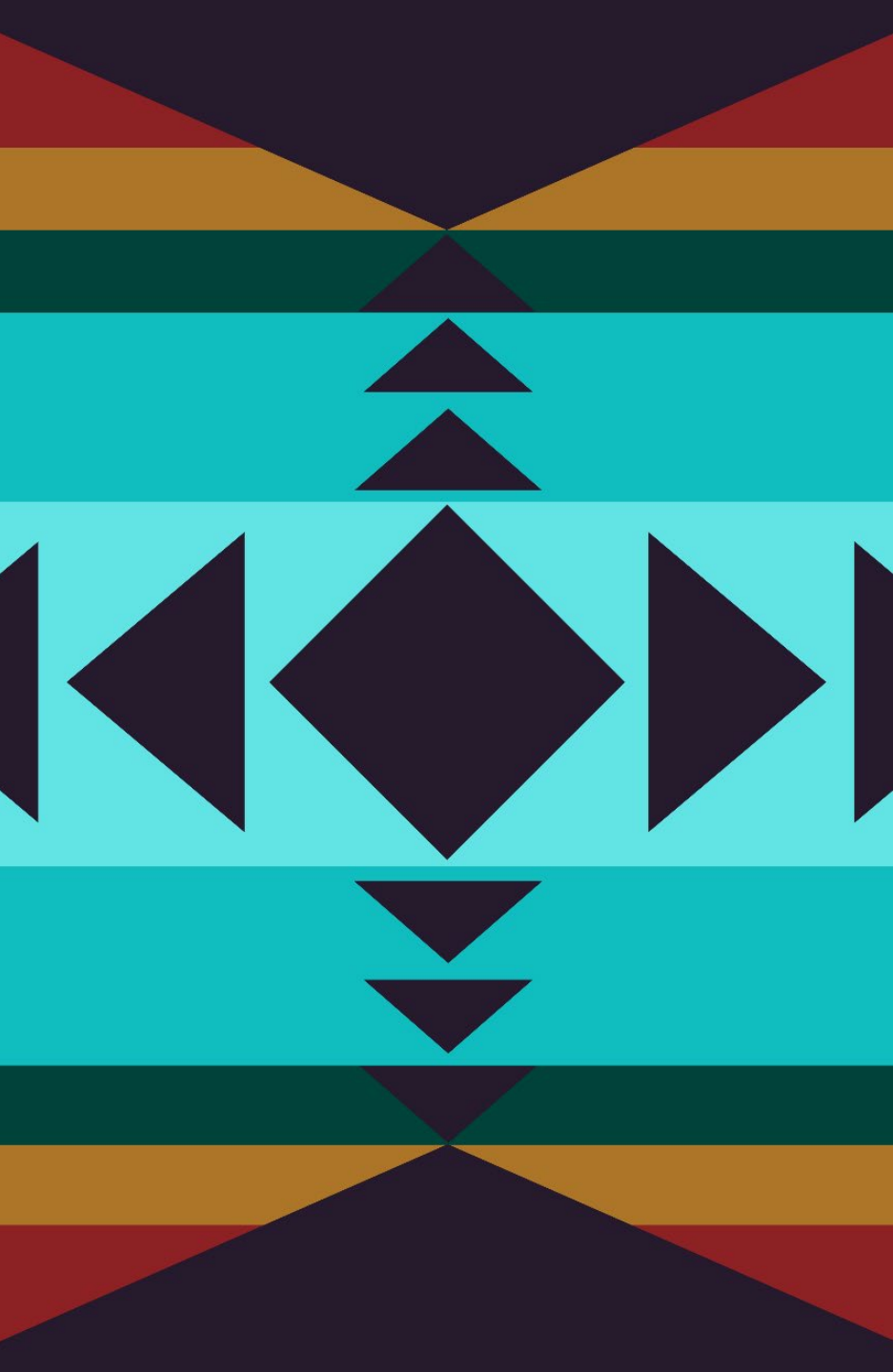


## § 1000.503 What is an appropriate extent of HUD monitoring?

(a) Subject to any conflicting or supplementary requirement of specific legislation, and upon the effective date of this regulation, the frequency of HUD monitoring of a particular recipient will be determined by application of the HUD standard risk assessment factors, provided that when a recipient requests to be monitored, HUD shall conduct such monitoring as soon as practicable. The HUD standard risk assessment factors may be but are not limited to the following:

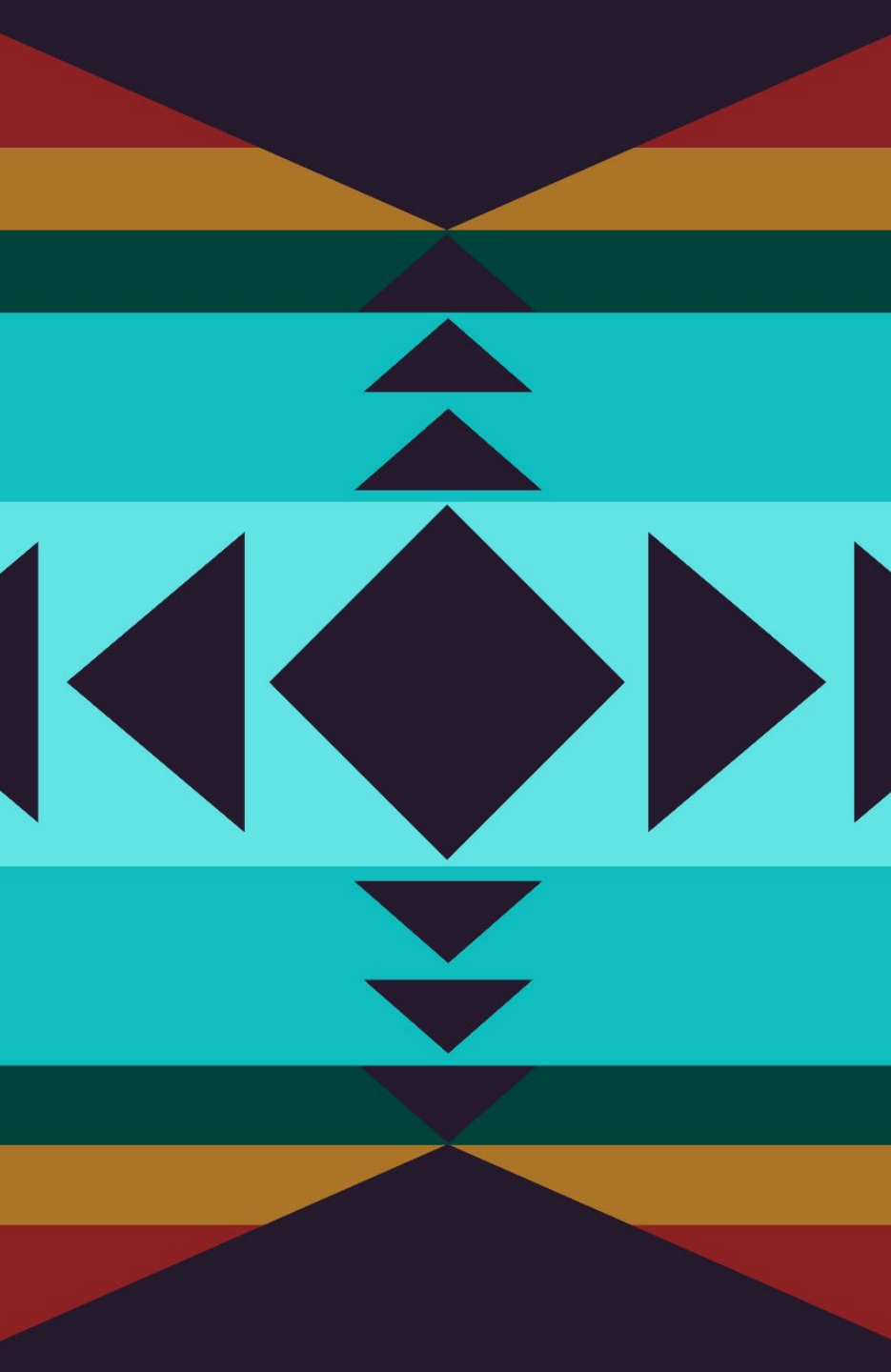
- Annual grant amount;
- Disbursed amounts - all open grants;
- Months since last on-site monitoring;
- Delinquent audits under 2 CFR part 200, subpart F;
- Open 2 CFR part 200, subpart F, or Inspector General audit findings;
- Conclusions of 2 CFR part 200, subpart F, auditor;





