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of building futures
NAIHC ANNUAL CONVENTION & TRADESHOW

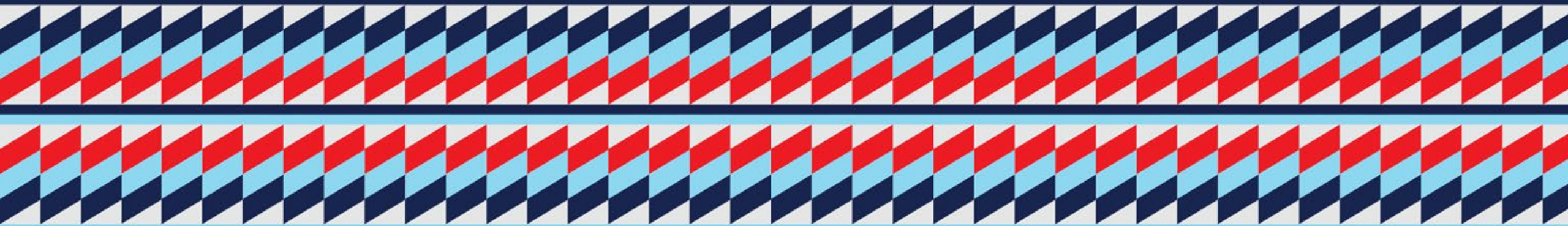


NAHASDA Board of Commissioners Training

June 25, 2024

Cheryl A. Causley & Retha M. Leno

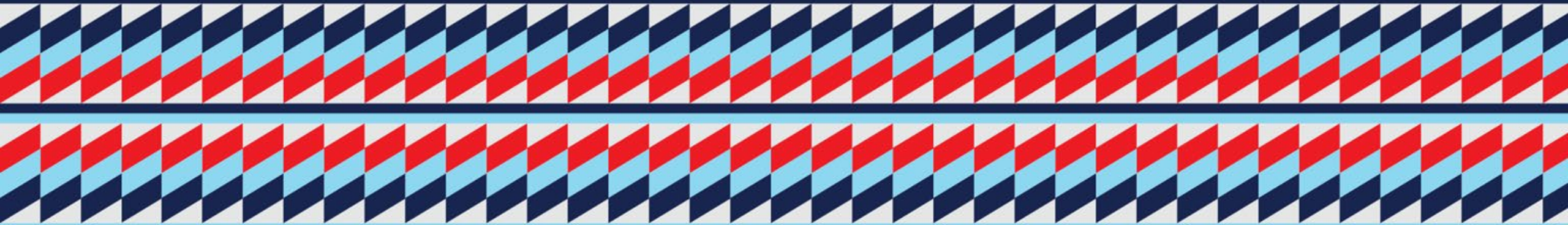






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Board of Commissioners, Pt 1



Cheryl A. Causley

Principal, Cheryl A. Causley & Associates

- Greetings My Name is Cheryl Causley,
- My Anishinaabe name is Red Bird Woman
- I am Loon Clan and I come from the Place of the Pike, Bay Mills, Bay Mills is a Reservation located at the Top of Michigan and our waters Border Canada and we are Ojibwe/Chippewa
- I was a Director of Housing for my Tribe for over 28 Years
- I was also honored to serve as the Chairwoman of the NAIHC for Four years and on the Board of Directors as Vice Chair & Secretary for an additional 12 years
- I also served as The Chairwoman of the Great Lakes Indian Housing Association for 7 years
- I have been providing Training and Technical Assistance for the last Five Years.



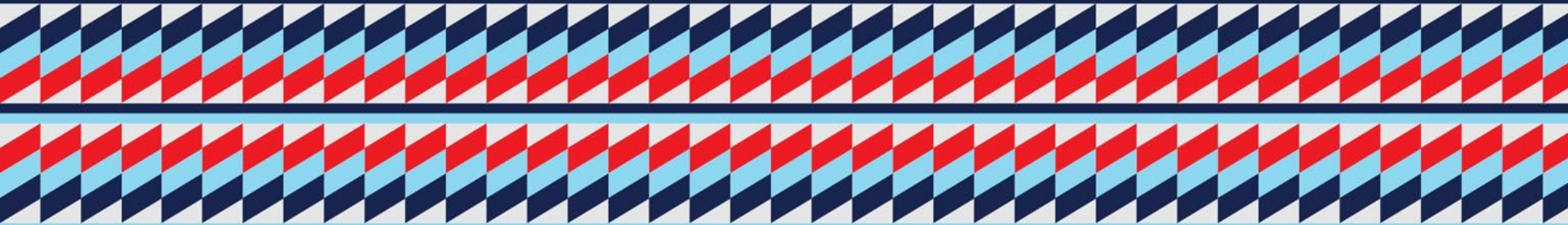


Training Objectives:

1. Roles and Functions of the Housing Board
2. Fundamentals of Indian Housing
3. Summary of Program Requirements
4. Partnerships
 - Governing Body – Board of Commissioners
 - Housing Administration – Housing Program Staff
 - Funding Partner - US Department of Housing & Urban Development
 - Beneficiaries - Program Participants
5. Board Operations

Housing Board of Commissioners

Roles & Functions



Provide for proper management and oversight of housing entity operations

Roles & Functions

- The Board is responsible for securing the management of the housing entity and ensuring that housing operations are undertaken in accordance with the laws and program requirements, as well as the board's priorities and policies.

Roles & Functions

Board of Commissioners Overview

- The Board of Commissioners are responsible for establishing housing related policies and plans which will effectively carry out the statutory, regulatory, and contractual obligations associated with housing finance, development and management.
- The Board governs on behalf of persons who are not seated at the board table. Individually, commissioners are members of the board, but collectively, in a properly called meeting, they become the Board of Commissioners.
- Actions by the Board of Commissioners can only be made in a meeting called in accordance with the **Bylaws** and in accordance with the **Tribal Ordinance** establishing your Board of Commissioners.
- It is vital that you *immediately* become familiar with the Bylaws of your Board of Commissioners and your Tribal Ordinance.

Roles & Functions

Board of Commissioners

- A housing authority is a separate legal entity with a mandated mission determined by the Tribal Ordinance creating the Authority and reaffirmed more specifically by a **comprehensive housing assistance strategy**.
- Functions as the Tribe's principal housing agency (in HUD terms, Tribally Designated Housing Entity), you will focus upon **community needs** that require understanding, dedication, enthusiasm, vision, and experience.
- Board members serve as the **principal advisors** on housing issues facing tribal members and as the policymaker for your housing entity.
- If a governing board has not been sanctioned, the **Tribal Council has ultimate responsibility** for all aspects of compliance.

Roles & Functions

Responsible Actions

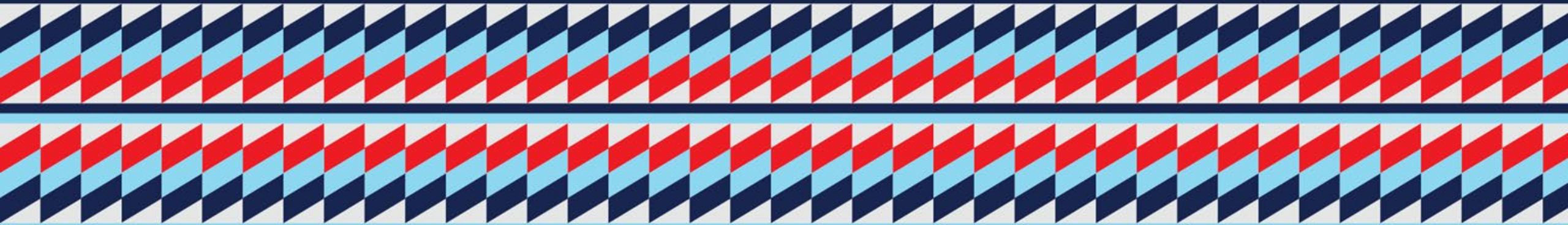
- Legal vs. Local Policy - It must be recognized that the responsibility for making recommendations and decisions is not to be taken lightly. Due to the heavily regulated environment in which a housing authority operates, decisions are more responsive to legal considerations than to local policy.
 - Ex. - Failure to base policies and/or decisions according to applicable laws and regulations could result in legal action against the Housing Entity or even the Board.
- Tribal officials and 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.

This training will hopefully help you on your important journey.

Board Roles & Functions

Effective Members

- Each member of the board of directors must fulfill his/her fiduciary duties to the housing organization and the tribal members they serve. Your primary legal duties include the duties of *care*, *loyalty*, and *obedience*.
- The duty of *care* requires each board member be familiar with the organization's activities, programs, and finances, and to participate regularly in its governance by attending all board meetings and participate in discussions and decision-making.
- The duty of *loyalty* requires that a board member must never use information gained through his/her position for personal gain, including tenant-related information and must always act in the best interest of the housing organization.
- The duty of *obedience* requires individual board members to ensure that the organization complies with applicable laws and regulations, which includes insuring that the organization carries out its purposes and does not engage in unauthorized activities.



Roles and Functions Decision Making

Roles and Functions
Decision Making

- In the creation or in the administration of your housing program you 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.
 - If you have a housing board of commissioners, do you have a tribal council liaison?
 - Do they have a vote?
 - Do you need them for a quorum?
 - Do they report to the tribal council on your behalf?

