

Board of Commissioners

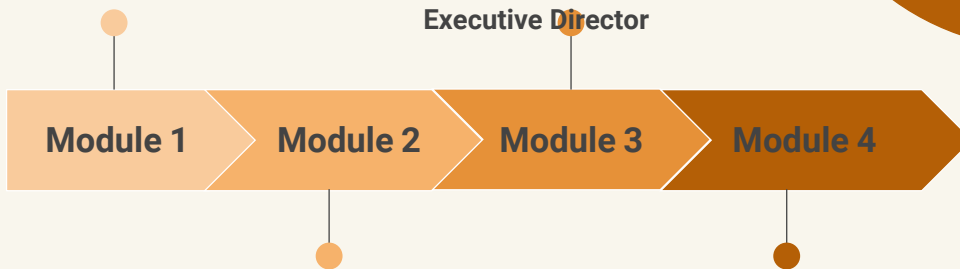
April 8-9, 2021



Overview

Day 1: Understanding the basics of NAHASDA & other applicable Federal laws

Day 2: Role of Tribal Council & relationship to Board of Commissioners & Executive Director



Day 1: Key requirements of the IHBG Program & Uniform Administrative requirements & Cost Principles (2 CFR 200)

Day 2: Understanding Role of HUD & NAHASDA Compliance, Reporting & Audits

Module 1:

Understanding the Basics of NAHASDA & other applicable Federal laws



Reflect on Indian Housing past and present



NAHASDA Guiding Principles & Objectives



Statutory Overview of NAHASDA & Other Federal Laws

Indian Housing *PAST* - Housing Act of 1937

- Required **establishment of Housing Authorities (HA) and Board of Commissioners (BOC)**
- HUD published sample **Ordinance with BOC powers and authority**
- **BOC By-Laws governed** roles and meetings
- **HAs managed** subsidized Low-Income Rental & Mutual Help Homeownership Programs
- **HAs competed** for new construction & modernization (CIAP & CGP) grant funds



Indian Housing *Present* - NAHASDA of 1996

Native American Housing Assistance and Self- Determination Act

- 1996; Public Law 104-330, as amended
- Last Reauthorized in October 2008 (until 2013); not reauthorized to-date
- Indian Housing Block Grant (IHBG) funds are allocated to Tribes based on formula with two primary components - Current Assisted Stock \$ and Need \$
- Tribe is Grant Beneficiary
- Tribe determines Grant Recipient: Tribe or Tribally Designated Housing Entity (TDHE)
- Tribal Council or Housing Committee: Oversight for Board of Commissioners
- IHBG funds only used for eligible housing activities per NAHASDA as contained in the Tribe's annual Indian Housing Plan (IHP)
- Annual Performance Reports submitted to HUD each year on accomplishments and related funds expenditures



NAHASDA GUIDING PRINCIPLES

[Sec. 2 - Congressional Findings]

1. The Federal government has a responsibility to promote the general welfare of the Nation.
2. There exists a unique relationship between the U.S. Government and the governments of Indian tribes and a unique Federal responsibility to Indian people
3. The United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indian people
4. The Congress has assumed a trust responsibility for the protection and preservation of Indian tribes and for working with Indian tribes and their members to improve their housing conditions and socioeconomic status so that they are able to take greater responsibility for their own economic condition

NAHASDA GUIDING PRINCIPLES

[continued]

5. Providing affordable homes in safe and healthy environments is an essential element in the special role of the United States in helping Indian tribes and their members to improve their housing conditions and socioeconomic status.

6. The need for affordable homes in safe and healthy environments on Indian reservations, in Indian communities and Native Alaskan villages is acute and the Federal government should work not only to provide housing assistance but also to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for Indian tribes and their members.

7. Federal assistance to meet these responsibility should be provided in a manner that recognizes the right of Indian self determination and tribal self governance by making such assistance available directly to the Indian tribes under authorities similar to those accorded Indian tribes in P.L. 93-638.



NAHASDA OBJECTIVES

[Sec. 201]

- Assist & promote affordable housing activities that develop, maintain, and operate affordable housing for occupancy by low income Indian families
- Ensure better access to private mortgage markets for Tribes and individual tribal members
- Coordinate activities to provide housing with economic and community development
- To plan for and integrate infrastructure resources with housing development
- Promote the development of private capital markets in Indian Country



Overview: 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



TITLE I: Block Grant Requirements

- | | |
|--|---|
| Sec. 101. Block Grants | → Annual IHBG grant funding to Tribes/TDHEs |
| Sec. 102. Indian Housing Plans | → Tribes/TDHEs required to submit to HUD |
| Sec. 103. Review of Plans | → HUD conducts IHP compliance review |
| Sec. 104. Treatment of Program Income and Labor Standards | → Uses of income derived from use of IHBG funds and use of prevailing wages |
| Sec. 105. Environmental Review | → HUD clearance required before any \$ spent |
| Sec. 106. Regulations | → Amendments through negotiated rulemaking |
| Sec. 107. Effective Date | → October 1, 1997 |
| Sec. 108. Authorization of Appropriations | |



Indian Housing Block Grant (IHBG)

U.S. Congress appropriates IHBG funds each year for all Tribes (Grant Beneficiaries)



HUD allocates IHBG funds* to Grant Recipients based on a mathematical formula



Recipient draws down funds from U.S. Department of Treasury Line of Credit Control System (LOCCS) to pay for **eligible housing activity expenses**



Grant Beneficiary:
Federal or State recognized Tribe



Grant Recipient:
Tribal Housing Department or Tribally Designated Housing Entity (TDHE) as determined by Tribe

*IHBG funds to be used only for eligible housing activities

Title I: ***Sec. 102 and 103. Indian Housing Plan (IHP)***

- Statement of Housing Needs
- Planned Activity(s) Descriptions
 - Estimated Amount of Planned Expenditure
 - Planned Outputs
 - Expected Outcomes & Goals
- Financial Sources and Uses of Funding including Leveraged Resources
- Certification of Compliance
- Tribal Certification Statements
- IHP Submitted 75 days before beginning of Recipient's fiscal year
- HUD reviews IHP within 60 days to determine compliance

Title I: *Sec. 105 Environmental Reviews - Highlights*

- Must comply with National Environmental Policy Act (NEPA) of 1969
- 24 CFR Part 50: Tribe can request HUD to complete the environmental responsibilities
- 24 CFR Part 58: Tribe can assume responsibilities and certify compliance
- Part 58: Tribe determines Responsible Entity and Certifying Officer
- Before any IHBG funds (or other \$, if part of the overall cost) are spent, environmental determinations must be completed
- Tribes must secure HUD Environmental Release of Funds as applicable