## § 1000.503 What is an appropriate extent of HUD monitoring?

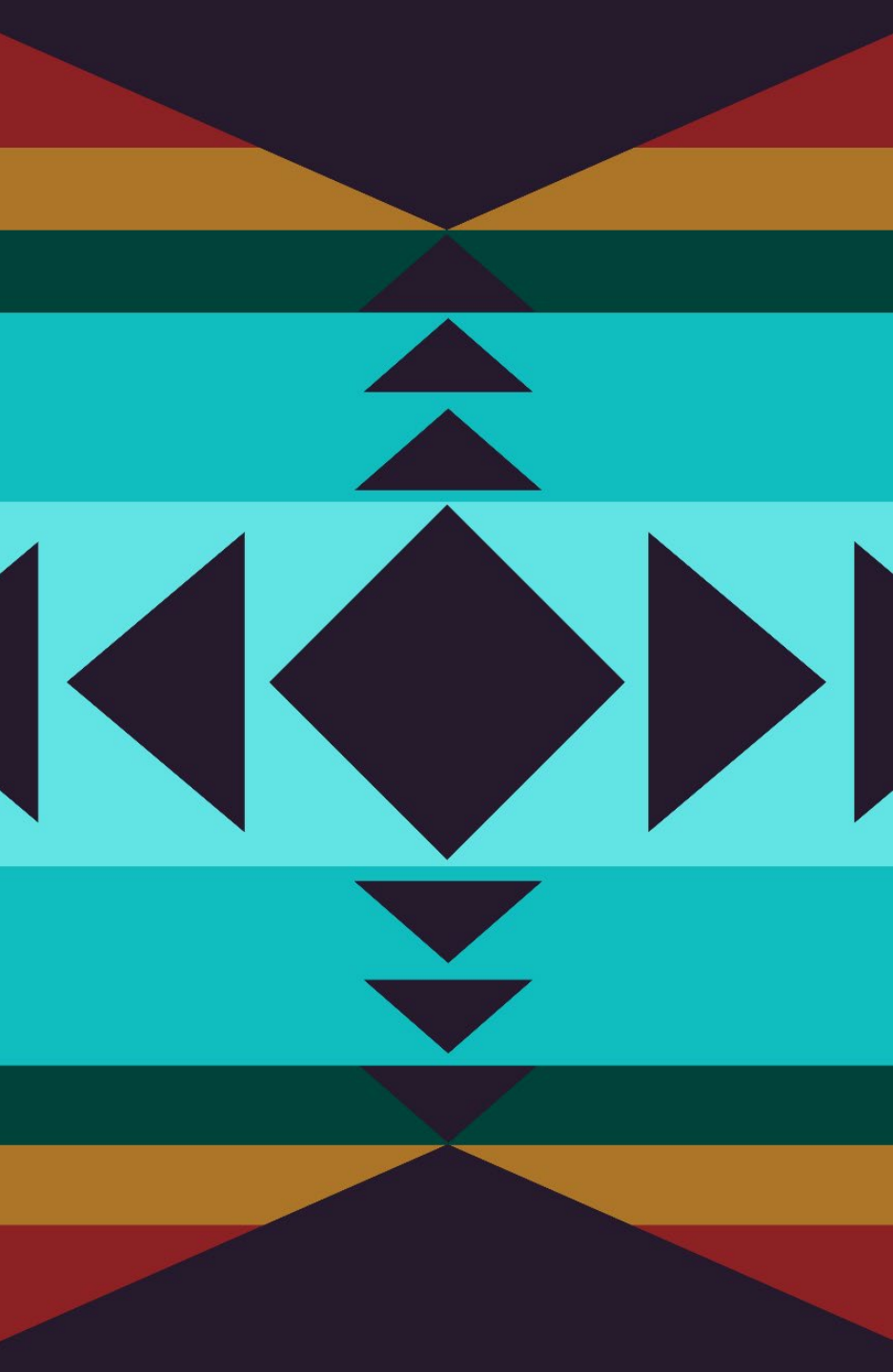
- Open monitoring findings;
- Delinquent Annual Performance Reports or Annual Status and Evaluation Reports;
- Status of Corrective Action Plan (CAP) or Performance Agreement (PA);
- Recipient Self-Monitoring;
- Inspection of 1937 Act units;
- Preservation of 1937 Act units; and
- Any other additional factors that may be determined by HUD, consistent with HUD's Tribal Consultation Policy, by which HUD will send written notification and provide a comment period. Such additional factors shall be provided by program guidance.



## § 1000.503 What is an appropriate extent of HUD monitoring?

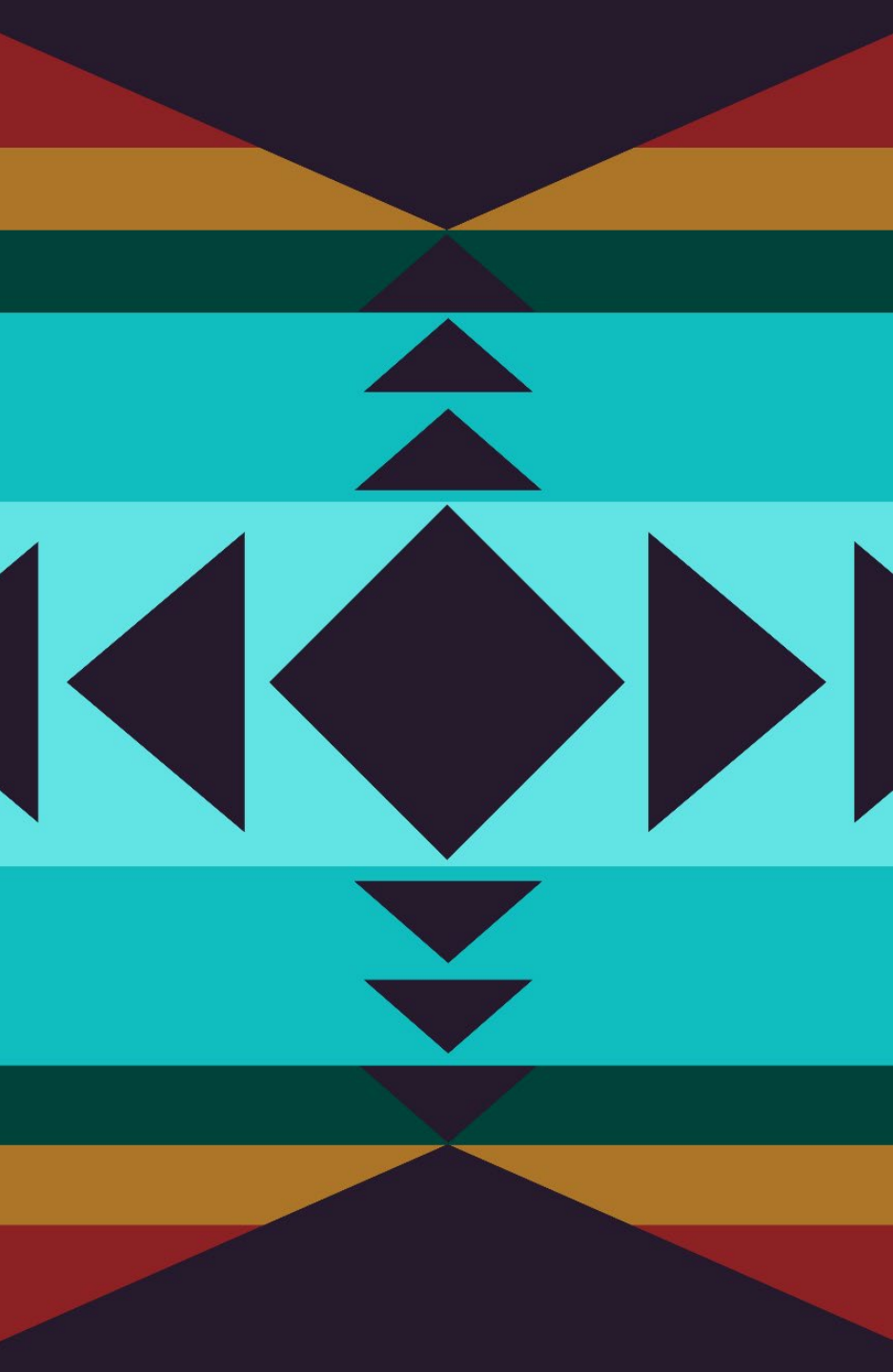
(b) If monitoring indicates noncompliance, HUD may undertake additional sampling and review to determine the extent of such noncompliance. The level of HUD monitoring of a recipient once that recipient has been selected for HUD monitoring is as follows:

- Review recipient program compliance for the current program year and the 2 prior program years;
- On-site inspection of no more than 10 dwelling units or no more than 10 percent of total dwelling units, whichever is greater;
- Review of no more than 10 client files or no more than 10 percent of client files, whichever is greater.



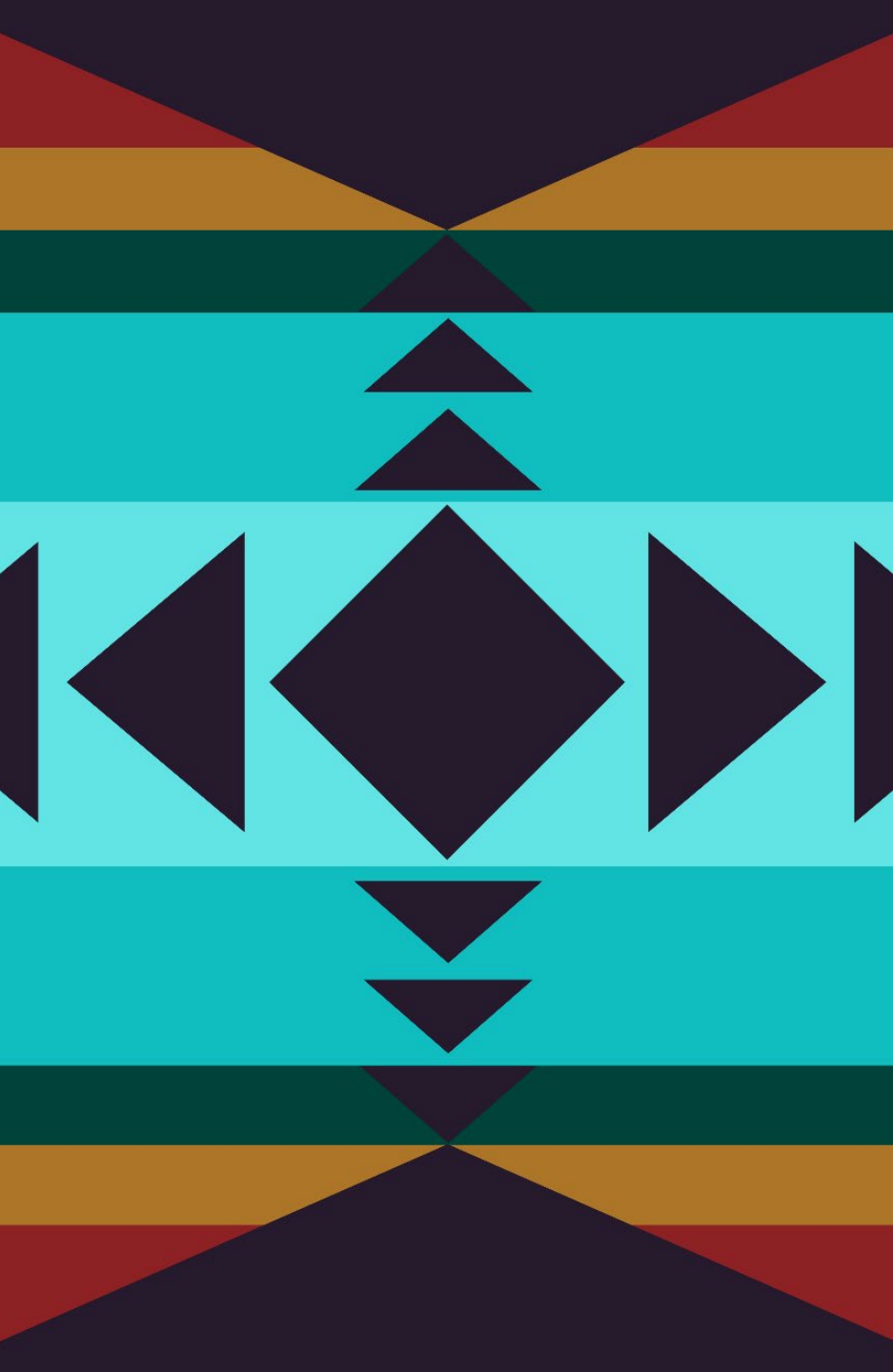
## § 1000.503 What is an appropriate extent of HUD monitoring?