Examples of Required Board 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:

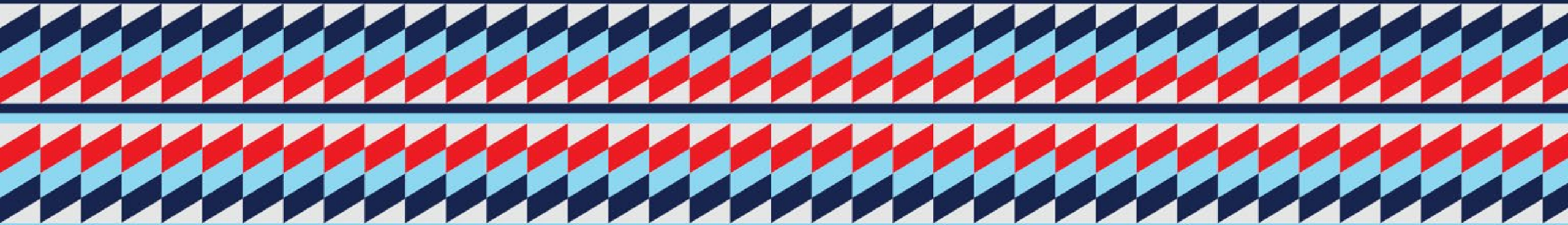
- Do you service Essential Families?
- Who deems them Essential?
- Do you service Law Enforcement Officials?
- Do you provide for a 10% authority to provide Housing for your Tribal Members with income that falls between 80-100% of Median Income?
- Is it in your IHP?

Role Models

- Appointment to the Board of Commissioners is an honor and a responsibility. Tribal Council and the Board of Commissioners are expected to serve as role models to the community and the tribal members you serve.
- You should strive to make sure each governing decision maker is in **full compliance** and **in good standing** with their lease and all rules and regulations of your housing entity should you also be a tenant.
- This is vitally important regarding any tenant accounts receivables as you will serve as the grievance committee and would put your board in a very bad light should it be a grievance with anything regarding past housing balances due.

Required Knowledge: NAHASDA

Fundamentals of Indian Housing



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

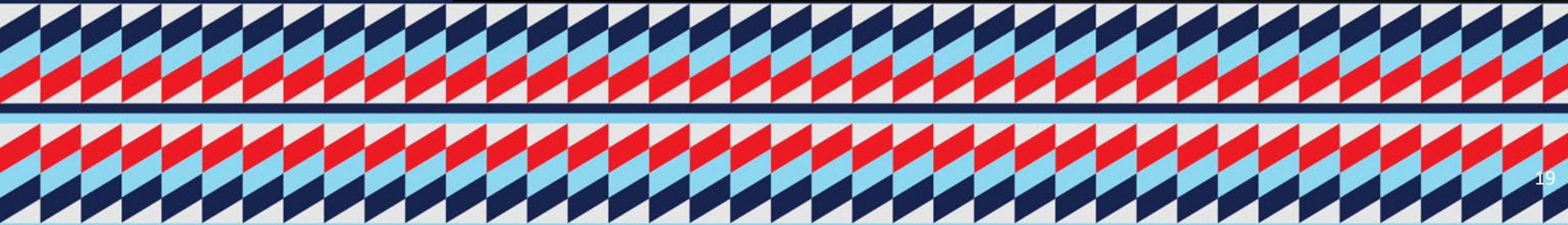
NAHASDA ADMINISTRATION REQUIRED DOCUMENT USE



NAHASDA Statute

The Law

[DOC_8141.PDF \(hud.gov\)](#)



KEY POINTS

- NAHASDA is a Self-Determination Program
- IHBG recipients have maximum flexibility in defining their program within the established requirements



NAHASDA Key Points

- Signed into law October 1996 – “Native American Assistance and Self Determination Act”
- Provides a block grant to tribes or their tribal housing entity that is used for activities defined in an annual “Indian Housing Plan” which the tribe and housing entity will write and submit to HUD for review.
- Defines TDHE or housing entity as the existing Indian housing authority which was established “for the purposes of the U.S. Housing Act of 1937...(and)...is acting...as the Indian Housing Authority for the tribe...(and) is not an Indian Tribe.”
- Tribes can also establish other entities through self-governance powers or by state law.

NAHASDA Key Points

- Permits the tribe to set a maximum rent that does not exceed 30 percent of the monthly adjusted income.
- Requires the tribe to use the block grant to operate and maintain current housing units.
- Distributes the grant through an allocation formula developed under negotiated rule making.
- Authorizes a federal loan guarantee program
- Tribe can use, with the secretary's approval, a federal guarantee, to undertake affordable housing activities, that does not exceed 5 times the need portion of the tribe's block grant.

NAHASDA Key Points

- Reauthorizes the Indian Housing Loan Guarantee Program.
- Extends leasehold interest in trust or restricted land for housing purposes to 50 years.
- Expands affordable housing opportunities.
- Specifically addresses families who are above low-income.
- Requires HUD to monitor for non-compliance and to take steps when compliance does not occur.

NAHASDA Objectives

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

Native American Housing Assistance and Self-Determination Act of 1996

(P.L. 104-330 as amended by P.L. 105-276, P.L. 106-568, P.L. 107-292, and P.L. 108-393)

*One Hundred Fourth Congress
of the
United States of America
AT THE SECOND SESSION*

Overview of the NAHASDA Statute

Title I: Block Grant Requirements

Title II: Affordable Housing Activities

Title III: Allocation of Grant Amounts

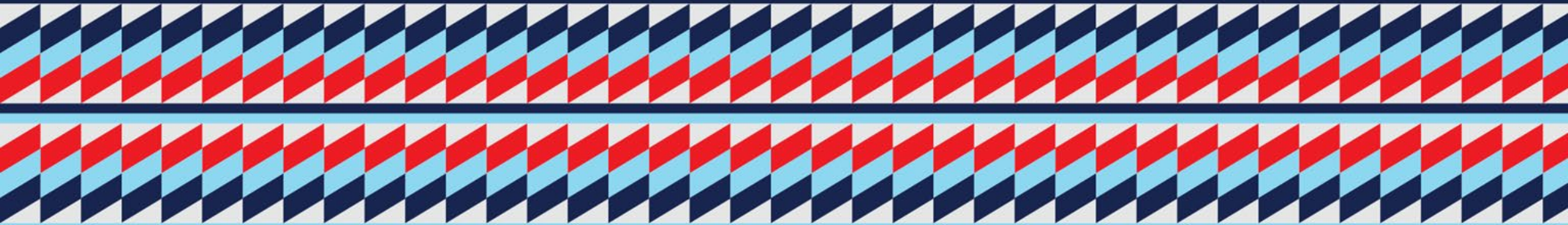
Title IV: Compliance, Audits & Reports

Title V: Termination of Assistance Under Incorporated Programs

Title VI: Federal Guarantees for Financing Tribal Housing Activities

Title VII: Other Housing Assistance

Title VIII: Housing Assistance for Native Hawaiians



NAHASDA REGULATIONS- 24 CFR Part 1000

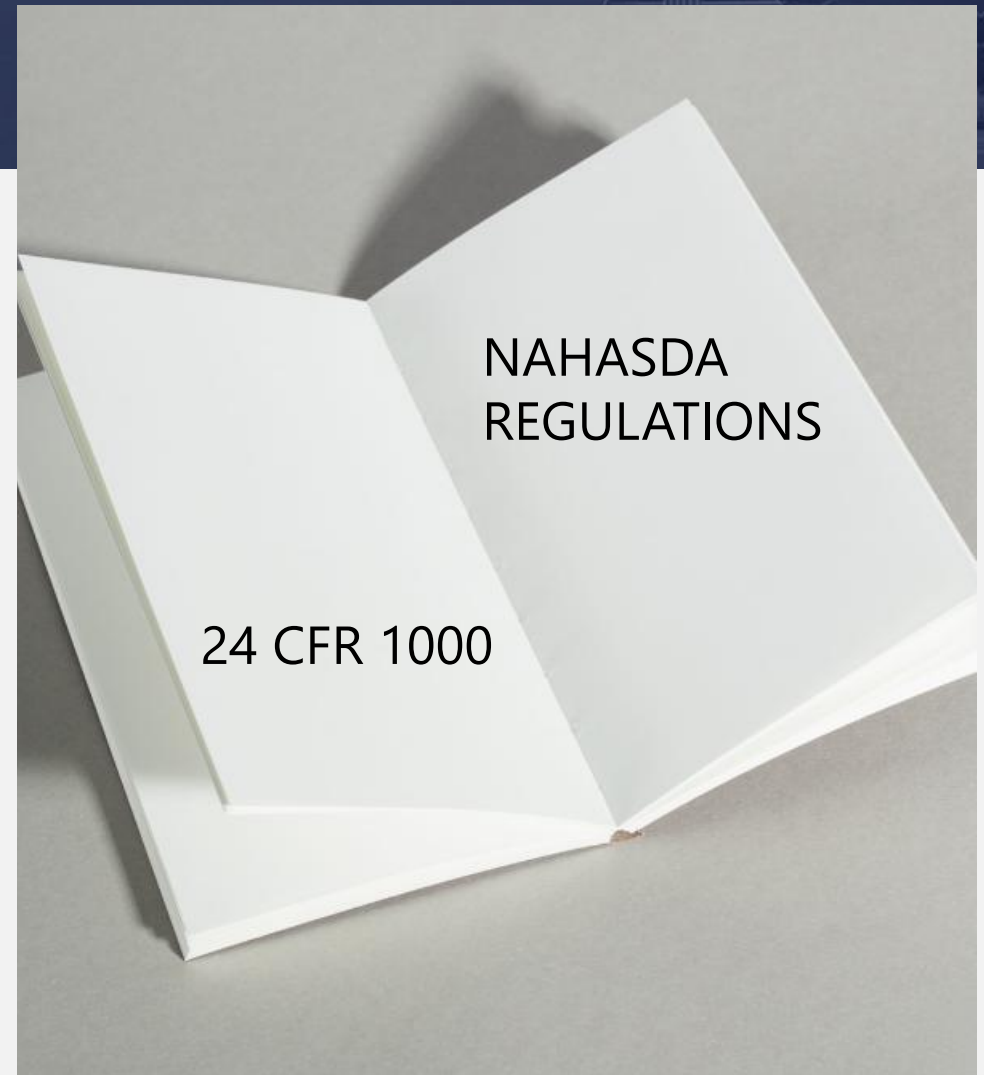
eCFR :: 24 CFR Part 1000 -- Native American
Housing Activities

eCFR :: 24 CFR Part 1006 -- Native Hawaiian Housing Block
Grant Program



Regulations: 24 CFR 1000

- Amended multiple times
- Keep the most updated versions of the Statute, Regulations and 2 CFR 200
- Printed & Computer Versions



NAHASDA Regulatory Sections (24 CFR 1000)

- ▶ Subpart A: General Objectives
- ▶ Subpart B: Affordable Housing Activities
- ▶ Subpart C: IHP
- ▶ Subpart D: Allocation Formula
- ▶ Subpart E: Federal Guarantees for Financing of Tribal Housing Guarantees
- ▶ Subpart F: Recipient Monitoring Compliance, Oversight, & Accountability



6 Subparts of Regulation

Subpart A - NAHASDA's Primary Objectives:

- Legal authority of the regulation;
- Federal laws that impact NAHASDA;
- Conflict-of-interest IHBG program provisions that apply;
- Key terms used in the regulations.