TITLE II: Affordable Housing Activities

- **Sec. 201 National Objectives and Eligible Families**
- **Sec. 202 Eligible affordable housing activities**
- **Sec. 203 Program Requirements**
- Sec. 204 Types of investments
- Sec. 205 Low-income requirement and income targeting
- Sec. 206 Treatment of funds
- **Sec. 207 Lease requirements and tenant selection**
- Sec. 208 Availability of records
- Sec 209 Noncompliance with affordable housing requirements
- Sec. 210 Continued use of amounts for affordable housing



Title II: Sec. 201 Eligible Families - Highlights

- Assistance limited to low-income Indian families or persons (80% of area median income) – income must be verified
 - 80% Income Limits: Issued annually by HUD
 - House payments not to exceed 30% of adjusted monthly income
- Preference for:
 - Tribal Members
 - Other Indian Families
 - Other Preferences are made part of policies (Elderly, Disabled, Veteran, etc.) as Tribe/TDHE determines
- Exceptions – Non-Low Income (80-100% AMI)
 - Limited to certain activities. Cannot receive same level of benefits as low-income families
 - No more than 10% of the grant in the Indian Housing Plan (IHP)
- More than 100% AMI requires HUD approval with required documentation
- Exceptions to Income-based eligibility:
 - Essential Families as determined by Tribe
 - Law Enforcement Officers

Illustration of Income Eligibility: HUD Income Limits

- Median income for an Indian area is the greater of:
 - (1) The median income for the counties, previous counties; or their equivalent in which the Indian area is located; or
 - (2) The median income for the United States.
- HUD publishes Annual Income Limits to Tribes/TDHEs in HUD PIH Notices
- Using PIH Notice 2019-02, the 2019 U.S. median family income of \$75,500:

	1-Person	2-Person	3-Person	4-Person	5-Person	6-Person	7-Person	8-Person
80%	\$42,280	\$48,320	\$54,360	\$60,400	\$65,232	\$70,064	\$74,896	\$79,728
100%	\$52,850	\$60,400	\$67,950	\$75,500	\$81,540	\$87,580	\$93,620	\$99,600

Title II: *Sec. 202 Eligible Housing Activities*

- Indian Housing Assistance:** Operation, maintenance & modernization of 1937 Act Units (also known as Current Assisted Stock (CAS) units)
- Development:** New construction, reconstruction, moderate or substantial rehabilitation, real property acquisition, site improvement, development and improved infrastructure & utility services, conversions, demolition, energy efficiency, mold remediation and other related activities
- Housing Services:** Housing counseling, establishment and support of resident organizations and resident management corporations, energy audits, resident self-sufficiency and other related services
- Housing Management Services:** Rental/homeownership application processing, tenant/homebuyer selection, unit inspections, operation and maintenance of NAHASDA-developed units



Title II: *Sec. 202 Eligible Housing Activities (cont'd)*

Crime Prevention & Safety Activities: Safety, security and law enforcement activities appropriate to protect residents of affordable housing from crime.

Model Activities: Housing activities under model programs (e.g., day care center, college student housing, new warehouse building, etc). Such activities require HUD approval.

Reserve Accounts: Deposit of grant amount for purpose of accumulating planning and administration funds relating to affordable housing activities.



Review of NAHASDA Activities:

Eligible Activities

- **Development & Housing Services**
 - Financing acquisition of affordable house by homebuyers
 - Down payment/closing costs/direct lending assistance or other financial assistance
 - Provision of self-sufficiency for residents
 - Childcare/transport subsidies, job training
- **Housing Management Services**
 - Tenant selection, inspection, loan processing
- **Crime Prevention & Safety**
 - Fencing, security lights, speed humps
- **Model Activities**
 - New office building, warehouse facility, day care center, community building, student housing, etc.

Ineligible Activities

- **Development & Housing Services**
 - Serving non-low income families without HUD approval
- **Housing Management Services**
 - Selection of participants without using the Waitlist Policy
- **Crime Prevention & Safety**
 - Procuring police vehicles and weapons for tribal police department
- **Model Activities**
 - Using IHBG for the development of a tribal casino

Title II:


Sec. 203 NAHASDA Program Requirements

- Rents & homebuyer payment policies that do not exceed 30% of monthly adjusted income of families
- Maintenance policy for efficient operation of 1937 Act units and management of NAHASDA housing units (include inventory, disposition & demolition)
- Maintain adequate insurance Coverage – for housing owned, operated, assisted by HA or Tribal housing department
- Eligibility, admission and occupancy policy for families assisted
- Management policies for TDHE or Tribal housing department (e.g., Personnel, Grievance, Procurement, Travel, etc.)
- Use of IHBG grant funds over extended periods (carryover)
- De Minimus exemption for purchase of goods and services under \$5,000 (no competitive procurement)



TITLE III: Allocation of Grant Amounts

Highlights

- **Section 301. Annual Allocation**
 - HUD allocates IHBG grant to Tribes in accordance with established formula each fiscal year
- **Section 302. Allocation Formula**
 - Funding to Tribes based on formula
 - Factors for determination of Need
 - # of 1937 Act Rental units
 - # of 1937 Act Homeownership units not conveyed
 - Need study data
 - Other factors
 - Funding for operation & maintenance for 1937 Act units (based on 1996 AEL) 

Highlights

Title IV: Compliance, Audits & Reports

- | | |
|--|--|
| <ul style="list-style-type: none"> ● Sec. 401 Remedies for Noncompliance <ul style="list-style-type: none"> - Terminate IHBG payments - Reduce IHBG payments - Limit availability of IHBG payments - Replace Grant recipient or TDHE ● Sec. 402 Replace of recipient <ul style="list-style-type: none"> - Opportunity for hearing ● Sec. 403 Monitoring of compliance <ul style="list-style-type: none"> - Enforceable agreements - Periodic monitoring - Performance measures | <ul style="list-style-type: none"> ● Sec. 405 Review and audit by Secretary <ul style="list-style-type: none"> - Monitoring audit or review of Recipient - Verify accuracy of APRs - On-site visits - Public availability of Review reports ● Sec. 406 GAO audits <ul style="list-style-type: none"> - Government Accounting Office shall have full access of Recipients records & files ● Sec. 407 Reports to Congress <ul style="list-style-type: none"> - HUD reports NAHASDA progress annually |
|--|--|

Title VI: Federal Guarantees for Financing Tribal Housing Activities - *Highlights*

- | | |
|--------------------------------------|---|
| -Sec. 601 Authority and Requirements | → Loan terms and limits |
| -Sec. 602 Security and repayment | → Borrower capacity, repayment
pledge of U.S. & 95% loan limit |
| -Sec. 603 Payment of Interest | → HUD guarantees payment of
principal and interest |
| -Sec. 604 Training and information | → HUD provide T6 training |
| -Sec. 605 Limitation on Guarantees | → FY aggregate limit |
| -Sec. 606 Effective date | → October 1, 1997 |



HUD Title VI Loan Guarantee Program and Other Leveraged Funding Sources

HUD Title VI Loan Guarantee Program

- Up to 5X a Tribe's Need component
- 95% of loan guarantee by HUD
- Max. 20 years loan term
- Tribe can pledge repayment from IHBG
- Qualified Title VI Lenders

Other Leveraged Sources of Funding


- HUD Section 184 Mortgage Loan Guarantee Program
- U.S. Treasury IRS - Low Income Housing Tax Credit Program
- USDA Rural Development / State Infrastructure Agencies
- Indian Health Service (Water & Sewer)
- Other/Private: (bond financing, etc.)