- (c) Notwithstanding paragraph (b) of this section, HUD may at any time undertake additional sampling and review of prior program years, subject to the records retention limitations of § 1000.552, if HUD has credible information suggesting noncompliance. HUD will share this information with the recipient as appropriate.
- (d) A recipient may request ONAP to enter into Self-Monitoring Mutual Agreements or other Self-Monitoring arrangements with recipients. ONAP will monitor the recipient only in accordance with such agreement or arrangement, unless ONAP finds reasonable evidence of fraud, a pattern of noncompliance, or the significant unlawful expenditure of IHBG funds.

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§ 1000.506 If the TDHE is the recipient, must it submit its monitoring evaluation/results to the Indian tribe?

Yes. The Indian tribe as the grant beneficiary must receive a copy of the monitoring evaluation/results so that it can fully carry out its **oversight responsibilities** under NAHASDA.



§ 1000.508 If the recipient monitoring identifies programmatic concerns, what happens?

If the recipient's monitoring activities identify areas of concerns, the recipient will take corrective actions which may include but are not limited to one or more of the following actions:

- Depending upon the nature of the concern, the recipient may obtain additional training or technical assistance from HUD, other Indian tribes or TDHEs, or other entities.
- The recipient may develop and/or revise policies or ensure that existing policies are better enforced.
- The recipient may take appropriate administrative action to remedy the situation.
- The recipient may refer the concern to an auditor or to HUD for additional corrective action.

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## § 1000.510 What happens if tribal monitoring identifies compliance concerns?

The Indian tribe shall have the responsibility to ensure that appropriate corrective action is taken.



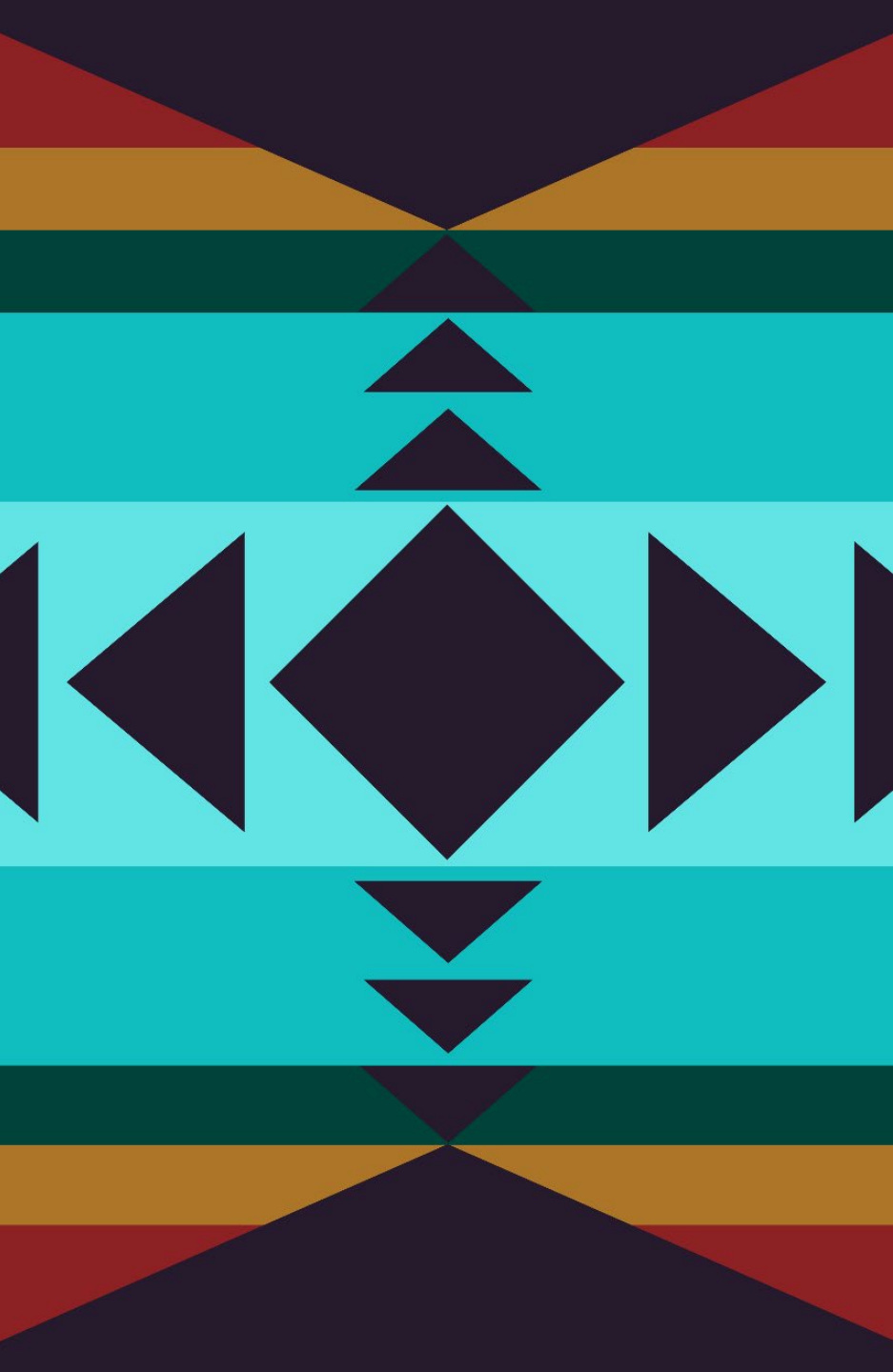


## § 1000.512 Are performance reports required?

Yes. An annual report shall be submitted by the recipient to HUD and the Indian tribe being served in a format acceptable by HUD. Annual performance reports shall contain:

- (a) The information required by sections 403(b) and 404(b) of NAHASDA;

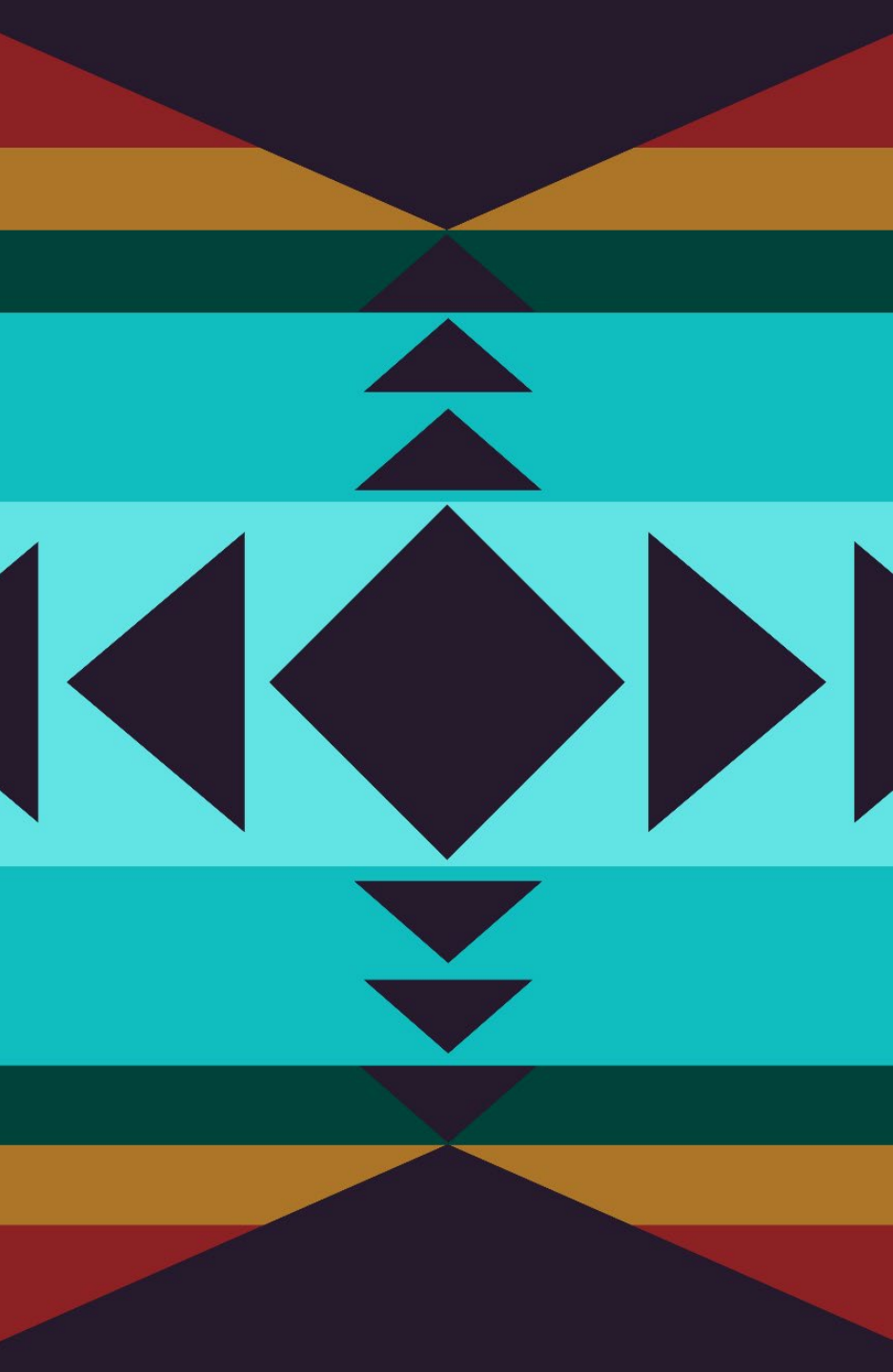
403(b) PERIODIC MONITORING- Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall include an appropriate level of onsite inspection of housing to determine compliance with applicable requirements. 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.