Subpart B- Affordable Housing Activities:

- Regulations & Amendments to implement affordable housing activities;
- Eligible activities;
- Eligible beneficiaries;
- Cost and Payment Limits; and
- Existing housing stock.

Subpart C- Indian Housing Plan (IHP):

- Preparation, submission and review of a tribe's IHP.
- NAHASDA requires that a tribe submit an IHP prior to the receipt of IHBG funds.

Subpart D- Allocation Formula:

- Establishes the formula for allocating amounts available for a fiscal year.

Subpart E- Federal Guarantees for Financing of Tribal Housing Activities:

- Terms and conditions by which HUD will guarantee the obligations issued by a recipient for the purposes of financing eligible affordable housing activities.

Subpart F- Recipient Monitoring, Oversight, and Accountability:

- Monitoring of compliance, performance reports, HUD and tribal review, audits, and remedies for non-compliance.

Key Regulations

- §1000.10 – Definitions
- §1000.12 – Nondiscrimination
- §1000.14 – Relocation & Real Property Acquisition
- §1000.18 – Environmental review requirements
- §1000.26 – Administrative requirements
- §1000.30-34 - Conflict of Interest
- §1000.36 – Records retention

Key Regulations

- §1000.101 – Affordable housing
- §1000.102 – Eligible affordable housing activities
- §1000.103 – Tenant/project-based rental assistance
- §1000.104 – Eligible families
- §1000.106-108 – Families requiring HUD approval
- §1000.110 – Conditions for non-low-income Indian family's participation
- §1000.120 – Tribal Indian preference or tribal preference in selecting families for housing

Other Laws, Regulations Impacting Our NAHASDA Programs

Uniform Administrative Requirements 2 CFR Part 200

American Disabilities Act

Generally Accepted Accounting Principals

Uniform Relocation Act

Uniform Guidance

Part 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200>



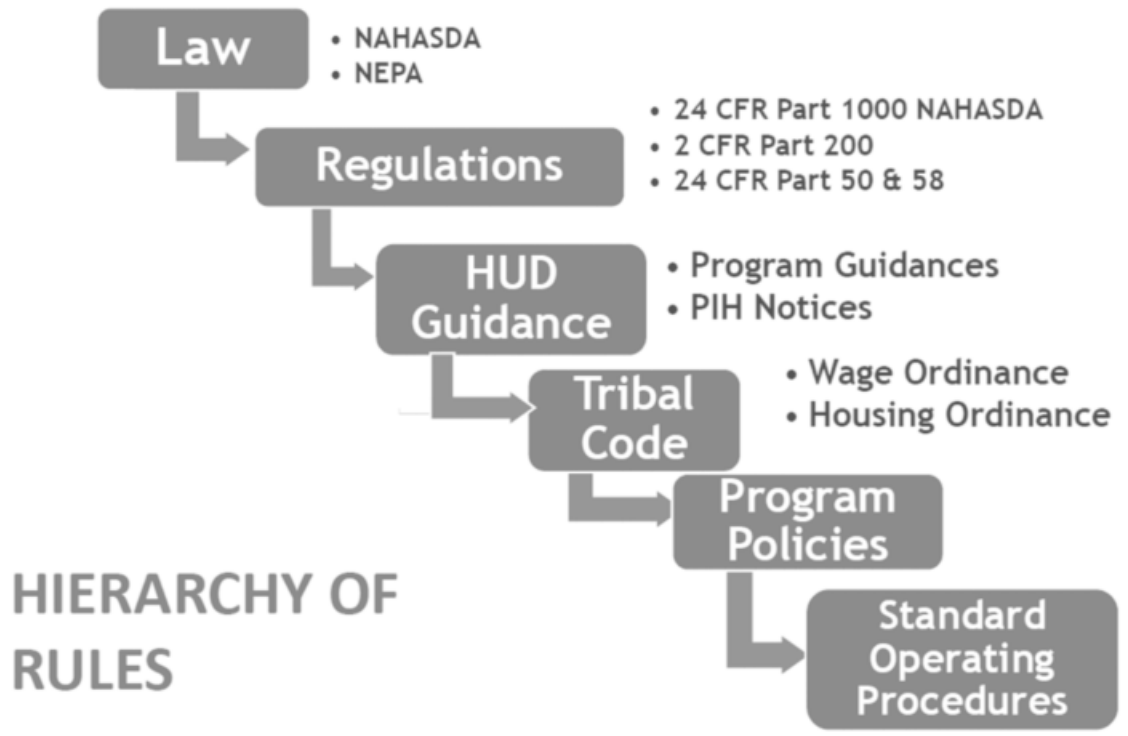
Uniform Guidance: What is it?

- Code of Federal Regulations: 2 CFR 200
- Title 2: Grants and Agreements
- PART 200— “UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS”
- Now commonly referred to as the “Uniform Guidance” for Federal Awards (2 CFR Part 200).
- Replaces, consolidates and streamlines eight Federal regulations into a single guide
- Applies to all Federal grants and to certain other types of Federal awards



2 CFR 200 SUBPARTS

2 CFR 200	Uniform Guidance
Subpart A (200.0 – 99)	➤ Acronyms and Definitions
Subpart B (200.100 – 113)	➤ General Provisions
Subpart C (200. 200 – 213)	➤ Pre-Federal Award Requirements & Contents of Awards
Subpart D (200. 300 –345)	➤ Post Federal Award Requirements
Subpart E (200. 400 – 475)	➤ Cost Principals
Subpart F (200. 500 – 521)	➤ Audit Requirements
12 Appendices- 1 through XII	



HIERARCHY OF RULES

YOUR TOOLS!

- Guidelines for NAHASDA are constructed in the following four references*:
 - *NAHASDA Statute (54 Pages) Is color coded by Amendments*
 - *NAHASDA Regulations eCFR Title 24 Part 1000 - Native American Housing Activities*
 - *PIH Notices & ONAP Program Guidance*
 - Public and Indian Housing | HUD.gov / U.S. Department of Housing and Urban Development (HUD)
 - PIH Notices Related to Native American Programs - Policy and Regulations - Indian Housing | HUD.gov / U.S. Department of Housing and Urban Development (HUD)
 - *Uniform Guidance (Part 200-Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards)*

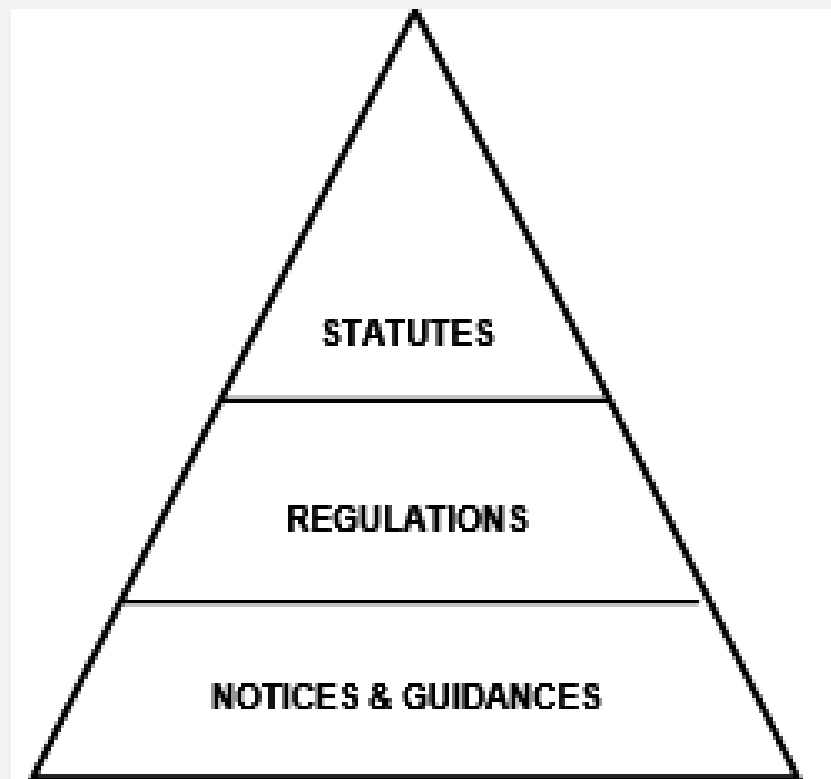
* The Reference material is not duplicative

NAHASDA vs. Regulations vs. HUD Guidance

What is the difference between the NAHASDA Statute, the regulations and HUD guidance?