- Must meet Compliance rules from other funding sources
- The stricter compliance requirement applies when leveraging IHBG with other non-HUD funds.
- Other funding sources may also impact the housing services provisions.
- Pro-rating is an option

NAHASDA - Other Federal Law Requirements

- **Non-Discrimination Laws:**
 - Age Discrimination Act of 1975
 - Section 504 of the Rehabilitation Act of 1973 (option for use of - American with Disabilities Act of 1990)
 - Indian Civil Rights Act of 1968
 - Title VI & VIII of the Civil Rights Act of 1968
- **Uniform Relocation Assistance & Real Property Acquisition Act of 1970** - assures fair compensation for displacement of families 

Other Federal Law Requirements (cont'd)

- **Davis-Bacon Act of 1931** - Prevailing wages (Tribal prevailing wages can preempt Davis-Bacon if adopted by Tribe)
- **National Environmental Policy Act (NEPA)** of 1969
- **Flood Disaster Protection Act of 1973**
- **Lead-based Paint Poisoning Prevention Act of 1973**
- **Section 3 of the Housing and Urban Development Act of 1968** - training & employment opportunities for low-income persons
- **Uniform Administrative Act (2 CFR Part 200)** — Consolidation of all former OMB Guidance for Uniform Administrative requirements, Cost Principles, and Audit Requirements for Federal Awards 

Q & A Session



Board of Commissioners

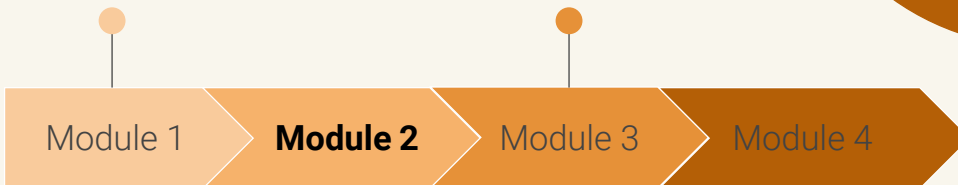
April 8-9, 2021



Overview

Understanding the basics of NAHASDA & other applicable Federal laws

Role of Tribal Council & relationship to Board of Commissioners & Executive Director



Key requirements of the IHBG Program (24 CFR 1000) and Uniform Administrative Requirements (2 CFR 200)

Understanding Role of HUD & NAHASDA Compliance, Reporting & Audits

Module 2:

Key Requirements of the IHBG Program and Uniform Administrative Requirements



IHBG Regulations and
Required Policies



Indian Housing
Plan




2 CFR 200
Uniform Administrative
Requirements

24 CFR Part 1000 Implementing Regulations (Issued 03/12/98)

- Subpart A: General
- Subpart B: Affordable Housing Activities**
- Subpart C: Indian Housing Plan**
- Subpart D: Allocation Formula**
- Subpart E: Federal Guarantees for Financing Activities
- Subpart F: Monitoring, Oversight & Accountability

Note: Regulatory amendments conducted through Negotiated Rulemaking between HUD & Tribes.

IHBG Program Required Policies

- Eligibility, Admission, and Occupancy policies in place
- Tenant and homebuyer selection policy, including waiting list policies and notification of rejection
- Rents & homebuyer payments policy, including collections
- Insurance Policy Coverage – owned, operated, assisted by Tribe or TDHE
- Management policies (e.g., personnel, grievance, travel, etc.)
- Maintenance policy– Manage & maintain 1937 and NAHASDA housing units (include disposition and demolition, inventory, etc.) 

IHBG Program Required Policies (continued)

- Procurement Policy– Purchase of goods & services (2 CFR 200)
- Financial Management Policy (2 CFR 200)
- Tribal and Indian Preference policy
- Relocation Assistance and Real property acquisition policy
- Self-monitoring policy - annual self assessment for compliance
- Drug Free Workplace policy
- Section 3 policy (job training, employment and contracting opportunities for low-income individuals)
- Housing Standards and Total Development Cost policy statements
- Investment and Internal Controls (2 CFR 200)
- Others as may be applicable



IMPORTANCE OF POLICIES

- Policies are approved by governing oversight body(s) (e.g., Tribal Council, Housing Committee and/or Housing Board of Commissioners)
- Policies outline courses of action to comply with complex laws and rules
- Policies are useful to guide 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
- Formal record of approved policies should be maintained orderly
- All policies should be made public and copies provided upon request.

Conflict of Interest (1000.30-36; 200.112)

- In 2001, HUD Office of Inspector General (OIG) conducted nationwide NAHASDA audit and found undisclosed conflicts of interest and preferential treatment in Admissions for housing assistance. Over half of TDHEs had **no process** to ensure adherence to this required provision. ***ONAP Program Guidance 2002-13 was issued to assist Tribes/TDHEs.***
- Applies to anyone who participates in IHBG decision-making or who gains inside IHBG information which includes housing staff, tribal officials and board members & immediate family members including business associates in cases of housing assistance, employment or procurement.
- **Recipients should have a Conflict of Interest policy or procedures for determining when a conflict exists and for reporting it to HUD and disclosing to the public as required per NAHASDA.**
- Public disclosure of the conflict must be made with a determination that exception considerations would not violate tribal or federal law and copy of disclosure sent to local ONAP **before** the assistance is provided.

Tribal and Indian Preference

(1000.48-52; 1000.120)

- **Tribal Preference** - When a Tribe adopts a tribal preference law in housing assistance, employment and contracting, that tribal preference will allow preferential treatment of tribal members over other Indians not members of the tribe. Tribal preference laws may also specify any preferences in workforce reductions or layoffs. **See ONAP Program Guidance 2013-07.**
- **Indian Preference** - Section 7(b) of the Indian Self-Determination and Education Assistance Act allows preference to Indians for housing assistance, employment and training and to Indian organizations and Indian-owned economic enterprises in the award of contracts and subcontracts under the IHBG program.

Subpart C: The Indian Housing Plan (IHP)

The Grant Recipient must prepare the annual IHP and submit to HUD each year in order to receive IHBG funding:

- The IHP is a One-Year Plan of planned affordable housing activities with related IHBG expenditures to be accomplished within 12-months of the performance period;
- Recipients must use the combined IHP/Annual Performance Report (APR) form HUD-52737 using online submittal (EPIC). Link: <https://hud.gov/pih/codetalk>
- IHP is due to HUD within 75 days of the fiscal year beginning date for Tribe/TDHE
- HUD has 60-day review period of IHP to determine compliance
- 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.