## § 1000.512 Are performance reports required?

404 (b) CONTENT- Each report under this section for a fiscal year shall--

- describe the use of grant amounts provided to the recipient for such fiscal year;
- assess the relationship of such use to the planned activities identified in the Indian housing plan of the grant beneficiary; and
- indicate the programmatic accomplishments of the recipient.;

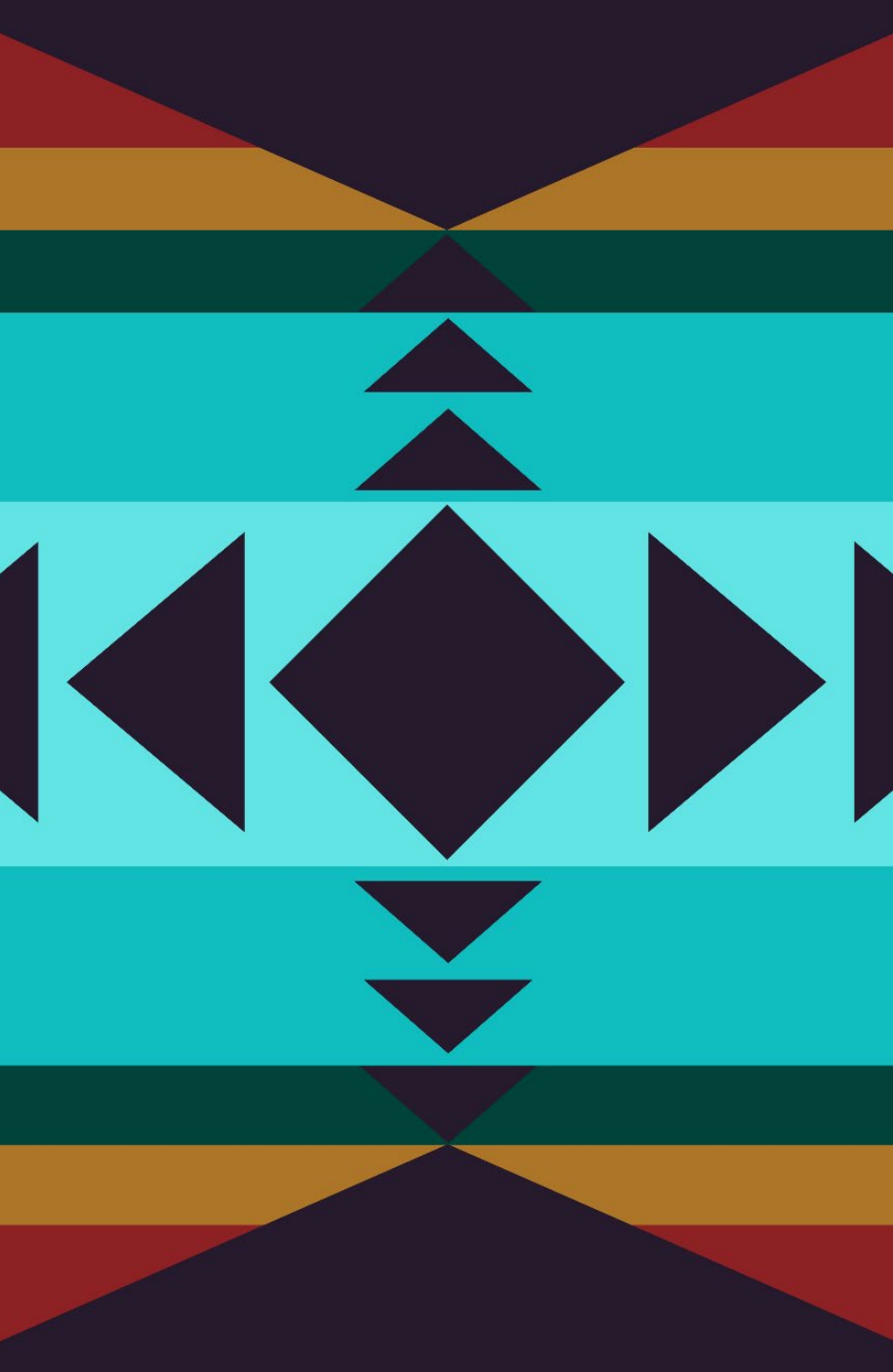


## § 1000.512 Are performance reports required?

(b) Brief information on the following:

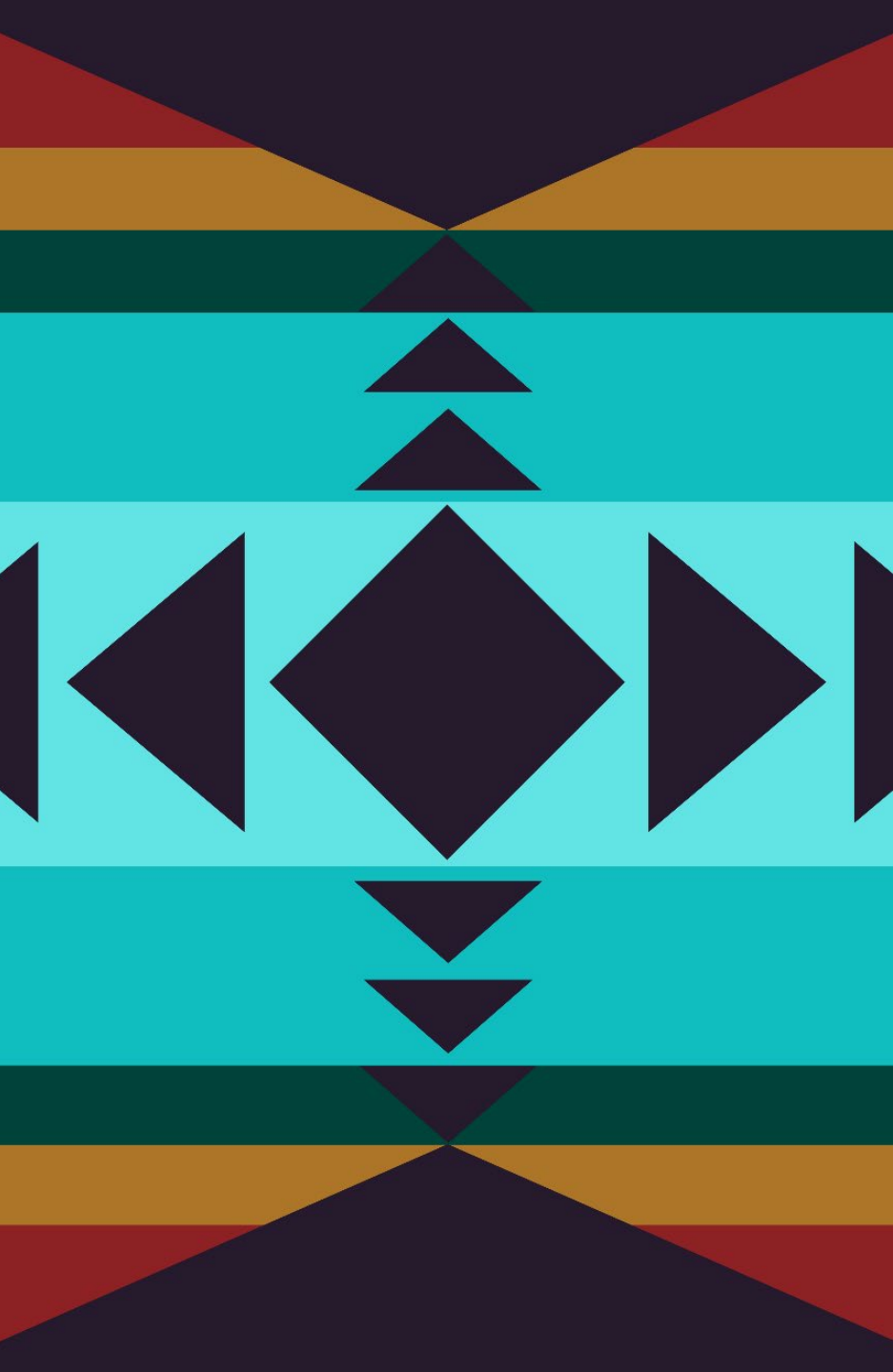
- A comparison of actual accomplishments to the planned activities established for the period;
- The reasons for slippage if established planned activities were not met; and
- Analysis and explanation of cost overruns or high unit costs;

(c) Any information regarding the recipient's performance in accordance with HUD's performance measures, as set forth in section § 1000.524; and



## § 1000.512 Are performance reports required?

- (d) Annual performance data to reflect the accomplishments of the recipient to include, as specified in the IHP:
- (1) Permanent and temporary jobs supported with IHBG funds;
  - (2) Outputs by eligible activity, including:
    - Units completed or assisted, and
    - Families assisted; and
  - (3) Outcomes by eligible activity.
- (e) As applicable, items required under § 1000.302 and §1000.544.



When must the annual performance report be submitted? &  
What reporting period is covered by the annual performance report?

The annual performance report must be submitted within 90 days of the end of the recipient's program year. If a justified request is submitted by the recipient, the Area ONAP may extend the due date for submission of the annual performance report.

**§ 1000.514**

Annual performance reports must cover the period that coincides with the recipient's program year.

**§ 1000.516**



## When must a recipient obtain public comment on its annual performance report?

The recipient must make its report publicly available to tribal members, non-Indians served under NAHASDA, and other citizens in the Indian area, in sufficient time to permit comment before submission of the report to HUD. The recipient determines the manner and times for making the report available.