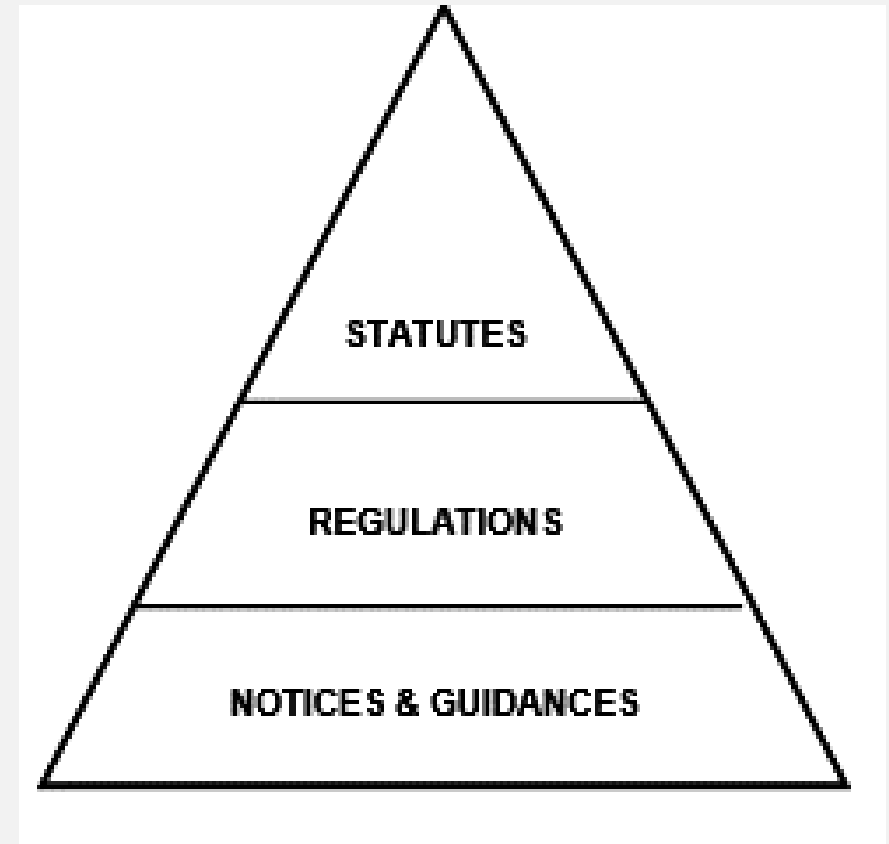
Statutes

- Statutes are federal laws written by Congress.
- Statutes can only be changed by an Act of Congress.
- The Statute cannot be waived since it is a law instituted by Congress



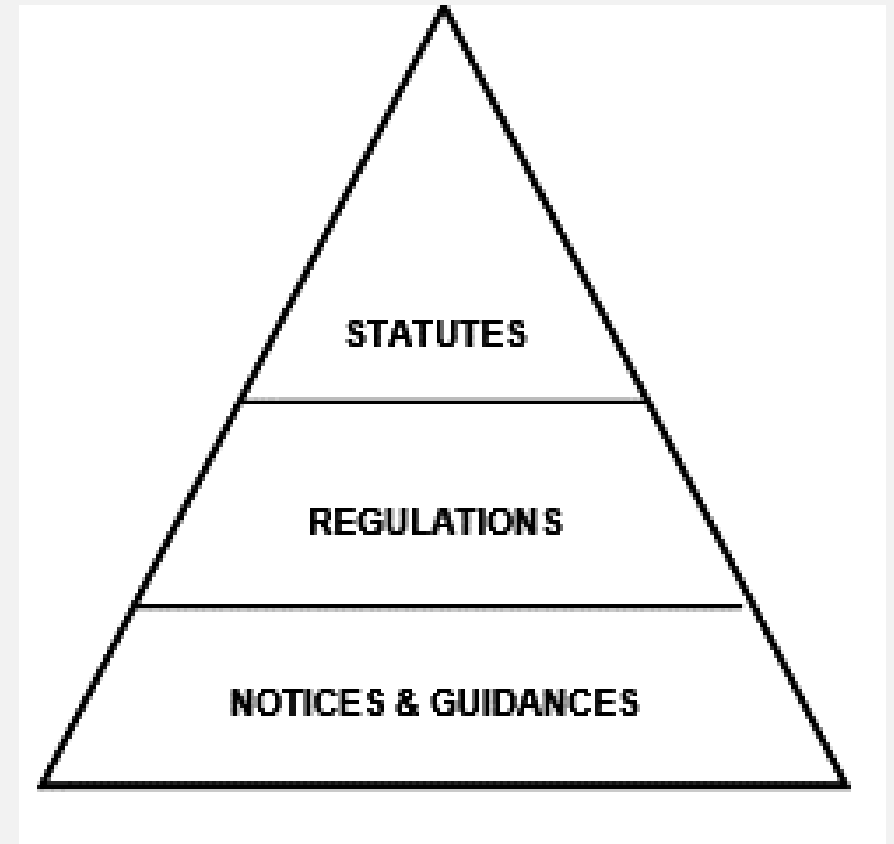
Regulations

- Regulations are written to implement statutes.
- Regulations can be waived by a Departmental Secretary (the Secretary of HUD) so long as this waiver is not in conflict with the Statute. See IHBG regulation §24 CFR 1000.8 for more information.
- Regulations are usually administered by the federal agency that is designated in the statute to oversee the new program. In the case of NAHASDA, it is the U.S. Department of Housing and Urban Development (HUD) and more specifically HUD's Office of Native American Programs (ONAP) that is the designated federal agency.



Guidance Bulletins

- The guidance bulletins and notices help to illustrate both the statute and the regulations.
- When guidance bulletins further explain the regulations or statute, the waiver provisions regarding these documents holds true.



PIH NOTICES AND NAHASDA GUIDANCE

PIH Notices-(Issued By Assistant Secretary for Public & Indian Housing)

Program Guidance-(Issued By Deputy Assistant Secretary for Native American Programs)

Sources:

- <https://www.hud.gov/codetalk>
- [Indian Housing - HUD's Office of Native American Programs \(ONAP\)](#)
- [HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](#)
 - and click on either “PIH Notices” or “Program Guidance”

HUD.GOV Code Talk

Indian Housing - HUD's Office of Native American Programs (ONAP) | <https://www.hud.gov/codetalk>

PIH Home | About PIH | Public Housing | Housing Choice Vouchers | Indian Housing | Real Estate Assessment Center | More

Home / Indian Housing's Office of Native American Programs (ONAP)

OFFICE OF NATIVE AMERICAN PROGRAMS



ONAP Locations

- [Headquarters](#)
- [Alaska](#)
- [Northwest](#)
- [Southwest](#)
- [Northern Plains](#)
- [Southern Plains](#)
- [Eastern Woodlands](#)
- [Hawaii](#)

Contact

- [Twitter.com/HUD ONAP](#)
- Codetalk@hud.gov
- [Tribal Directory](#)
- [Subscribe to Codetalk](#)

Resources for...

- Tribal Leaders
- Tribal Housing/TDHEs
- Native Homebuyers
- Lenders

ONAP A to Z...

- About ONAP
- Archives
- Best Practices
 - by Activity Type
 - by Region
- Calendar of Events and Training Opportunities
- Consultation

ONAP PROGRAMS

COVID-19 Recovery Programs	Indian Housing Block Grant Competitive	Indian Housing Block Grant	Indian Community Development Block Grant	Section 184 Home Loan Guarantee	Title VI Leveraging	Tribal HUD-VASH	Hawaiian Programs
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QUICK LINKS

NAHASDA	Dear Tribal Leader Letters	Environmental	Forms	Continuum of Care	PIH	Program Guidance	GEMS
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Reference Materials

- #1 NAHASDA Statute
- #2 Part 1000 NAHASDA REGULATIONS
- #3 Part 200 Uniform Administrative Requirements
- #4 PIH 2021-28 Providing Interim Funding for recipients of IHBG
- #5 PG 2024-01 Income Limits for IHBG Program under NAHASDA
- #6 PIH 2024-07 pihn Calculating Annual Income under NAHASDA
- #7 PIH 2014-02 Assisting Non-Low-Income Families
- #8 PG 2014-03 Insurance Requirements under the IHBG Program
- #9 PG 2002-11 Required Policies & Statements under NAHASDA
- #10 PIH 2022-28 Determining and Using Program Income
- #11 PIH 2022-16 Total Development Cost (TDC)
- #12 PG 2013-07 Indian and Tribal Preferences in E & C



Reference Materials

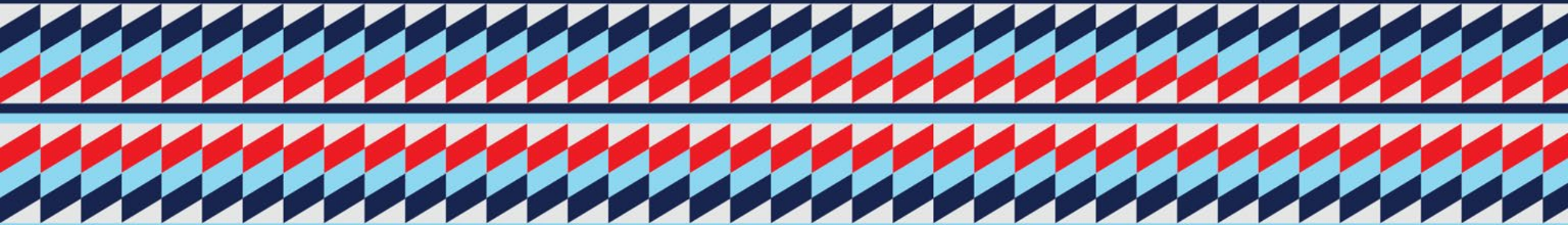
- #13 Policy Status Table
- #14 PG 2018-02 A Guidance Completing the IHP/APR
- #15 PIH 2014-15 Admin & Planning Expenses in IHBG
- #16 PG 2002-13 Conflict of Interest in Housing Admissions
- #17 PG 2003-04 Tribal Wage Rates
- #18 PG 2020-02 Useful Life & Binding Commitments
- #19 PG 1998-13 Board of Commissioners Stipends
- #20 PG 2012-03 Self-Monitoring Plans
- # 21 Monitoring Plans
- # 22 PIH 2023 -30 Affordable HSG Activities under NAHASDA
- # 23 2024-08 pihn Model Activities
- # 24 PIH 2023-01 Changes to Micro Purchase & SA Threshold
- # 25 PIH 2022 Federal Financial Report