Contents of an IHP

1. Cover page
2. Housing Needs Description
3. Program Activity Descriptions
4. Maintaining 1937 Act Units, Demolition and Disposition (if any)
5. Budgets (Sources and Uses)
6. Other Submission Items
7. IHP Certification of Compliance
8. IHP Tribal Certifications
9. Self-Monitoring (APR)
10. Inspections (APR)
11. Audits (APR)
12. Public Availability
13. Jobs Supported by NAHASDA
14. IHP Waiver Requests
15. IHP Amendments



IHP: Housing Needs Description

- Tribes/TDHEs need to describe their housing needs for their tribal members
- Typically, a housing needs assessment is required in order for Tribes to know their housing needs for number of new housing needed, number of major/minor repair of existing housing and get hands on perspective of the type of families that need assistance (e.g., elderly, veteran, disabled, college students, etc.); type of housing (e.g., elderly multiplex, independent living centers, single family, apartments, etc.) and other data such as annual income, number household members (overcrowded), whether existing homes have adequate plumbing, electricity or other state of utility needed, etc.
- Such assessment can then guide the Tribe/TDHE to develop short- and long-range strategy plans, adopt new/revised housing policies and tactical plans that systematically address needs in prioritized manner.



IHP: Program Activity Descriptions

- Modernization of 1937 Act Units
- Operation of 1937 Act Units
- Acquisition of Existing Housing
- Construction of New Housing
- Rehabilitation of Rental Housing
- Acquisition of Land for Housing (acres)
- Development of Emergency Shelters (HH)
- Conversion of Structures to Housing
- Down Payment/Closing Cost Assist
- Lending Subsidy for homebuyers
- Other Homebuyer Assistance
- Rehab Assistance to Existing Homes
- Tenant-based Rental Assistance
- Housing Management Services
- Other Housing Services
- O&M of NAHASDA-Assisted Units
- Crime prevention & safety (\$)
- Model Activities (\$)
- Infrastructure to support housing (\$)
- Reserve Accounts
- Planning & Administration

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:

IHBG Resources Invested:	Affordability Period
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 to be served, describe number for 80-100 (over 10%) or over 100% for 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 FCAS, certifies that there are 80% or below AMI households
 - Recipient maintains adequate Insurance coverage for housing units owned/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 certify 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/Amendment & authorized its submittal **OR**
 - It allows the TDHE to submit the IHP/Amendment without prior review by Tribe.



IHP: Planning & Administration Costs

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

Annual IHBG Grant	P&A Spending Cap
Greater than \$500,000	20%
Less than \$500,000	30%

- **Eligible P&A 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 P&A costs as considered at discretion of Recipient

Grant Recipient Post-IHBG Award Activity: *First Step: Environmental Review Records (ERR)*

- Tribe/TDHE executes IHBG Grant Agreement with HUD
- Under 24 CFR Part 58: Recipient determines & documents environmental determinations (exempt, CatEx, EA w/ FONSI) for all IHP planned activities
- Recipient advertise FONSI for 2 weeks and then submit to form HUD- 7015.15, Request for Release of Funds w/ supporting ERR data
- HUD has 15 days to approve request and issues HUD 7015.16, Authority to Use Grant funds (EROF)
- Once HUD EROF received, Tribes can commence construction activity for proposed undertaking
- Recipient starts work on IHP planned activities and report progress periodically to BOC or Tribal Council
- Recipient submits APR at end of program year to report outcomes.

2 CFR 200 Uniform Administrative Requirements For Federal Awards

- Subpart A – Acronyms and Definitions
- Subpart B – General Provisions
- Subpart C – *Pre-Federal Award Requirements*
- Subpart D – *Post-Federal Award Requirements*
- Subpart E – Cost Principles
- Subpart F – Audit Requirements



2 CFR 200 Subpart B - General *Highlights*

- ONAP Program Guidance 2014-12, Consolidation of OMB Circulars. Office of Management & Budget (OMB) previously issued Circular notices for uniform requirements which were then Codified and made effective December 26, 2014.
- The purpose of this part is to establish uniform administrative requirements, cost principles and audit requirements for Federal awards to non-Federal entities by Federal awarding agencies;
- This part provides basis for systematic and periodic collection and uniform submission by Federal agencies of information on all Federal financial assistance programs to OMB.
- This part prescribes the manner in which GSA, OMB and Federal agencies that administer Federal financial assistance programs are to carry out their statutory responsibilities under the Federal Program Information Act.



2 CFR 200 Subpart C- Pre-Award Requirements *Highlights*

- In accordance with the Federal Grant and Cooperative Agreement Act, Federal award agencies must identify the appropriate instrument for the federal award to the non-federal entity - ***For NAHASDA, HUD uses a Grant Agreement to award IHBG funds to Tribes/TDHEs.***
- ***Suspension and Debarment*** - Non federal entities are subject to non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689 and 2 CFR Part 180.
- These regulations ***restrict awards, subawards and contracts with certain parties that are debarred, suspended or otherwise excluded*** from or ineligible for participation in Federal assistance programs or activities.



2 CFR 200 Subpart D Post-Award Requirements *Highlights*

- **Financial Management System (200.302)**
 - Investment
 - Cash management
 - Accounting system
- **Internal controls (200.303)**
- **Equipment, Property Inventory Control and Disposition System (200.313)**
- **Procurement Standards System (200.318)**
- **Records Retention - 3 years (200.333)**



PROCUREMENT STANDARDS (200.317-326)

- **Procurement Policy and procedures that:**
 - Provide for open and fair competition
 - Use only responsible contractors
 - Maintain records detailing history of all procurements
 - Perform cost or price analysis for every procurement
- **Methods of Procurement**
 - De Minimis Exception (<\$5,000) [NAHASDA Sec. 203(g)], no competition
 - Micro-purchase (\leq \$10,000), Small purchase (\leq \$150,000), written quotes required
 - Competitive Sealed Bids (>\$150,000), formal advertising
 - Competitive Proposals (> \$150,000), formal advertising
 - Non-Competitive Proposals (single source entity, emergency, or receipt of only one single bid/proposal that needs HUD approval)




PROCUREMENT STANDARDS (continued)


- **Indian Preference (1000.48-52)**
 - Training, employment, contracts
 - Limit bids or proposals to Indians, or Can Use two-stage process
 - Publicly announced in advertised Solicitations (for contracts greater than \$150,000)
 - Include 7(b) clause in all contracts for Indian organizations or Indian-owned enterprises
- **Contracting with small and minority businesses, women's business and labor surplus area firms (200.321)**
- **Contract cost and price analysis (200.323)**
- **Bonding Requirements (200.325)**
 - Bid Bond/Guarantee, Performance and Payment Bonds
 - Bonding through Acceptable Surety bonds approved by federal government
- **Contract provisions (200.326)**



2 CFR 200 Subpart E - Cost Principles *Highlights*

- **Reasonable Costs** - when a cost does not exceed that which would be incurred by a prudent person at time of decision to incur cost. Market prices for comparable good or services in area
- **Allocable Costs** - when a cost objective for goods and services are chargeable or assignable to that Federal award in accordance with relative benefits received.
- **Allowable Costs** - Those listed in Select items of Costs deemed allowable.
- **Unallowable Costs** - Those listed in Select items of Costs deemed unallowable
- **Audit services** - A reasonably proportionate share of audit costs required by the Single Audit Amendments of 1996. are allowable. 