The recipient shall include a summary of any comments received by the grant beneficiary or recipient from tribal members, non-Indians served under NAHASDA, and other citizens in the Indian area. **§ 1000.518**





## What are the purposes of HUD's review of the Annual Performance Report?

HUD will review each recipient's Annual Performance Report when submitted to determine whether the recipient:

- Has carried out its eligible activities in a timely manner, has carried out its eligible activities and certifications in accordance with the requirements and the primary objective of NAHASDA and with other applicable laws and has a continuing capacity to carry out those activities in a timely manner;
- Has complied with the IHP of the grant beneficiary; and
- Whether the Annual Performance Report of the recipient is accurate. **§ 1000.520**

HUD has 60 Days to make recommendations under section 404 (c) of NAHASDA **§ 1000.521**

HUD shall generally provide a 30-day written notice of an impending on-site review to the Indian tribe and TDHE. Prior written notice will not be required in emergency situations. All notices shall state the general nature of the review. § 1000.522





## HUD's Performance measures for the review.

HUD has the authority to develop performance measures which the recipient must meet as a condition for compliance under NAHASDA. The performance measures are:

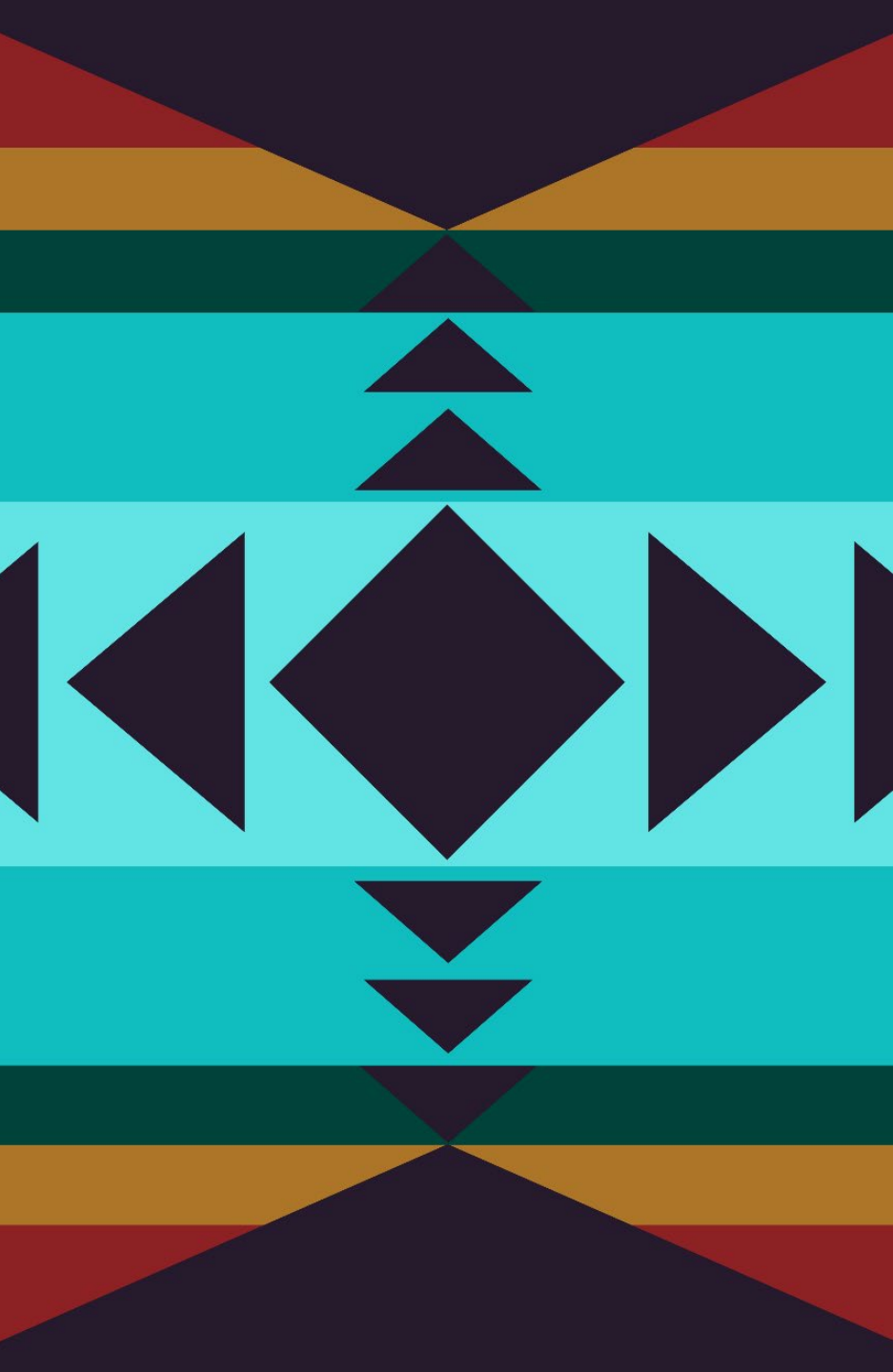
- The recipient has complied with the required certifications in its IHP and all policies and the IHP have been made available to the public.
- Fiscal audits have been conducted on a timely basis and in accordance with the requirements of the Single Audit Act, as applicable. Any deficiencies identified in audit reports have been addressed within the prescribed time period.
- Accurate annual performance reports were submitted to HUD in accordance with § 1000.514. The recipient has met the IHP-planned activities in the one-year plan.
- The recipient has substantially complied with the requirements of 24 CFR part 1000 and all other applicable Federal statutes and regulations. **§ 1000.524**



## § 1000.526 What information will HUD use for its review?

In reviewing each recipient's performance, HUD may consider the following:

- The approved IHP and any amendments thereto; Reports prepared by the recipient;
- Records maintained by the recipient;
- Results of HUD's monitoring of the recipient's performance, including on-site evaluation of the quality of the work performed;
- Audit reports;
- Records of drawdown(s) of grant funds;
- Records of comments and complaints by citizens and organizations within the Indian area;
- Litigation; and
- Any other reliable relevant information which relates to the performance measures under § 1000.524

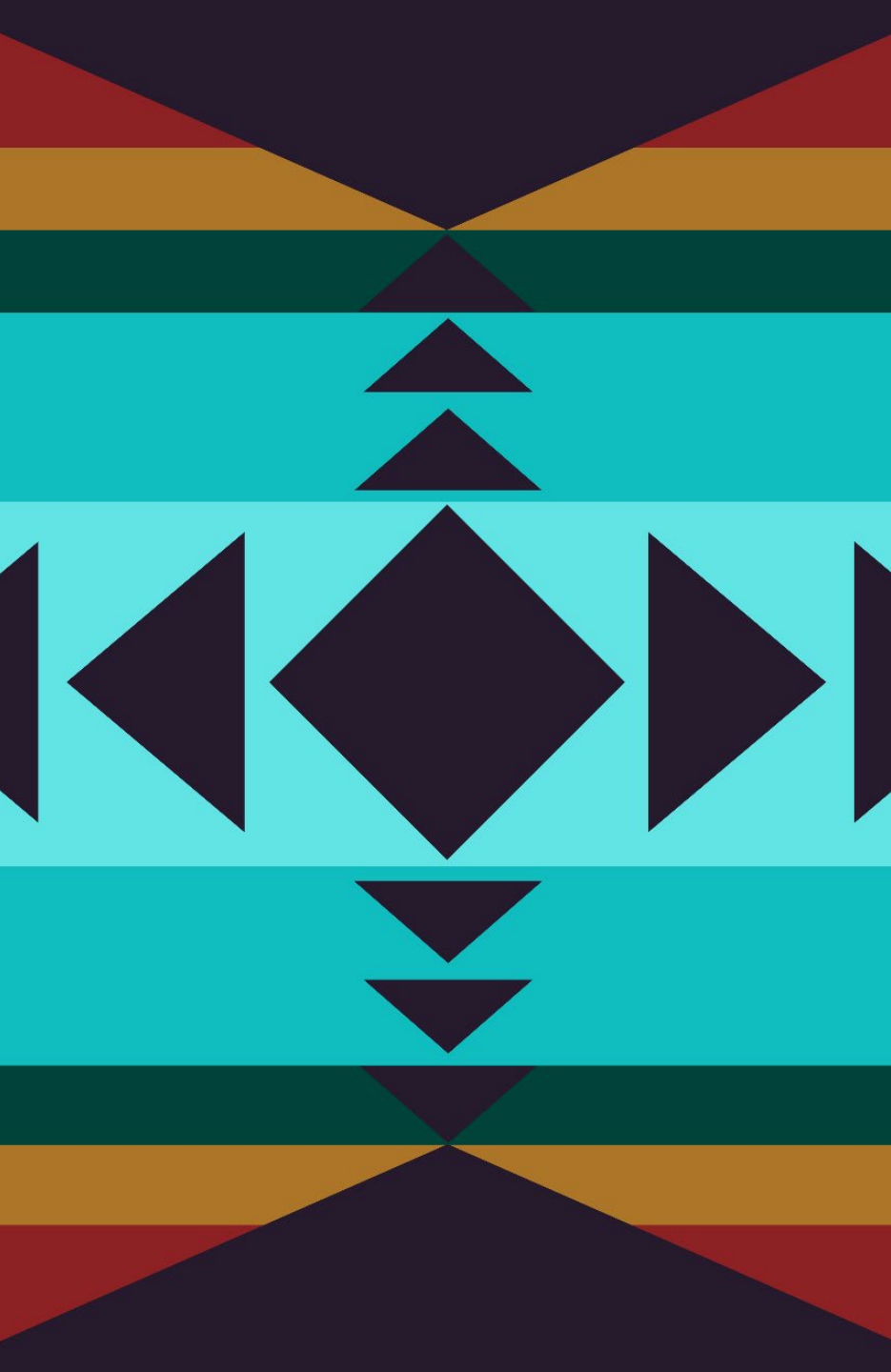


## § 1000.528 What are the procedures for the recipient to comment on the result of HUD's review when HUD issues a report under section 405(b) of NAHASDA?

HUD will issue a draft report to the recipient and Indian tribe within 60 days of the completion of HUD's review. The recipient will have at least 60 days to review and comment on the draft report, as well as provide any additional information relating to the draft report.