Policies

Program Requirements



Purpose of Written Policies

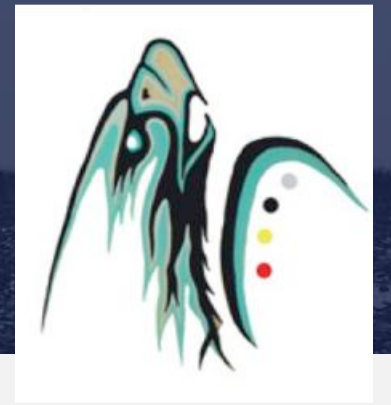
- Provide daily guidance to housing staff in the performance of routine activities
- Make decisions more transparent to staff and the community
- Are more defensible than unwritten policies when challenges arise
- Ensure all housing staff do things the same way, thus promoting consistency and fairness while also minimizing the potential for disputes or legal actions
- Provide a foundation for sound management and supervision
- Provide a basis for auditor justification

Policies and Procedures

- Policies and procedures provide for consistent and cohesive action on the part of an organization.
- Policies generally establish the broad parameters of a particular function of the housing entity or tribal housing division.
- A procedure establishes the specific way a function is to be performed, assigns responsibility, and describes specific actions, including forms and documents, and report preparation.



Importance of Policies



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

Depository

- Review your Policies & Procedures to ensure they are compliant with the most current Regulations
- Prepare a unified binder or other depository which clearly labels each of the Policies that are required under NAHASDA.
- All Policies should be dated with reference showing the Approval of the governing body.



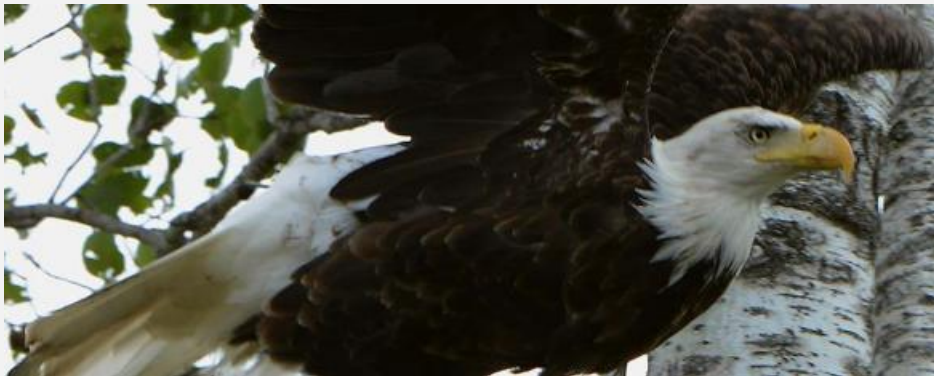
NAHASDA Required Policies

Sections 203 and 207 of NAHASDA and implementing regulations at 24 CFR Part 1000 and 2 CFR Part 200 require that IHBG recipients adopt written policies in the following areas:

- Eligible Families
- Tribal Preference in Selection
- Applicable Income Limits
- Definition of Low-Income
- Definition of Gross Annual Income
- Eligible Activities
- Required Policies - See *PG 2002-11 Required Policies & Statements under NAHASDA*



NAHASDA POLICY ISSUES



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

Additional policies, procedures, or standards are also required under certain circumstances. These are as follows:

- Records and Information Management
- Investment and Internal Control
- Self-Monitoring
- Housing Standards
- Eligibility, Admissions and Occupancy
- Rents Charged and Methods of Calculation
- Management and Maintenance of Assisted Housing
- Standards of Conduct/Code of Ethics
- Grievance and Problem Resolution
- Travel
- Property Acquisition
- Overarching Administrative Requirements
- Drug-Free Requirements
- Complaints/Issues Arising from Indian Preference
- Useful life & Binding commitment requirements
- Settlement of Procurement Contractual/Administrative Conflicts



Policies vs. Practice

- Official Policy – The written policies adopted by Housing's oversight board
- Actual Practice – What is actually done by staff to deal with various situations
- Effective Policy – One that will work based on the procedures to implement the policy

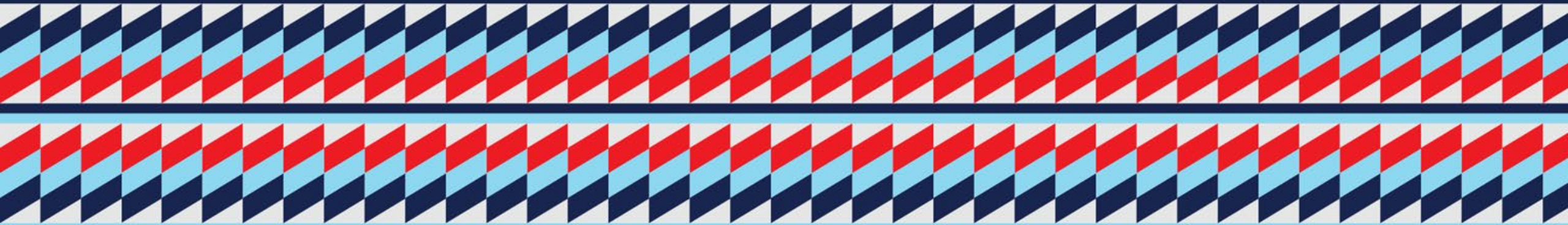


Do not adopt a policy you are not going to enforce.

- No Inoperable vehicles on Housing Property.
- All vehicles must have valid plates and insurance.



Board of Commissioners, Pt 2



Retha M. Leno **Principal, Ladyhawk Consulting LLC**

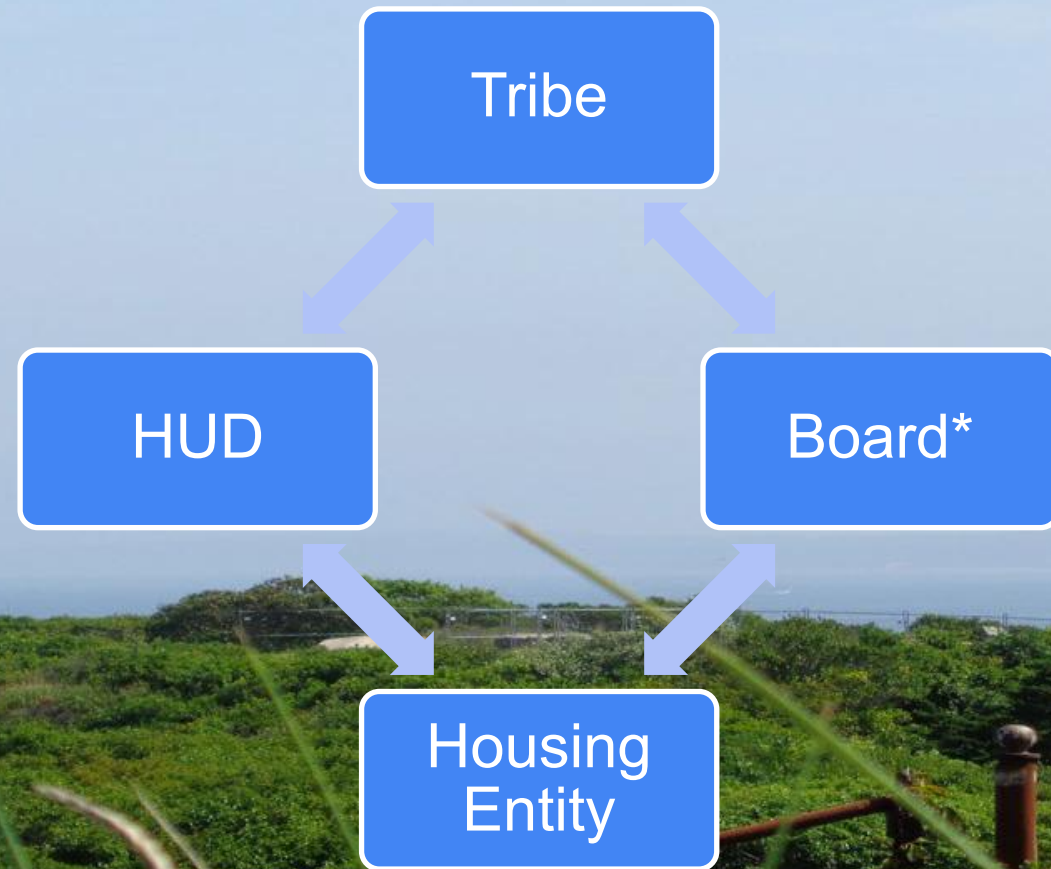
- ❖ **Se:kon (greetings). I am Mohawk and a member of the St. Regis Mohawk Tribe. “Akwesasne” is situated on the extreme northern border of New York State and Canada between the provinces of Ontario and Quebec. I’ve lived and worked there my entire life.**
- ❖ **In 1994 I joined my tribe’s Housing Authority where I worked for over 25 years, 15 years as executive director.**
- ❖ **Working closely with our Board of Commissioners has allowed expansion into some creative projects benefiting tribal members. This includes developing community solar serving low-mod income families, several energy efficiency projects and constructing the first tribal supportive housing using a diverse set of the state’s resources never before accessed by a tribe in New York.**