2 CFR 200 Subpart F - Audit Requirements *Highlights*

- **Audit required** - A non-federal entity that expends **\$750,000 or more** during the fiscal year in Federal awards must have a single or program-specific audit conducted for that year.
- **Exemption when Federal awards expended are less than \$750,000** - A non-federal entity that expends less than \$750,000 during the fiscal year in Federal awards is *exempt* from Federal audit requirements for that year but records must be available for review or audit by appropriate official so the Federal agency and GAO.
- **Financial Statements** - The auditee must prepare financial statements that reflect its financial position, results of operations or changes in net assets and cash flows for the fiscal year audited.
- **Audit Report Submission**- Auditees must complete and send report to Federal Audit Clearinghouse no later than 9 months after end of fiscal year period. 

Subpart C: Formula Allocation Highlights

- Based on mathematical formula (Appendix A & B)
Previously, two formula components: (1) Formula Current Assisted Stock (FCAS) and (2) Need:
(1) FCAS - \$ for operating and maintaining 1937 Act units including modernization (use of Allowable Expense level per unit basis as of 09/30/96). Requires inventory count each year for # 1937 rental and mutual help units.
(2) Need - based on HUD need study adjusted for cost indexes as of September 30, 1996
- *Effective 12/22/16*, there are four formula components per the 2016 Formula Negotiated Rulemaking Final Rule. The added two formula factors are:
(3) 1996 Minimum (1000.340); and
(4) Undisbursed IHBG funds factor (1000.342)



IHBG Formula: FCAS Conversions and Demolitions Highlights

- Tribes/TDHEs are required to not only report FCAS conversions before 10/1/97 but also all conversions ***after*** 10/1/97 in the Formula Response form to HUD each year before the final IHBG allocation is made to Tribe;
- Efforts to convey paid off Conveyance Eligible (CE) units will be afforded consideration to remain as an FCAS unit if the Tribe has a legal impediment preventing its conveyance with conveyance plan submitted to HUD
- Units slated for demo and rebuild can only be considered in the FCAS count if activity is completed within one year or ***with a one-time, one year extension approved by HUD***
- ***Refer to PIH Notices 2017-15 and 2017-16 for complete overview.***

IHBG Formula: 1996 Minimum Funds Factor *Highlights*

- A new minimum allocation amount provision was established
 - Carryover funds, under this section, means grant funds voluntarily returned to the formula or not accepted by tribes in a fiscal year
 - If there are carryover funds in a given year, HUD will hold the lesser of \$3 million or available carryover funds for additional allocations to tribes with grants allocations of less than 0.011547 % of that year's appropriations.
 - All tribes eligible under this section shall receive a grant allocation equal to 0.011547% of that year's appropriations.
 - For example, if in a given fiscal year, the IHBG appropriations is \$650,000,000, then 0.011547 % is \$75,055. So any tribe whose formula allocation is less than \$75,055 is eligible to receive additional allocation to equal to \$75,055 as carryover funds are available.
- ***Refer to PIH Notice 2017- 14, 2017-15 and 2017-16 for detailed overview.***

IHBG Formula: Undisbursed Funds Factor *Highlights*

- The undisbursed funds factor applies if a Tribe's initial allocation is \$5 million or more and the Tribe has undisbursed (unspent) IHBG funds greater than the sum of the prior year 3 years' initial allocations
- If this factor applies to a Tribe, it's initial allocation shall be the greater of the initial allocation minus the amount of undisbursed IHBG funds that exceed the sum of the prior 3 years' initial allocation calculations
- Undisbursed IHBG funds is the amount of IHBG funds allocated to a Tribe in HUD's LOCCS on October 1 of the fiscal year in which the allocation is made
- Amounts subtracted from an initial allocation shall be redistributed under the Need component among ***all*** Indian tribes not subject to this factor.
- ***Please refer to PIH Notice 2017-14, 2017-15 & 2017-16 for more detailed information.***

Valuable Helpful Resources:

- NAHASDA statute and implementing regulations including ICDBG, Section 184 Mortgage Loan Guarantee Program, Title VI Loan Guarantee Program including PIH Notices and ONAP Program Guidance can be found at:
 - Link: www.hud.gov/codetalk
- NAIHC Training and Technical Assistance for model policies & other critical Indian housing management documents can be found at:
 - Link: www.naihc.net/elearning
- Other resources are through local HUD ONAP offices and network system with other Tribes/TDHEs

Q & A Session

Board of Commissioners

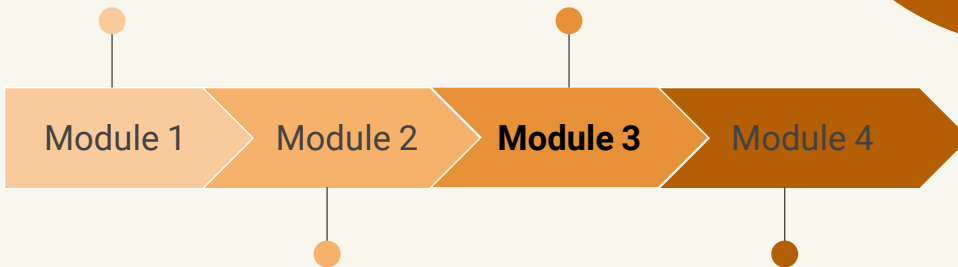
April 8-9, 2021



Overview

Understanding the basics of NAHASDA & other applicable Federal laws

Role of Tribal Council & relationship to Board of Commissioners & Executive Director

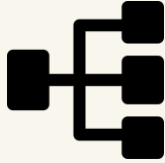


Key requirements of the IHBG Program (24 CFR 1000) and Uniform Administrative Requirements (2 CFR 200)

Understanding Role of HUD & NAHASDA Compliance, Reporting & Audits

Module 3:

Role of Tribal Council & Relationship to Board of Commissioners and Executive Director



Key Roles of Tribal Council Under NAHASDA



Oversight of Housing Board of Commissioners



Relationship to TDHE Executive Director

Key Roles of Tribal Council

- The Tribal Council by legislation, adopts a Tribal Ordinance creating the Tribally Designated Housing Entity (TDHE) who becomes the Grant Recipient of the IHBG by tribal resolution.
- The Ordinance is the legal document establishing the TDHE unless the Tribe itself will administer the IHBG program through its Tribal Housing Department.
- The Ordinance delegates certain powers and authorities to the Housing Board and the TDHE informing them how to use those powers & authorities.
- The Tribal Council may amend the Ordinances as they deem necessary.