Upon written notification to HUD, the recipient may exercise the right to take an additional 30 days to complete its review and comment to the draft report. Additional extensions of time for the recipient to complete review and comment may be mutually agreed upon in writing by HUD and the recipient. HUD shall consider the comments and any additional information provided by the recipient.

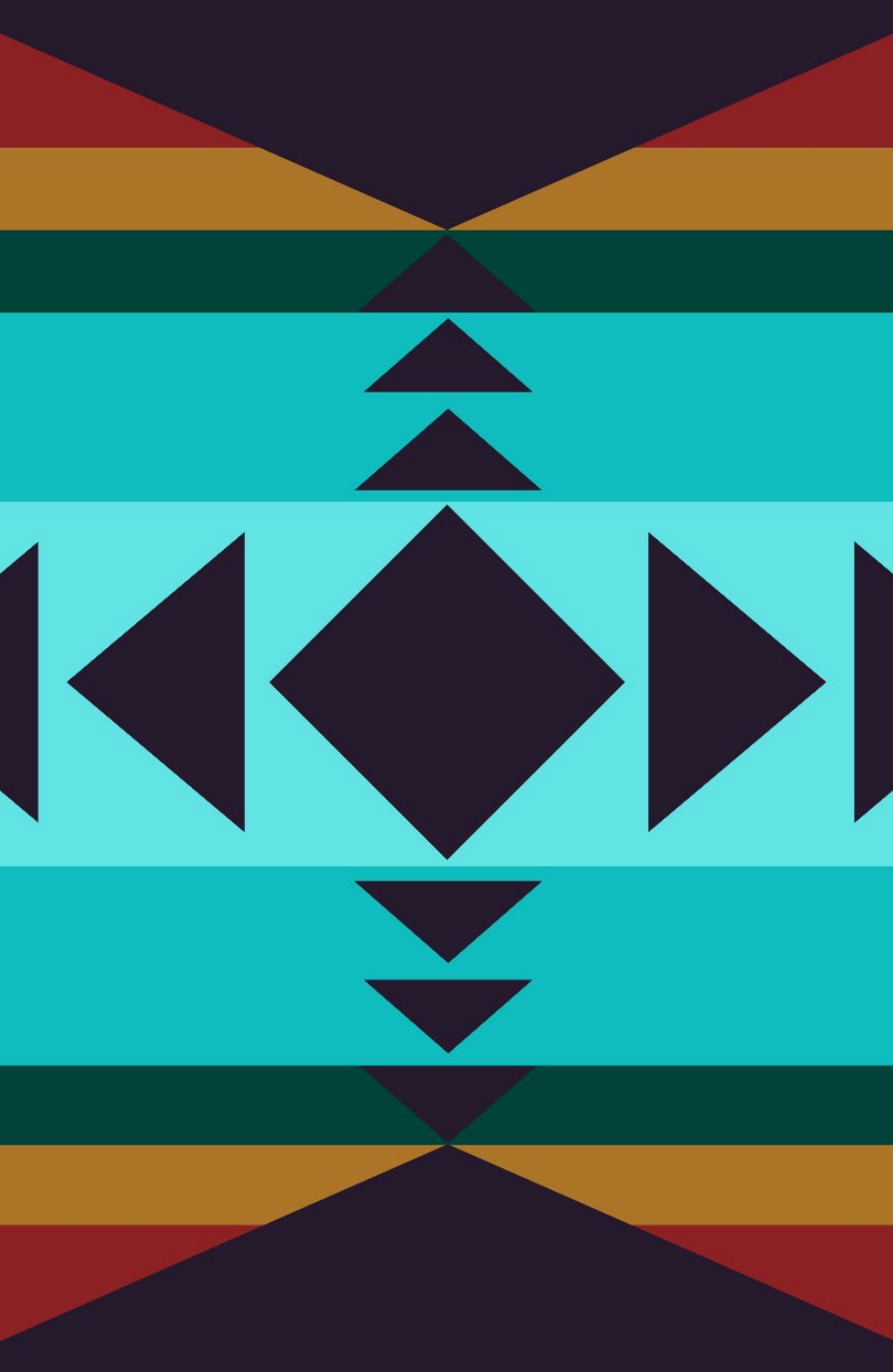
HUD may also revise the draft report based on the comments and any additional information provided by the recipient. HUD shall make the recipient's comments and a final report readily available to the recipient, grant beneficiary, and the public not later than 30 days after receipt of the recipient's comments and additional information.



§ 1000.530 What corrective and remedial actions will HUD request or recommend to address performance problems prior to taking action under § 1000.532?

- (a) The following actions are designed, first, to prevent the continuance of the performance problem(s); second, to mitigate any adverse effects or consequences of the performance problem(s); and third, to prevent a recurrence of the same or similar performance problem. The following actions, at least one of which must be taken prior to a sanction under paragraph (b), may be taken by HUD singly or in combination, as appropriate for the circumstances:
- (1) Issue a letter of warning advising the recipient of the performance problem(s), describing the corrective actions that HUD believes should be taken, establishing a completion date for corrective actions, and notifying the recipient that more serious actions may be taken if the performance problem(s) is not corrected or is repeated;



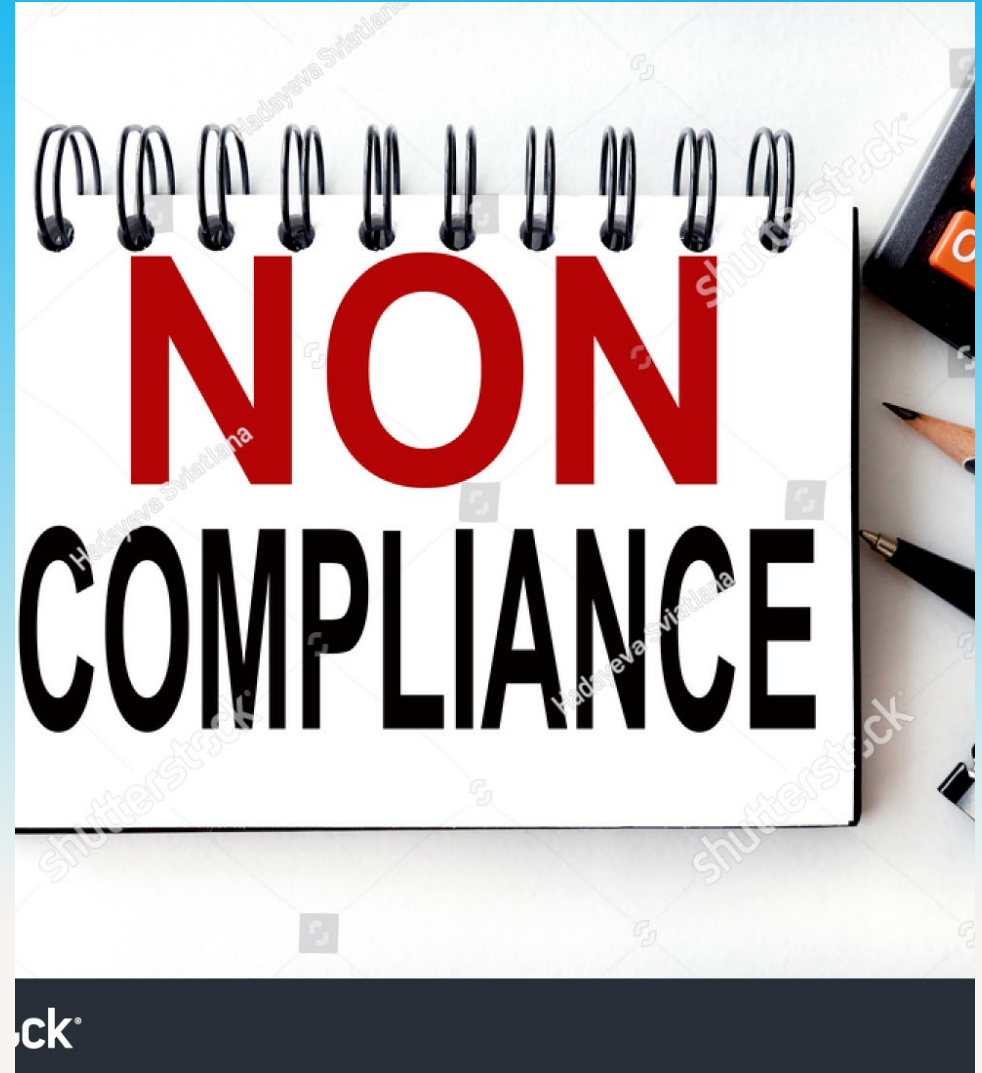


§ 1000.530 What corrective and remedial actions will HUD request or recommend to address performance problems prior to taking action under § 1000.532?

- (2) Request the recipient to submit progress schedules for completing activities or complying with the requirements of this part;
  - (3) Recommend that the recipient suspend, discontinue, or not incur costs for the affected activity;
  - (4) Recommend that the recipient redirect funds from affected activities to other eligible activities;
  - (5) Recommend that the recipient reimburse the recipient's program account in the amount improperly expended; and
  - (6) Recommend that the recipient obtain appropriate technical assistance using existing grant funds or other available resources to overcome the performance problem(s).
- (b) Failure of a recipient to address performance problems specified in paragraph (a) of this section may result in the imposition of sanctions as prescribed in § 1000.532.

What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (a) If HUD finds after reasonable notice and opportunity for hearing that a recipient has failed to comply substantially with any provision of NAHASDA or the regulations in this part, HUD shall carry out any of the following actions with respect to the recipient's current or future grants, as appropriate:





## What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (1) Terminate payments under NAHASDA to the recipient;
- (2) Reduce payments under NAHASDA to the recipient by an amount equal to the amount of such payments that were not expended in accordance with NAHASDA or these regulations;
- (3) Limit the availability of payments under NAHASDA to programs, projects, or activities not affected by the failure to comply; or
- (4) In the case of noncompliance described in § 1000.542, provide a replacement TDHE for the recipient.



## What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (b) Before undertaking any action in accordance with paragraph (a) of this section, HUD will notify the recipient in writing of the action it intends to take and provide the recipient an opportunity for an informal meeting to resolve the deficiency. Before taking any action under paragraph (a) of this section, HUD shall provide the recipient with the opportunity for a hearing no less than 30 days prior to taking the proposed action. The hearing shall be held in accordance with § 1000.540. The amount in question shall not be reallocated under the provisions of § 1000.536, until 15 days after the hearing has been conducted and HUD has rendered a final decision.