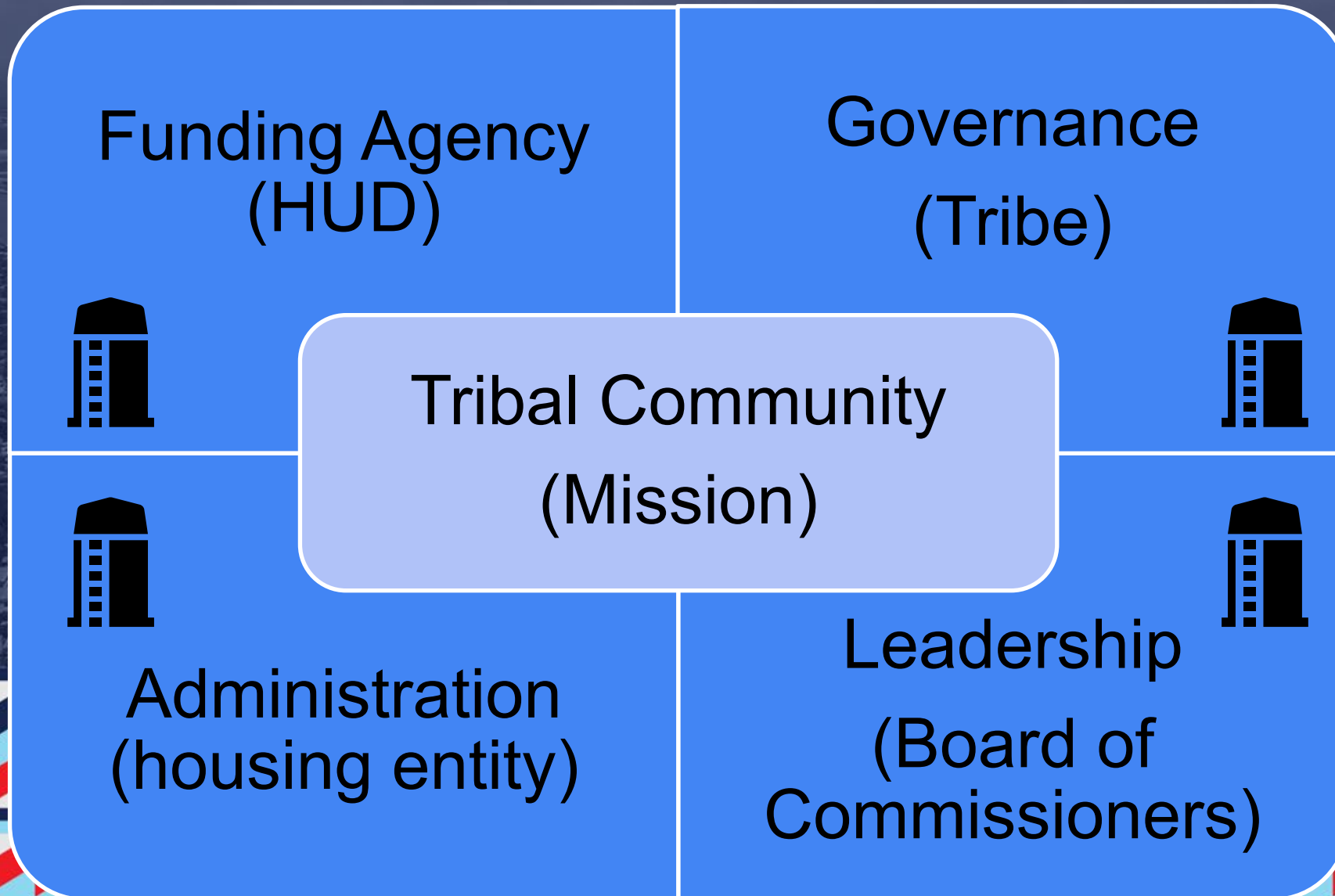
Team Housing

- Partnerships
 - Governing Body – Board of Commissioners
 - Housing Administration - Housing Program Staff
 - Funding Partner - US Department of Housing & Urban Development
 - Beneficiaries - Program Participants
- Board Operations – How to manage effective meetings

Partnerships



Many Partners – One Mission



Working in Silos? But...Who Makes the Decisions?



The Better Question: Whose responsibility is it to make what decision?

- Commissioners – provide leadership, set policy, approve budgets, earn community support. Back up decisions of the ED, if issues arise.
- Executive Director – Management of day-to-day activities of the housing staff and programs.

Rather than working in silos... Consider the covered bridge



The Board and Executive Director – An Effective Team

- It is impossible to administer a successful and efficient housing program (much less make decisions) without an effective executive director.
- And it is even harder without a positive working relationship with a **qualified** and **engaged** board of commissioners.

Responsibilities – Board vs. Executive Director:

Issue/Topic	Board of Commissioners	Executive Director
Financial Management	Creates policies for effective financial management, ensures good internal controls.	Ensures policy adherence with staff.
Budgets	Approves budgets	Invests funds, ensures bills are paid, handles day-to-day operations and expenditures.
Bids in Contracting	Approves bids for major purchases.	Makes recommendation and carries out the actual purchase in accordance with established procurement policies/procedure.
Departmental Budgets	Approved budgets and general funding for staff salaries, benefits.	Decides the scope of each department's activities, recommends annual raises.

Responsibilities – Board vs. Executive Director:

Issue/Topic	Board of Commissioners	Executive Director
Personnel Policies	Sets the broad personnel policies.	Determines level of staffing, writes job descriptions, hires, promotes, evaluates, dismisses staff.
Complaints (staff)	May be approached to hear staff complaints but will always refer back to the director to follow the internal grievance procedure.	Resolves staffing issues as per well established personnel policy and grievance procedures.
Complaints (housing recipients)	May be approached to hear housing complaints but will always refer back to the director to follow the housing protocols for grievances. Only accept complaints in writing identifying party(ies), send on to the Ed.	Resolves housing complaints as per established housing grievance procedures. May refer to the board if appropriate.

HUD Responsibilities

Issue/Topic	
The Rules	Interprets statutes, regulations and provides guidance.
Program Implementation	Distributes funding to the housing entity via NAHASDA formula. Manages and evaluates program performance. Ensures timely reporting of the tribe/tribal entities.
Complaints (public)	Investigates any complaint regarding the housing entity.
Funding Resources	Recommends and informs tribes of resources available to tribes and tribal entities.

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.
- As the **Board**, you an important role in assisting housing staff and tribal council to fulfill its housing obligations to your tribal communities.
- Housing boards as well as housing 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 Board of Commissioner's Role with Staff

- Your **housing entity's staff** works for and is responsible to the **executive director** and, therefore, it is the executive director's responsibility to allocate staff time and efforts.
- Commissioners **do not** have any supervisory responsibility and **shall not** attempt to direct or decide the priority of work for the department or individual staff. However, the executive director shall manage time in a manner consistent with board established policies and applicable rules and regulations. Final decisions with concerning personnel actions reside with the executive director.
- Appeals are afforded through the chain of command up to the executive director. Additionally, priorities established by the executive director regarding the delivery of services are also dictated by the availability of funds and need. Rely on **POLICY!**