Key Functions of the Tribal Council

- Selection and/or removal of Housing Board of Commissioners
- Establish staggered term limits for Board members to allow for a good balance of continuity and fresh perspectives
- Provide oversight of the Board of Commissioners pursuant to TDHE output/outcomes
- Provide required Tribal Certifications for IHP and Amendments
- Ensure Board abides by its By-Laws



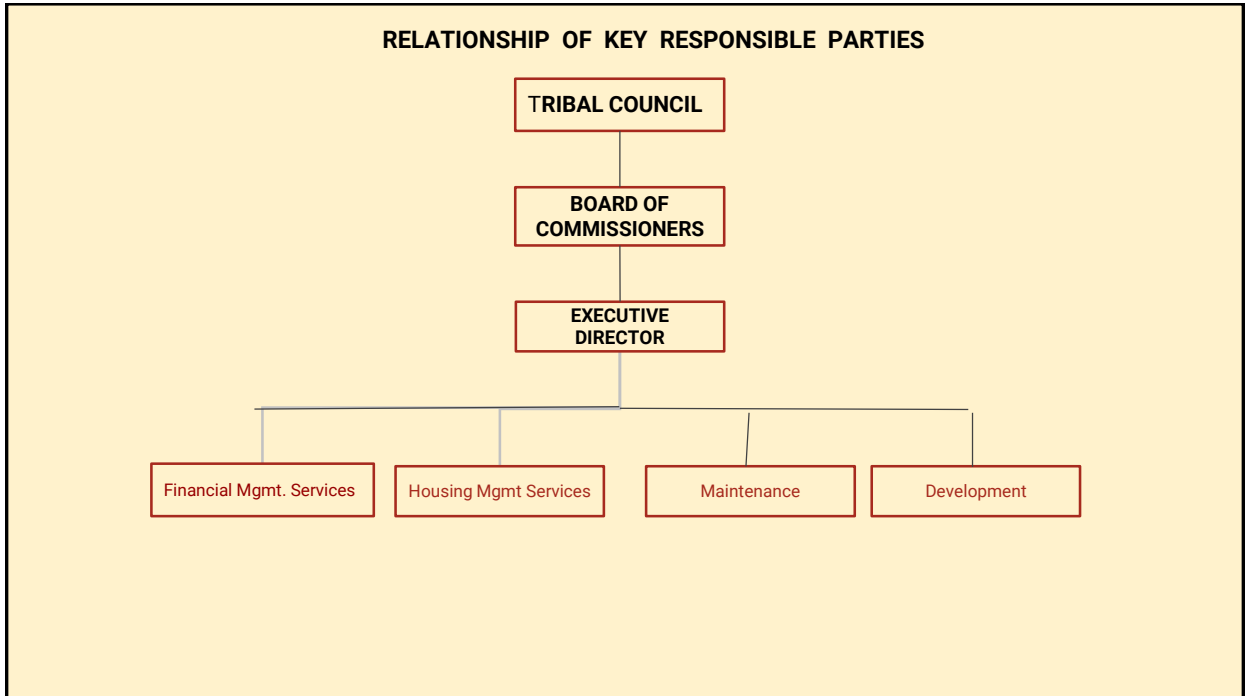
Organizational Oversight Structure Comparison

CORPORATION

- Founding Fathers
- Board of Directors
- CEO
- Employees
- Customers and consumers

TDHE

- Tribal Council
- Board of Commissioners
- Executive Director
- Employees
- Tenants and Homebuyers



Tribal Council Role in Board Oversight

- Cultivate accountability among Board members and Housing Staff
- May participate in strategic planning process to address short and long-term housing plans expected by Tribe as Grant Beneficiary
- Set clear expectations required from Housing Board in addressing housing needs of Tribal members
- Exit any board members who are not willing or able to serve effectively
- Require periodic IHP Progress on IHP progress
- Assist in review and update of Board By laws to ensure conformance to current Tribal ordinance(s)

Relationship to Board

Board members are:

1. Policy makers for housing program
2. Involved in strategic planning/roadmap for TDHE
3. Involved in oversight/guidance of housing organization
4. Involved in monitoring and measuring output of housing program and IHP objectives
5. Involved in the IHP for Tribal/board review & approval
6. Evaluates Executive Director annual performance

Relationship to Executive Director

- **Executive Director is responsible for day-to-day management:**
 - **Plans** – sets IHP goals and objectives and deciding how to achieve them
 - **Organizes** – assigns work, allocate resources & coordinate activities
 - **Leads** – directs efforts and promotes enthusiasm to achieve goals
 - **Controls** – measures performance, identify deficiencies, takes corrective action
- **Responsible for IHP development for Board review and Tribal approval each year.**
- **Responsible to assure NAHASDA compliance, reporting and audit.**

Some important points to remember for successful housing program:

- Board makes policies and participates in planning and monitoring
- The board and executive director must work together
- The board guides the overall direction of the program
- No business can be conducted outside of a properly called board meeting
- Board members have no individual power
- The power of the board lies within the body as a whole
- No board member has more power than another – not even the Chair
- Board should not micro-manage Executive Director functions

Additional Points to Remember

- Decisions should be based on factual information
- Avoid conflicts of interest and make public disclosures if conflict is apparent and inform HUD in writing
- Always choose what is right and good, versus what is wrong and bad
- Be prepared to support your position but compromise when necessary while not violating any laws or regs
- Ensure NAHASDA compliance through Self Monitoring assessment report from TDHE to Board to Tribal Council



How To Make Good Governance Decisions

- Recognize the dilemma
 - Gather all the facts
 - Establish your options
 - Test each option
 - Choose your option
 - Do 'headline' test (Good or bad?)
 - Take appropriate action w/ all documentation!