## What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (c) Notwithstanding paragraphs (a) and (b) of this section, if HUD makes a determination that the failure of a recipient to comply substantially with any material provision of NAHASDA or these regulations is resulting, and would continue to result, in a continuing expenditure of funds provided under NAHASDA in a manner that is not authorized by law, HUD may, in accordance with section 401(a)(4) of NAHASDA, take action under paragraph (a)(3) of this section prior to conducting a hearing under paragraph (b) of this section. HUD shall provide notice to the recipient at the time that HUD takes that action and conducts a hearing, in accordance with section 401(a)(4)(B) of NAHASDA, within 60 days of such notice.





## What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (d) Notwithstanding paragraph (a) of this section, if HUD determines that the failure to comply substantially with the provisions of NAHASDA or these regulations is not a pattern or practice of activities constituting willful noncompliance, and is a result of the limited capability or capacity of the recipient, if the recipient requests, HUD shall provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability or capacity of the recipient to administer assistance under NAHASDA in compliance with the requirements under NAHASDA. A recipient's eligibility for technical assistance under this subsection is contingent on the recipient's execution of, and compliance with, a performance agreement pursuant to Section 401(b) of NAHASDA.





## What are the remedial actions that HUD may take in the event of recipient's substantial noncompliance? § 1000.532

- (e) In lieu of, or in addition to, any action described in this section, if the Secretary has reason to believe that the recipient has failed to comply substantially with any provisions of NAHASDA or these regulations, HUD may refer the matter to the Attorney General of the United States, with a recommendation that appropriate civil action be instituted.



## What constitutes substantial noncompliance? § 1000.534

HUD will review the circumstances of each noncompliance with NAHASDA and the regulations on a case-by-case basis to determine if the noncompliance is substantial. This review is a two-step process. First, there must be a noncompliance with NAHASDA or these regulations. Second, the noncompliance must be substantial. A noncompliance is substantial if:

- (a) The noncompliance has a material effect on the recipient meeting its planned activities as described in its Indian Housing Plan;
- (b) The noncompliance represents a material pattern or practice of activities constituting willful noncompliance with a particular provision of NAHASDA or the regulations, even if a single instance of noncompliance would not be substantial;
- (c) The noncompliance involves the obligation or expenditure of a material amount of the NAHASDA funds budgeted by the recipient for a material activity; or
- (d) The noncompliance places the housing program at substantial risk of fraud, waste or abuse.

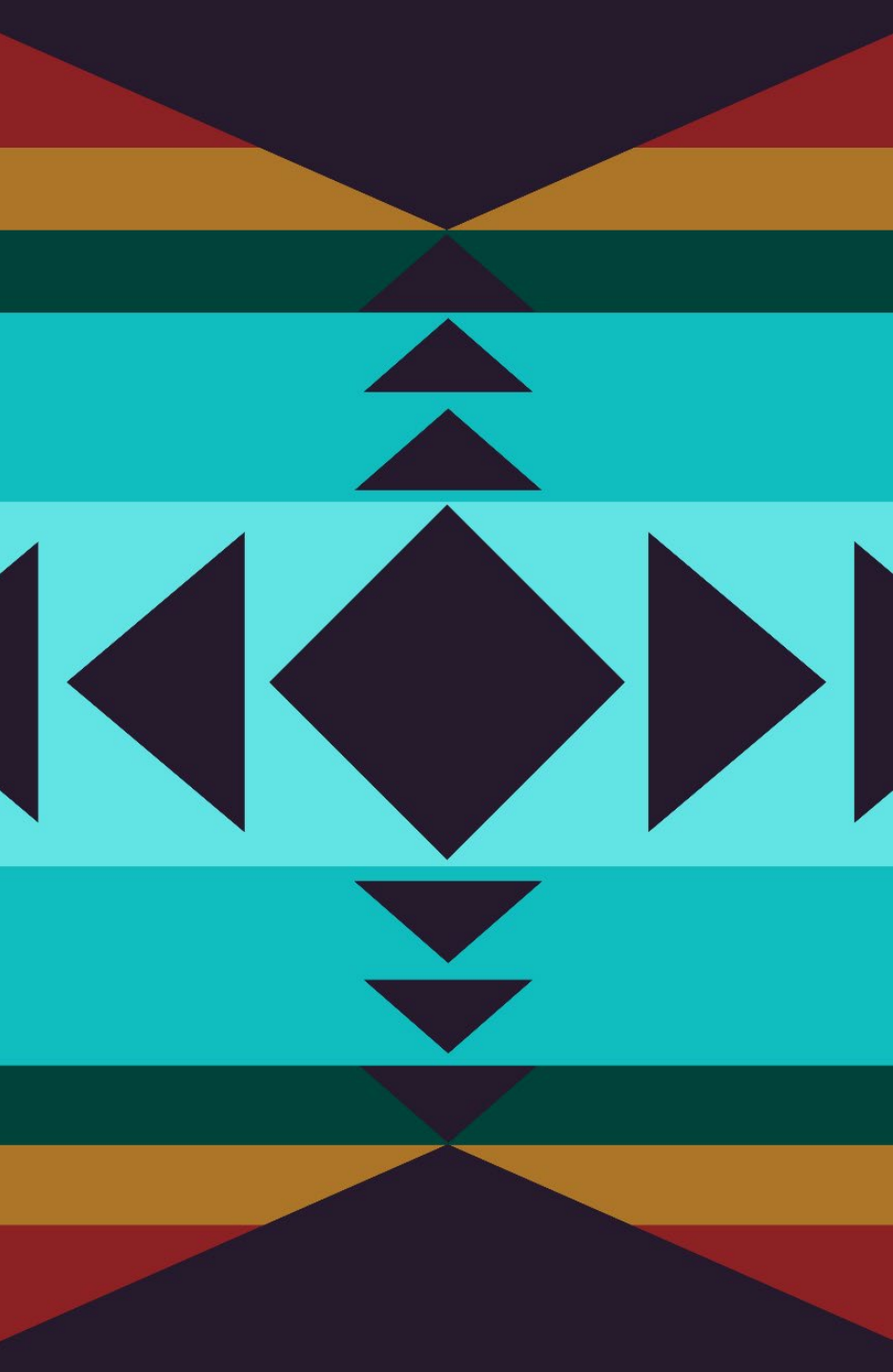
# Grant Funds & Hearing Procedures

## **§ 1000.536 What happens to NAHASDA grant funds adjusted, reduced, withdrawn, or terminated under § 1000.532?**

Such NAHASDA grant funds shall be distributed by HUD in accordance with the next NAHASDA formula allocation.

## **§ 1000.540 What hearing procedures will be used under NAHASDA?**

The hearing procedures in 24 CFR part 26 shall be used.



## § 1000.542 When may HUD require replacement of a recipient?

- (a) In accordance with section 402 of NAHASDA, as a condition of HUD making a grant on behalf of an Indian tribe, the Indian tribe shall agree that, notwithstanding any other provisions of law, HUD may, only in the circumstances discussed below, require that a replacement TDHE serve as the recipient for the Indian tribe.
- (b) HUD may require a replacement TDHE for an Indian tribe only upon a determination by HUD on the record after opportunity for hearing that the recipient for the Indian tribe has engaged in a pattern or practice of activities that constitute substantial or willful noncompliance with the requirements of NAHASDA.



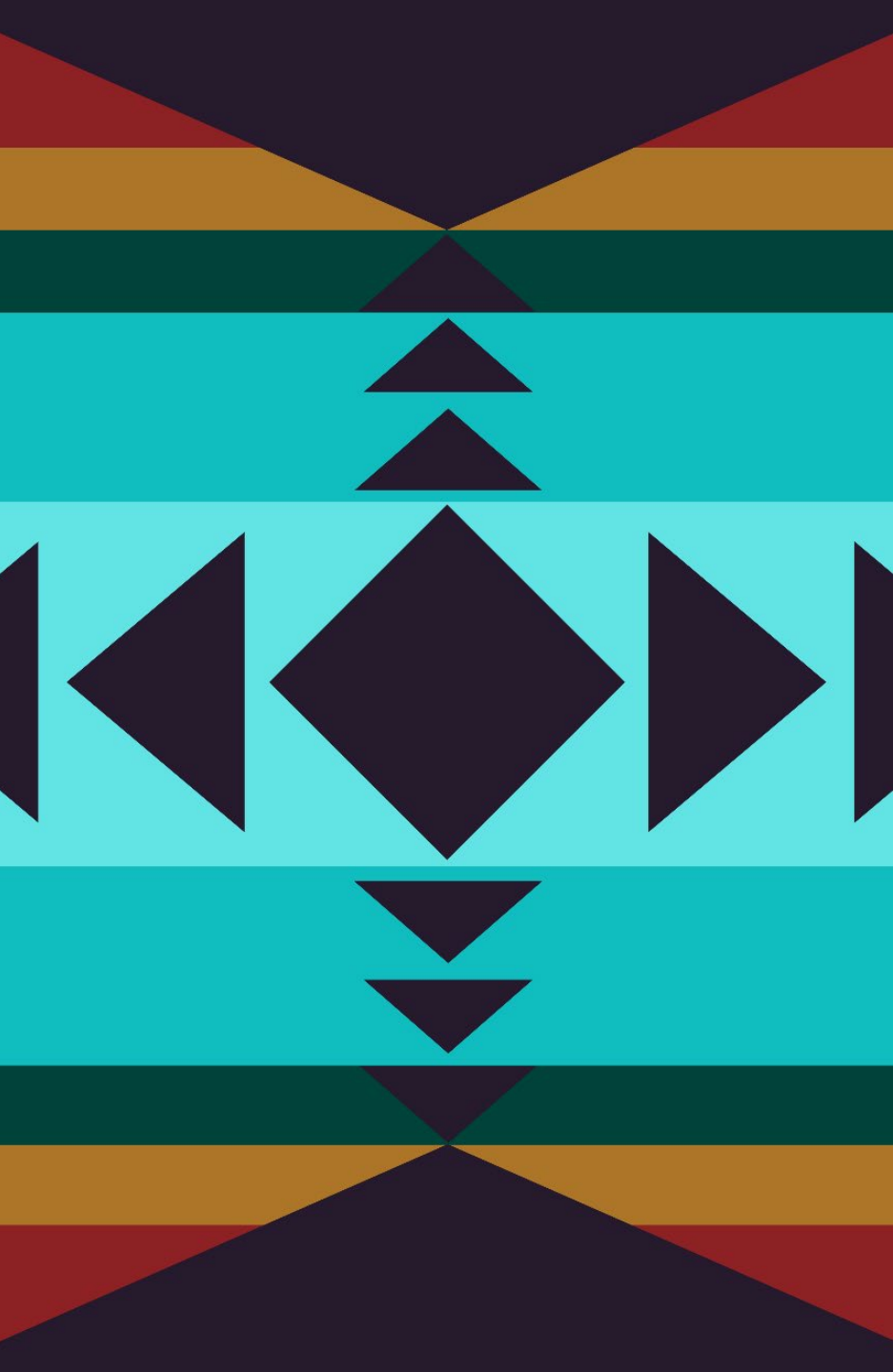


# Organization & Structure

(ONAP Monitoring Plan)