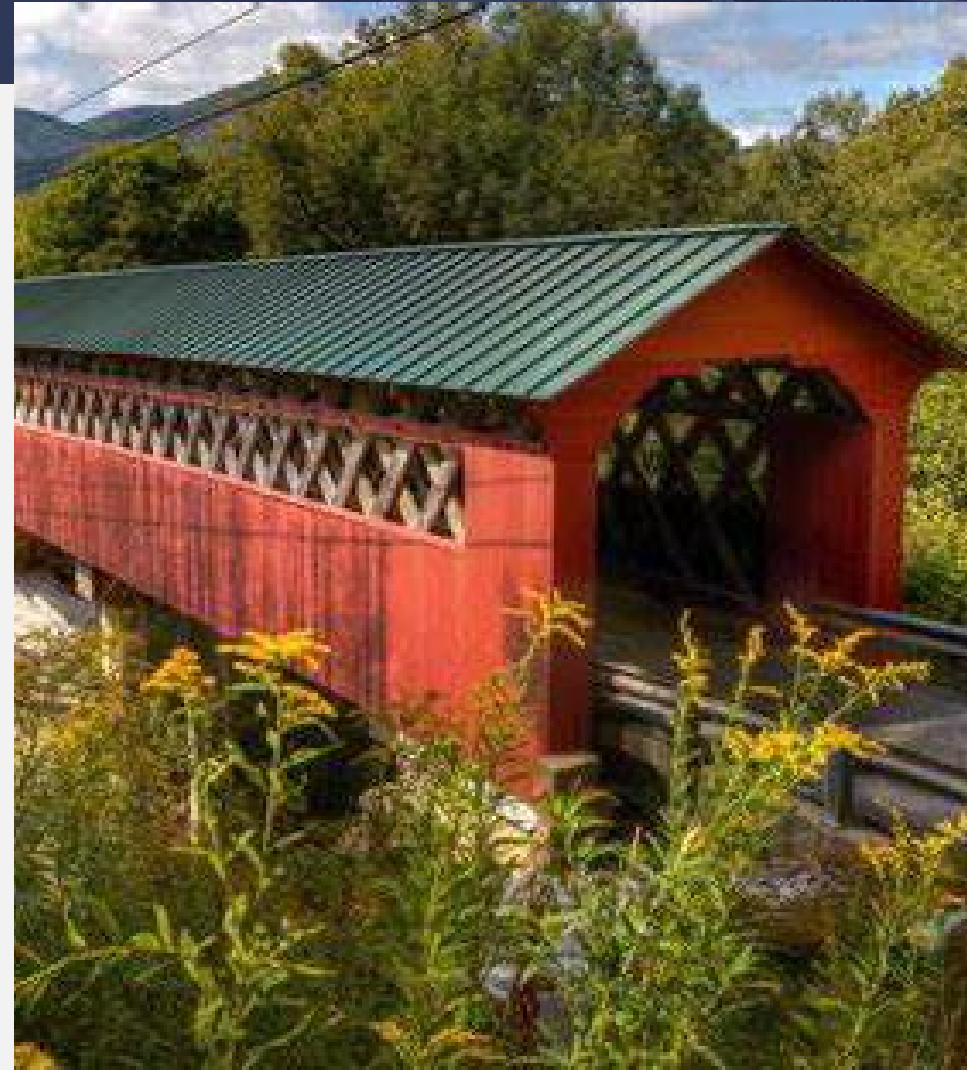
Board Operations

Board Actions: Nuts & Bolts



Board Operations

- The Business of the Housing Board

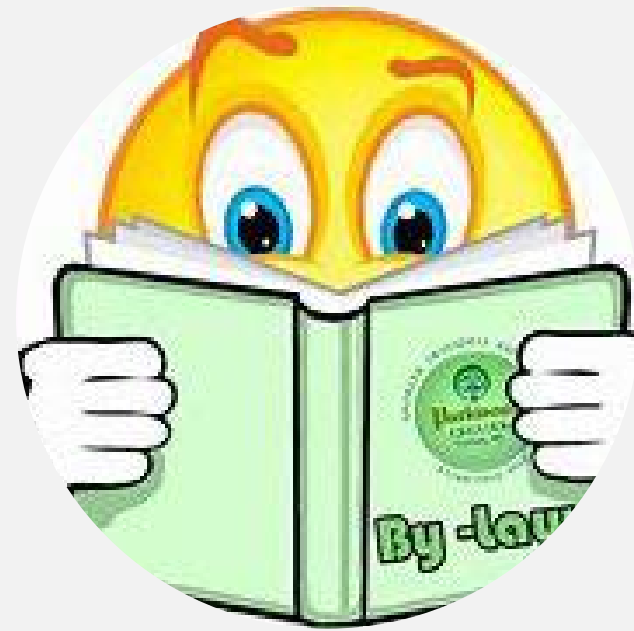


Founding Documents

Authority to Act

- Tribal Ordinance – establishes the powers of the housing entity over housing matters on behalf of the tribe.
 - Names the powers of the authority and officers of the board
 - Authorizes the existence of the housing entity in relation to the tribe
- Tribal Resolutions Adopting Founding Documents
- By-laws – outlines the basic standing rules

Do you know what is in the Housing Authority's bylaws?



Housing Bylaws

- Please make sure you get a copy and become familiar with your bylaws. It covers many rules such as:
 - Legal name of the housing organization
 - Purpose
 - Office location and hours of operation
 - Housing entity meetings (types, time/location, agenda)
 - Officer positions/duties and elections – parliamentary authority
 - Provisions for amending bylaws

BEST PRACTICE - Prepare binders with all board information, founding documents and updated policies for board members.

Officers and Duties

← Chairperson →

- Depending on the by-laws, this position may be appointed by the tribal council. Sometimes the Chair is elected by board action.
- Must be familiar with by-laws, rules and procedures for effective meetings.
- Presides at meetings
- Establishes quorum
- Opens timely meetings.
- Recognizes the speakers
- Maintains order/enforces rules
- Keeps meetings on track
- Adjourns meetings
- Signer of official documents

Officers and Duties

← Vice Chairperson →

- Usually elected by board action
- Must be familiar with by-laws, rules and procedures for effective meetings
- Acts in the absence of the chair
- Assumes chair responsibilities
- Other responsibilities as stated in the by-laws

Officers and Duties

← Secretary →

- Usually elected by board action.
- Must be familiar with record keeping, by-laws, rules and procedures for effective meetings. Some duties assigned to staff.
- Records minutes and presents for approval
- “Custodian” of records
- Prepares notice for meeting
- Prepares agenda
- Signs document



Officers and Duties

← Treasurer →

- Usually elected by board action.
- Must be familiar with financial management, by-laws, rules and procedures for effective meetings. Some duties assigned to staff.
- Presents financial reports
- Responsible for all financial assets of the housing entity
- May be a co-signer on checks

Types of Meetings

- Regular meetings
 - Monthly
 - Provide at least 48 hour notice
- Special meetings
 - Held at times between regular meetings
 - Provide 24 hour notice
- Emergency meetings
 - Provide notice a/s/a/p

Executive Sessions

- Meetings or portions of meetings held in private
- Majority vote to enter executive session
- Only board, invitees, critical staff attend
- Usually for hiring, dismissing, disciplinary actions, and some property management issues.
- Records and discussions are confidential
- May resume open meeting and then conduct voting on those issues address under executive session.
- Only the **decisions** are recorded in minutes.

Agenda

- Pre-scheduled “order of business”
- Outlined as per the housing by-laws
- Prepared by director or staff in consultation with the board chair
- Must list items up for consideration
- Include rationale and discussion papers as handouts



Order of Business

- Call to order
- Roll call
- Approval of agenda
- Approval of minutes
- Reports
- Old business
- New business
- Announcement
- Adjournment

● Some boards open with a prayer, immediately before or after the call to order.



Board Resolutions

- A resolution is a legal expression of the will of the board of commissioners.
- Official record of decisions made by the board.
- Attachments to resolutions could include proposals, policies, budgets or other rationale for the action.
- Prepared by director or staff

Minutes

- Kept as the official minutes of all board activity
- Chronologically arranged, usually by date/year
- Approved by the board at the next meeting
 - Signed by the chair and secretary
 - Dated
 - Seal affixed

Content of Minutes

- Minutes should reflect what actions took place and not the dialogue of attendees.
- Separate all items listed on the agenda.
- Votes: record roll call for each vote, include the names of voters on each side of the issue
- Approved by the board at the next meeting

BOC Meeting Management

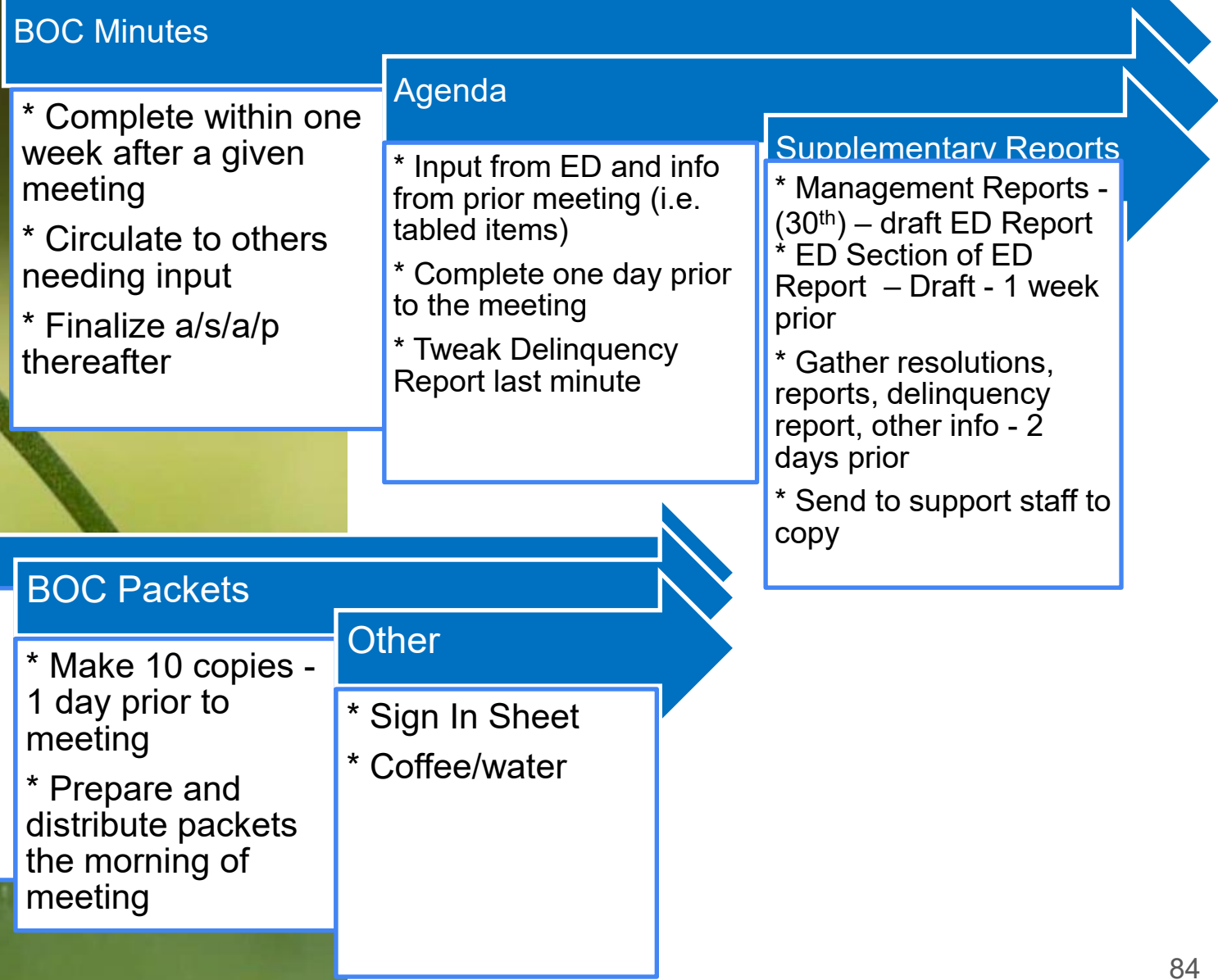
- Preparation of documents
 - Request that documents such as minutes and monthly reports be provided to the board members **one week in advance**.
 - Board packets should be prepared in order of the agenda (which is in the same order of your bylaws).