*SOME EXAMPLES OF
TRIBAL COUNCIL
INTERFACE WITH
HOUSING PROGRAM*



Determining Rent Payment Policy: Requires analysis of adjusted income, rent computations and program subsidy calculations

- Program eligibility is based on gross annual income
- Adjusted annual income is calculated based on gross income less eligible deductions
- Deductions are established in the NAHASDA statute
- Adjusted income is used to determine the amount of rent or homeowner payments



Allowable Deductions from Gross Income:

- \$480 for Each child under 18 & full-time students over 18
- \$400 for elderly or disabled family members
- Medical and attendant expenses over 3% of annual income
- Childcare expenses that enable family members to work or go to school
- Earned income of minors under 18
- Travel expenses, not to exceed \$25 per family per week
- Other exclusions provided in the local housing policies



Sample Rent calculation for Tenant and Rental Revenue for Tribe/TDHE

Annual Income		\$27,000
Adjustments:		
4 dependents @ \$480		(\$ 1,920)
Child Care		(\$ 1,080)
Total Adjustments		\$ 3,000
Adjusted Annual Income		\$24,000
Adjusted Monthly Income	(24,000/12)	\$ 2,000
Monthly Gross Rent	\$2,000 x 30%	\$ 600
Utility Allowance		(\$ 250)
Monthly Rent		\$ 350
Annual Revenue	\$350 x 12	\$ 4,200

Sample IHBG Subsidy for Tribe/TDHE

	Using Maximum	Generous IHA	Very Generous IHA
Average Adjusted Monthly Income	\$2,000	\$2,000	\$2,000
Percentage Used	30%	20%	10%
Monthly Gross Rent	\$600	\$400	\$200
Utility Allowance	\$ -0-	\$100	\$200
Net Rent Payment	\$600	\$300	\$-0-
Units	100	100	100
Monthly Revenue	\$ 60,000	\$ 30,000	\$ -0-
Annual Revenue	\$ 720,000	\$ 360,000	\$ -0-
Annual Expenses	(\$900,000)	(\$900,000)	(\$900,000)
IHBG Subsidy Needed	\$ 180,000	\$ 540,000	\$ 900,000

Rental Payment Policy determination:

- Affordability of families should play a major factor - defer to housing needs assessment data to know affordability level of low-incomes of families
- The amount of IHBG formula allocation is another factor to consider in determining rent income percentages for rent charge calculations for subsidy considerations and sustainable operations
- How much subsidy can the Tribe/TDHE afford to sustain housing program assistance in long term?
- There is no right or wrong answer but logic should dominate in arriving at policy for determining the percentage of income for Rent payment policy.

A Simplified Illustration of an IHP/APR: Recipient IHP Grant is \$3,500,000

IHP Planned Activities:

- O&M for 1937 Units	30	\$108,000
- 1937 Modernization	5	\$ 375,000
- O&M NAHASDA Units	10	\$ 30,000
- New Construction Rental*	20	\$3,000,000
- Housing Mgmt. Services	---	\$ 60,000
- P&A	---	<u>\$ 600,000</u>
- Total IHP Planned Costs		\$4,173,000

APR Accomplishments:

- 1937 Units O&M	30	\$ 195,850
- 1937 Modernization	4	\$ 325,000
- NAHASDA O&M	10	\$ 27,250
- New Construction	10	\$1,750,000
- Housing Mgmt. Svcs.	---	\$ 55,000
- P&A: A/E & Plan Staff---		<u>\$ 300,550</u>
- Total IHP Expenditures		\$2,653,650

Financial Sources:

- IHBG	\$3,000,000
- Program Income*	\$ 673,000

Financial Actual Used:

-IHBG	\$2,653,650
-------	-------------

Analysis of IHP and APR Scenario

- While there are budget line cost overruns, the TDHE's expenditures were below the planned IHP grant amount with unspent funds of \$1,519,350. **The TDHE will need to explain the cost overruns and why the number of new construction was not met. The unexpended funds balance can be carried over into the next IHP funding plan with plans to complete the unfinished work.**
- The planned use of the Program Funds were spared and can either be reprogrammed or carried over into the next program year for final expenditure
- **Are there any other observations to note?** Open for discussion.



A Conflict of Interest Situation

- The Executive Director (ED) tells the Board that the program needs to hire a consultant to facilitate scheduled management trainings.
- A board member who is also related to a Tribal Council member has a family member who owns a management consulting firm.
- The Procurement Officer (PO) learns that this particular consulting firm heard about the need for consulting services and asked the PO when the proposals are due when, in fact, the proposal has not been advertised yet?
- Are there any apparent or real conflict of interest in scenario? If so, what are they?
- What actions should be taken and whom should be notified about any of this?
- What mitigating steps can be taken to avoid the conflict?

Addressing the Conflict of Interest

- Immediately, the Procurement Officer needs to document the information received (date, time, names of contact) and report to Executive Director in writing per the Code of Ethics and Conduct Policy and procedures
- The Executive Director (ED) needs to inform the Board of the inside information breach to the firm and request any disclosures of any conflict of interest be provided in writing per Board-approved Code of Ethics and Conduct policy. Any board member who has conflict must agree to recuse him/herself in any future discussion on the consulting services needed by the TDHE
- The E.D. then needs to make public disclosure and inform HUD in writing that includes mitigation measures taken and abide by any other recommendations offered by HUD.
- The procurement is followed for competitive proposals and award made to prospective offeror.
- Board (absent recused member) reviews and approves contract award to management firm per Procurement Policy.

Other Typical Interfaces with Tribal Council

- 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***

Question (Q)

&

Answer (A)

Session



Board of Commissioners

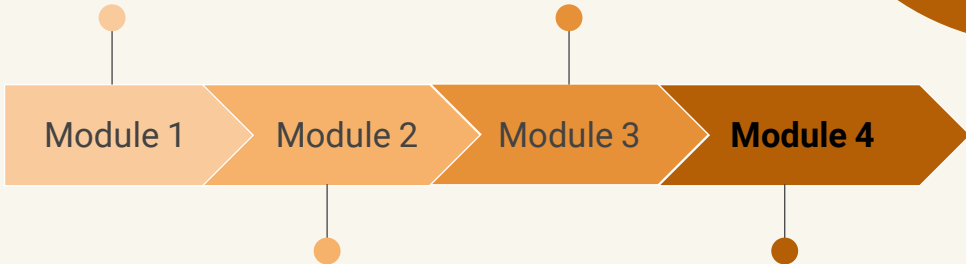
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Module 1

Module 2

Module 3

Module 4

Key requirements of the IHBG Program (24 CFR 1000) and Uniform Administrative Requirements (2 CFR 200)

Understanding Role of HUD & NAHASDA Compliance, Reporting & Audits

Module 4:

Understanding Role of HUD, NAHASDA Compliance, Reporting and Audits



NAHASDA
COMPLIANCE



HUD ROLE



REPORTS &
AUDITS

NAHASDA COMPLIANCE - *the Law*

NAHASDA Statute

Title IV - Compliance, Audits and Reports

- Sec. 401 Remedies for Noncompliance
- Sec. 402 Replacement of Recipient
- Sec. 403 Monitoring of Compliance
- Sec. 404 Performance Reports
- Sec. 405 Review and Audit
- Sec. 406 GAO Audits
- Sec. 407 Reports to Congress
- Sec. 408 Public Availability of Information

NAHASDA COMPLIANCE - *the Regs*

Implementing Regulations @ 24 CFR Part 1000.501-558:

Subpart F - Monitoring, Oversight & Accountability

- HUD Role and Monitoring Responsibilities
- Grant Beneficiary and Grant Recipient Monitoring Responsibilities
- Recipient Performance Objectives
- Annual Performance Report & Public Comment Requirements
- Noncompliance and Substantial Noncompliance
- Remedies for Noncompliance
- Independent Audits

Performance Measurement Tools

- Annual Performance Report (APR)
- Annual Compliance Assessment (Self-Monitoring Assessment)
 - Must include inspection of assisted units
 - To determine compliance with the law and regulations
 - Develop Performance Improvement Plans, if applicable from self-monitoring assessment
- Audit: Required when a Recipient expends \$750,000 or more in federal funds in a fiscal year and must be completed within 9 months of program year end & sent to FAC, HUD & Tribe.