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I. Purpose : NAHASDA, Sections 403(c) and 405(b)(1)(ii)  
2 CFR Part 200, 24 CFR 1000.26, 24 CFR 1000.524, and .526

The purpose of this portion of the review is to assess the day-to-day operation of the overall organization, structure, and administration of the recipient. The review is intended to determine the recipient's implementation of key areas of authority, appropriate lines of reporting, and adequate controls to ensure assets are safeguarded.





## II. Pre-Visit Preparation

### **A. If available, review the following documents as they pertain to organization and structure:**

1. Most recent IHP, approved IHP amendments, IHP amendments in process
2. Policies and procedures (see section III for review instructions)
3. Previous monitoring findings
4. Previous Self-Monitoring report(s)
5. Previous 2 CFR Part 200 audit and OIG audits findings and/or work papers
6. Corrective actions status for findings
7. Previous and current enforcement actions
8. Valid complaints
9. Relevant correspondence



## II. Pre-Visit Preparation

- B. Review the sampling methods in the General Instructions for Monitoring Plans. 24 CFR 1000.503 and .526
- C. Indian Preference in Employment/Hiring 24 CFR 1000.48, .50 and .52

NOTE: Indian preference is also covered in procurement. For this review, the focus should be on Indian preference in overall employment/hiring.



## II. Pre-Visit Preparation

1. Identify whether prior monitoring reports addressed noncompliance with Indian preference requirements.
  - a. If a monitoring finding remained unresolved, the on-going noncompliance is a repeat finding.
  - b. If the audit finding remained unresolved, the on-going noncompliance is a repeat finding.
2. Review and discuss with Grants Management any Indian preference complaints received by the recipient .

24 CFR 1000.54, 24 CFR 1003.510 (e)



## III. Onsite Review

### **A. Policies and Procedures/Records Management**

1. Has the Board/Tribal Council adopted the required policies; i.e., rent and homebuyer policy; eligibility, admission, and occupancy; management and maintenance, tenant and homebuyer selection, relocation and real property acquisition; drug free workplace, Indian preference, Section 3?

NAHASDA Sec. 102(b)(2)(d), 2 CFR 200.318(a)(c), 2 CFR 200.474.(d), 24 CFR 1000.14, 24 CFR 1000.26, 24 CFR 1000.42, 24 CFR 1000.46, 24 CFR 1000.158, 24 CFR 1003.510, PG 2002-11

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## III. Onsite Review

2. Do meeting minutes confirm that the Board/Tribal Council is following its policies?
3. Do the minutes confirm that staff is following its policies?
4. Do the minutes reveal any instances where tribal officials have interfered with the Board/Tribal Council and/or staff in enforcing its policies?



# III. Onsite Review

## B. Board/Tribal Council Actions

1. Does the Board/Tribal Council provide guidance and direction to management?
2. If applicable, does the governing body review and evaluate the performance of the Director and his grant administration activities?
3. Does the Board/Tribal Council adhere to all laws, regulations, and policies?
  - a. Review meeting minutes for evidence of noncompliance with federal requirements and recipient policies.
  - b. Interview staff and program participants for opinions on compliance.
  - c. Review policies for compliance with federal requirements





### III. Onsite Review

4. Have Board/Tribal Council members placed their relatives in housing ahead of others on the waiting list? (Note: this should also be cited in the Occupancy Monitoring Plan.)  
24 CFR 1000.30, 24 CFR 1000.32, 24 CFR 1000.34

NOTE: This issue is addressed in Admissions and Occupancy (A&O). If A&O is not reviewed, then the issue should be addressed during the Organization and Structure review.



## III. Onsite Review

5. Does the Board/Tribal Council allow the recipient to operate without undue interference?

2 CFR 200.303

a. Does the Board/Tribal Council interfere with the day-to-day operations of the recipient?

b. Does the Board/Tribal Council override internal or financial controls put in place for the recipient's staff?

6. Does the Board/Tribal Council convey the message that integrity and ethical values are not compromised?



## III. Onsite Review

7. Are Board/Tribal Council minutes transcribed and stored to preserve a history of Board/Tribal Council actions?
8. Are Board/Tribal Council meetings held in accordance with the terms of the bylaws?
9. Are financial reports reviewed as part of each regular monthly Board/Tribal Council meeting?
10. Do Board/Tribal Council members receive a stipend to attend meetings?
  - (a) If so, is the stipend reasonable in accordance with local practice and ONAP Program Guidance?  
2 CFR 200.404, Program Guidance 98-13t



# III. Onsite Review

## **C. Conflict of Interest**

1. Is there a written Code of Conduct or Conflict of Interest statement or policy?
2. Has the statement or policy been adopted by the Board/Tribal Council?
3. Does the Board/Tribal Council follow the policy? 2 CFR 200.318(c) and (k), 24 CFR 1000.30, 32, .34 and 36  
24 CFR 1003.606, PG 2002-13 (R)



# III. Onsite Review

## **D. Complaints and Grievances**

1. Is there a written policy or procedure to cover the management of complaints and grievance resolution?  
24 CFR 200.318(c), 24 CFR 1000.54, PG 2001-06
2. Does the recipient have a method to track grievances to ensure that they are resolved?
3. Is there a provision for an impartial hearing panel or alternate dispute resolution?
4. Are complaints and grievances resolved promptly, with fair and reputable action by the recipient?



# III. Onsite Review

## **E. IHP Certification**

1. Has the Board/Tribal Council executed the certificate of compliance in the IHP? HUD-52737 (Section 9)
  
2. Does documentation confirm that the recipient is in compliance with its certification?
  - a. Did the recipient comply with title II of the Civil Rights Act of 1968 in carrying out this Act, to the extent that such title is applicable, and other applicable federal statutes?
  
  - b. If applicable, are there households within the recipient's jurisdiction at or below 80 percent of median income?





# III. Onsite Review

## **F. Insurance**

1. Obtain a copy of the latest insurance policy(s) and proof of payment(s).  
PG 2014-03 (R)
2. Does the recipient provide proof of insurance to indemnify from loss against fire, weather, and liability claims for all IHBG-assisted housing units owned or operated by the recipient? NAHASDA Section 203(c), 24 CFR 1000.136, 24 CFR 1003.202
3. Has the recipient produced a copy of the certification of insurance, including an inventory of the structures and buildings insured? 24 CFR 1000.136, 24 CFR 1000.138 , 24 CFR 1000.38, 24 CFR 1003.202
4. Are the vehicles and other equipment properly insured?
5. Does the recipient effectively maintain an insurance file that includes a history of claims and other pertinent information?



## III. Onsite Review

6. Obtain a copy (or verify existence) of a list of insured housing to document that all units are covered.

Note: If this is not included in the policy, access the insurance company's website.

(a). Are all NAHASDA-assisted units covered by the insurance policy?  
24 CFR § 1000.136

7. If the recipient has done extensive rehab on private homes, then verify that there is adequate insurance coverage for these units.

(a). Verify insurance coverage by reviewing the listing of units in the policy or by accessing the insurance company's website.



# III. Onsite Review

## **G. Administrative Climate**

1. Is there evidence of frequent staff turnover among key positions?
2. Is there frequent staff turnover in finance?
3. Is there frequent staff turnover in maintenance?
4. Is there a lack of seniority among staff?
5. Is there an accurate organization chart available on site?
6. Is there an emphasis on training and educational opportunities for staff and Board/Tribal Council members?
7. Are the appropriate staff and Board/Tribal Council members attending training?
8. Is the training adequate?



# III. Onsite Review

## H. Record Retention

1. Are records maintained for 3 years from the end of the program year during which the funds were expended (NAHASDA)?
2. Does the recipient have an effective file management and records retention system?



# III. Onsite Review

## I. Indian and Tribal Preference in Employment and Hiring

Section 101 (k) of NAHASDA allows a tribe to adopt tribal preference in employment and contracting. The tribal employment and contract preference laws (including regulations and tribal ordinances) must be adopted by the Indian tribe that receives the preference.

NOTE: Indian and tribal preference requirements should be referenced in both the procurement policy and personnel policy.

A. Review the recipient's policies to determine if they are compliant with the requirements.

NOTE: If procurement will be reviewed, then focus on personnel policy procedures for addressing personnel and hiring complaints. If no procurement review, then look at both procurement and personnel policies.



# III. Onsite Review

B. If complaints regarding Indian or tribal preference were filed, determine if the procedures for addressing the complaints are consistent with program requirements.

C. Determine if the recipient complies with the Indian preference requirements in employment and hiring.

1. Interview staff and review files to determine if the recipient has provided hiring preference and training opportunities to Indians and Alaska Natives.

- a. If problems are noted in the staff interview process, research the records to determine if a violation exists.



Thank You for your dedication to our people,  
May you stay strong on your Journey, Make  
decisions that benefit all your Tribal Members  
rather than a select few, And may you walk in a  
good way...





QUESTIONS





If you should need anything Else!

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