BOC MEETING PREPARATION



Staff Support



BOC Minutes

- * Complete within one week after a given meeting
- * Circulate to others needing input
- * Finalize a/s/a/p thereafter

Agenda

- * Input from ED and info from prior meeting (i.e. tabled items)
- * Complete one day prior to the meeting
- * Tweak Delinquency Report last minute

Supplementary Reports

- * Management Reports - (30th) – draft ED Report
- * ED Section of ED Report – Draft - 1 week prior
- * Gather resolutions, reports, delinquency report, other info - 2 days prior
- * Send to support staff to copy

Scheduling

- * Outlook meetings
- * Reminder calls to BOC and Tribal Liaison

BOC Packets

- * Make 10 copies - 1 day prior to meeting
- * Prepare and distribute packets the morning of meeting

Other

- * Sign In Sheet
- * Coffee/water

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.

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).

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.

Some duties of the Housing Board of Commissioners may include:

- Establishing housing as a priority through adoption of a tribal housing ordinance/law
- Requesting/Donating tribal lands to be available for housing sites
- Approving housing sites (dependent upon land status and restrictions)

Additional Roles of the Board of Commissioners

Monitoring Roles and Responsibilities

- **Overview** IHBG recipients may be tribes or housing entities. IHBG recipients that are housing entities 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 Board of Commissioners

Monitoring Roles and Responsibilities

- Tribal councils and housing boards now have a more affirmative responsibility to exercise their oversight responsibilities over their housing programs and tribal governing bodies 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 housing entity as either a voting or an ex-officio member. Good Luck on this important journey.



Other various duties

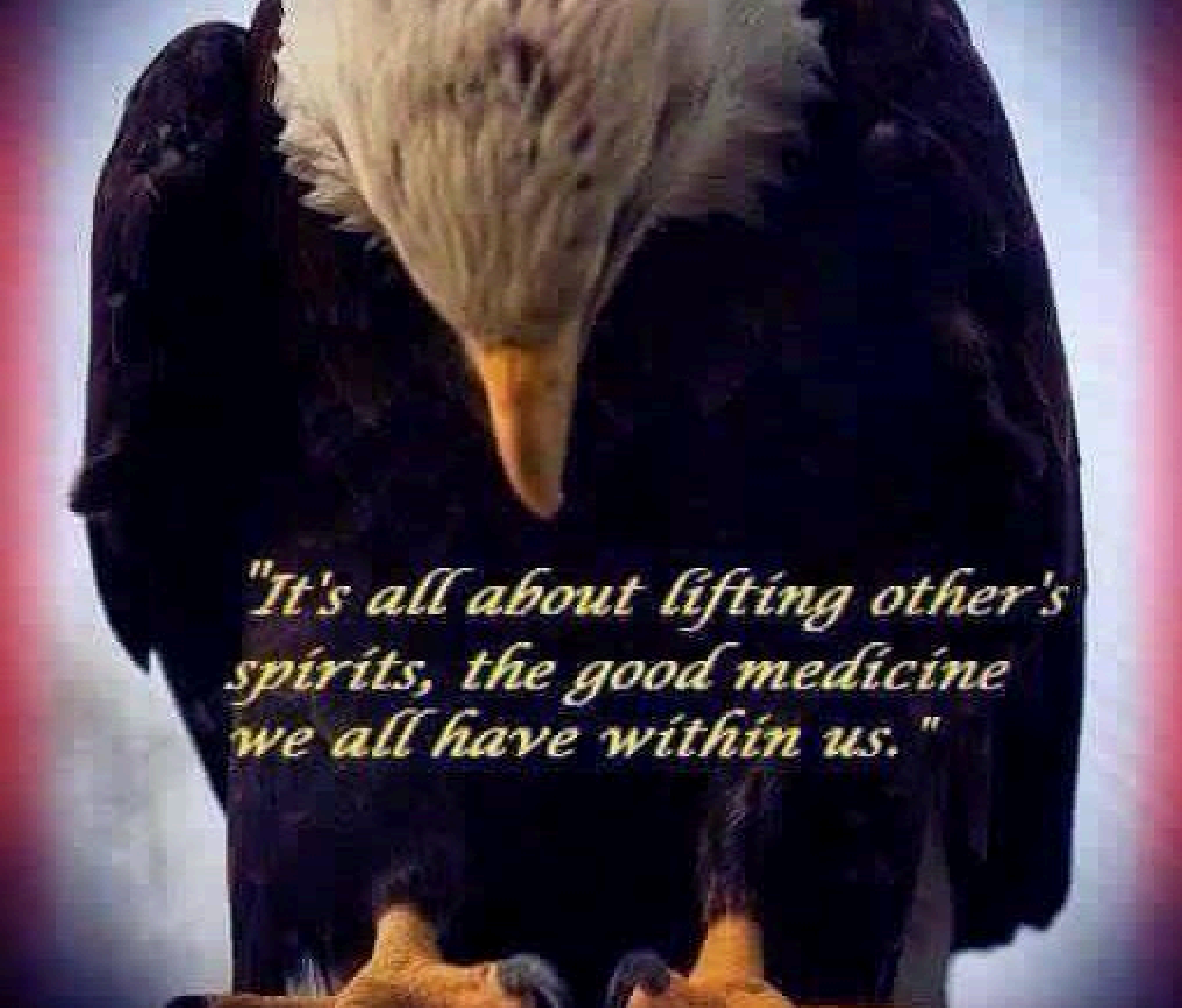
- **Grievances** - disputes by tenants or homebuyers have with respect to their lease or homebuyer agreement relating to actions taken by Tribe/housing entity – all participants should be deferred to Executive Director and respective policy(s)
- **Evictions** - when tenants or homebuyers violate terms 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 on Corrective Action Plan to address achieving compliance.

Effective Leadership





Th-Th-Th-That's All Folks

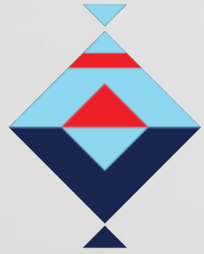


*"It's all about lifting other's
spirits, the good medicine
we all have within us."*

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MIIGWECH
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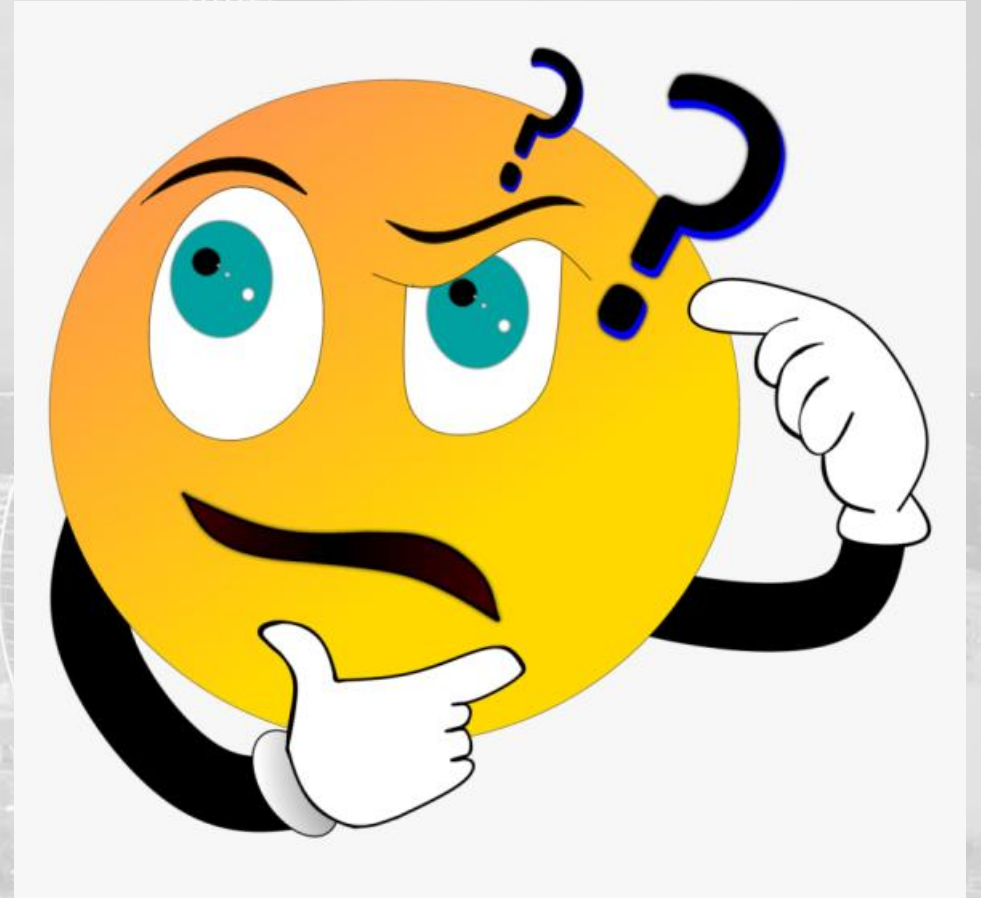
Thank you for your commitment
and service in providing housing
for your community and our
people.



50 Years
of building futures
NAIHC ANNUAL CONVENTION & TRADESHOW



Questions



Your Trainers

Cheryl A. Causley and Associates
Housing Consulting & Management Services

2836 S. Red Pine Lane
Brimley, Michigan 49715

Tel: (906) 440-1007
cherylacausley@hotmail.com

Cheryl A. Causley
Principal

Ladyhawk Consulting LLC



Retha M Leno
1394 State Route 37
Hogansburg, NY 13655
Rleno@ladyhawkconsulting.com
802.578.9434