HUD Role: Monitoring Responsibilities

- Monitor Grant Recipient's performance by conducting on-site or off-site (or remote) review of records, reports and audits.
- Conducts reviews to determine if Recipient has carried out eligible activities in timely manner and to identify any areas of concern or noncompliance
- Provide Technical Assistance (TA) & Training to Tribes/TDHEs
- Determine Grant Beneficiary compliance with IHP
- Determine if the Annual Performance Report (APR) is accurate

HUD Monitoring Reports

- Conduct on-site and off-site monitoring review of Tribe/TDHE
- Provide 30-day notice of on-site visit to Tribe/TDHE
- Issue draft HUD report within 30 days of the on-site review
- TDHE/Grant recipient has 30 days to review and comment or can request additional 30 day time extension for comment
- Issues Monitoring Report that determines if Recipient has carried out eligible activities in timely manner and to identify any areas of concern or noncompliance
- Determine compliance with IHP and if APR is accurate

HUD Determinations of Noncompliance and Performance Agreements

Noncompliance:

- Monitoring report stipulates areas of program violations and requires Tribe/TDHE to submit a Corrective Action Plan (CAP) with timeframes
- Additional training or TA may be required for remedial action
- Enter into a Performance Agreement for corrective action
- Failure to address performance problem may elevate to substantial noncompliance

Substantial Noncompliance:

- Letter of Warning issued to Recipient
- Request Recipient to submit progress schedules for compliance actions
- Recommend Recipient to suspend, discontinue or not incur further costs
- Recommend Recipient redirect funds from affected activities to other activities
- Recommend Recipient reimburse IHBG account of improper expenditures
- Recommend TA using IHBG funds

Substantial Noncompliance: Two Step Process

HUD reviews circumstances on case-by-case basis to determine if performance problem is substantial:

1. Must be a noncompliance with NAHASDA
2. Noncompliance must be substantial, if it:
 - a. Has a material effect on the Recipient meeting its IHP goals
 - b. Represents a material pattern or practice of activities constituting willful noncompliance
 - c. Involves the obligation or expenditure of a material amount
 - d. Places the IHBG program at substantial risk of fraud, waste or abuse

Remedies for Substantial Noncompliance

- Terminate IHBG payments to Recipient
- Reduce payments by amount equal to amount not expended in accordance with NAHASDA
- Limit availability of payments to programs, projects or activities not affected by failure to comply
- Replace TDHE for the Recipient (pattern or willful noncompliance)
- Opportunity for administrative hearing procedures per 24 CFR 26 shall be used.
- HUD may refer to US Attorney General for civil action.

GRANT BENEFICIARY & GRANT RECIPIENT Monitoring Responsibilities

GRANT BENEFICIARY (Tribe)

- Monitor IHP programmatic and compliance requirements
- Require TDHE to prepare periodic progress reports and annual compliance assessment
- Review APR & audit reports
- Require corrective action
- If no TDHE, the Tribal Housing department completes the TDHE requirements & prepares APR & ensures Audit is done timely

GRANT RECIPIENT (Tribe or TDHE)

- Implement & monitor IHP activities and performance goals
- Ensure NAHASDA compliance and all federal requirements, as applicable
- Prepare Annual Compliance Assessment (self-monitoring report)
- Prepare the APR
- Undergo Audit and complete timely
- Ensures Tribe receives HUD reports, APR & Audit Reports

Annual Performance Report (APR)

The Grant Recipient must prepare the APR at the end of the performance year and submit to HUD:

- New revised standard form combined with IHP/APR (form HUD-52737)
- Report progress (what got done and what did not & dollars spent) for the year
- Describes why objectives were not met & why funds not & or exceed budget
- Due within 90 days of program year end to HUD
- Make available to public for comment and include a summary of any comments received and include in the APR
- If prepared by the TDHE, submit to Tribe for review and approval
- Submit to HUD and HUD has 60 days to review and determine compliance

ANNUAL COMPLIANCE ASSESSMENT (Areas of Self-Monitoring Assessments)

- | | |
|---|---|
| ● IHP/APR Plan & Report | ● Eligibility, Admissions & Occupancy |
| ● Self-Monitoring Plan | ● Relocation Assistance & Real Property Acquisition |
| ● Financial Management & Internal Control | ● Section 504 (Accessibility) |
| ● Organization & Administration | ● Maintenance & Inspection |
| ● Procurement & Contract Management | ● Labor Standards |
| ● Environmental Compliance | ● Lead-based Paint |



Helpful Resource: NAHASDA Self-Monitoring Guidebook available at www.hud.gov/codetalk

Audit Requirements

- Effective 12/26/2014, if recipient expends \$750,000 or more in federal funds in a fiscal year, an audit is required (the threshold was \$500,000 previously)
- If recipient expends less than \$750,000, then an audit is not required but records and files should be available for review at anytime by HUD and GAO.
- Audit must be completed within 9 months of end of program year and
- Final Audit report to be sent to the Federal Audit Clearinghouse (FAC), HUD, and the Tribe



Some helpful points to avoid Noncompliance

- Tribe/TDHE should ensure all Policies are consistent with current NAHASDA statutes/regs, other related federal laws & regs, and applicable HUD notices and guidances;
- Tribe/TDHE should have standard operating procedures for such policies to allow for uniform implementation and documentation by housing staff
- Ensure Tribe/TDHE & new staff attend Ethics & Conduct Policy training
- Conduct self-assessment prior to year-end in order to monitor adherence to policies and laws. Develop Performance Improve Plans with timeframes for self-correction.
- Tribe/Board of Commissioners/TDHE should attend HUD/NAIHC T&TA training as needed
- Maintain close relationship with TDHE in monitoring IHP goals & progress with periodic reports made by Exec. Director

Some examples of Noncompliance

- A development site that did not have a complete environmental review record for 30 lots and TDHE spent IHBG \$ to build 30 single family homes. What are possible ramifications?
- Utility infrastructure was installed and paid by IHBG \$ to serve 50 homes in a development site and actually served 10 non-low income families. What are possible consequences of noncompliance?
- An audit revealed that a TDHE spend IHBG \$ for ineligible activities in amount of \$250,000. What are remedies to resolve improper expenditure?

Q & A Session

Kwa'kwah (Thank you) for your
time and attention

