Welcome to NAHASDA IHBG Self-Monitoring

October 6-7, 2021

Course Goals

Participants will be able to:

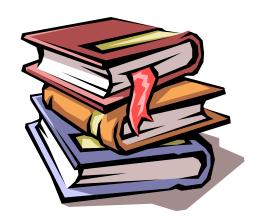
- Understand the importance of timely selfmonitoring
- Able to create a customized self-monitoring schedule
- Identify weak management practices that may lessen the ability of the organization to provide affordable housing

Course Agenda

- Overview of Self-Monitoring
- Approaches to Self-Monitoring
- Partner Perspectives for Self-Monitoring
- What Areas Do You Need to Monitor Based on Your IHP
- Program Areas to be Monitored
 - Management and Organizational Structure
 - Internal Controls
 - Conflict of Interest
 - Indian Preference
 - Admission and Occupancy
 - Financial Management
 - Procurement
 - Labor Standards

Course Structure

- Ask questions!
- Share techniques and advice
- Participant Materials
- Timing of breaks and lunch



Participant Materials

- PowerPoint presentation
- Self-Monitoring Guide
- Sample Self-Monitoring Checklists



Overview of Self-Monitoring

What Is Self-Monitoring?

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

Self-Monitoring from ONAP's Perspective

- Monitor performance against goals
- Check relevance and quality of activities
- Identify issues internally before other partners
- Solve problems promptly
- Apply random selection (10% or 10 files, whichever is higher)

Self-Determination and Self-Governance

- NAHASDA recognizes these rights
- NAHASDA provides flexibility and this flexibility brings added responsibility:
 - Direct Control = Direct Accountability
- Monitoring facilitates good management.

Self-Monitoring Requirements

- NAHASDA: Section 403(b), Periodic Monitoring
 - Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act.
 - Such review shall include on-site inspection of housing to determine compliance with applicable requirements.
 - The results of each review shall be included in the performance report of the recipient submitted to the Secretary under Section 404 and made available to the public.
- 24 CFR 1000.502
 - The recipient is responsible for monitoring grant activities to ensure compliance with the applicable Federal requirements and monitoring performance goals under the IHP.

Why Conduct Self-Monitoring?

- Demonstrate accountability for performance
- Build organizational capacity
- Ensure compliance with regulations
- Identify system weaknesses
- Improve efficiency and effectiveness of practices

Self-Monitoring Overview

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

Monitoring Partners

- Recipient (Tribe or TDHE)
- Subrecipients
- Grant beneficiary (Tribe)
- HUD

Recipient Responsibilities

- Monitoring grant activities to ensure compliance with applicable federal requirements
- Monitoring IHP activities
- Undergoing audit, as applicable



PREPARE COMPLIANCE ASSESSMENT



Tribe Responsibilities

- If housing is a department of the tribe:
 - As the IHBG recipient, the tribe is responsible for monitoring grant activities for:
 - Annual Performance Report (APR) within 90 days of end of program year
 - Progress reports
 - A 2 CFR Part 200 audit within 9 months of end of program year

Recipient Responsibilities

- If recipient is not a department of the tribe, it must:
 - Provide periodic progress reports to the tribe
 - Monitor to ensure TDHE is compliance with NAHASDA and implementation of the Indian Housing Plan (IHP)
 - Implement comments from the tribe and public after review of the APR
 - Conduct an annual audit

Subrecipient Responsibilities

- Recipients should enter into a written agreement with subrecipients specifying:
 - Terms of the agreement
 - Compliance requirements of all provisions of law/regulations
 - Reporting/monitoring requirements
- Subrecipients should monitor themselves
- Recipients must monitor subrecipients

HUD Responsibilities

- Reviewing the APR submitted and providing TA as needed
- Conducting review of records, reports, and audits
- Making on-site visits, as appropriate
- Providing TA and training when requested by the recipient

Components of Self-Monitoring

1. Performance Monitoring

Are you doing what you said you would do?

2. Compliance Monitoring

Are you doing what you are required to do?

Approaches to Self-Monitoring

- Goal: objective and impartial assessments of performance and compliance
- Approaches to internal review:
 - Management interviews
 - Facilitated sessions
 - Standard operating procedures reviews

Management Interviews

- Evaluator conducts interviews with managers
- Additional information from interviews with directors and managers
- Evaluator determines consistency and degree of adherence to internal controls and applicable regulatory requirements

Facilitated Sessions

- Convene a working session of IHBG recipient managers and program and/or administrative staff
- Facilitated by an independent third-party, who leads discussion and brings group to consensus
- Talk through the topics and questions as a group

Standard Operating Procedures Review

- Assess the existence and use of internal controls by reviewing:
 - Codes of conduct
 - Personnel policies
 - Financial management policies and procedures
 - Procurement policies and procedures
 - Construction contract policies and procedures
- Evaluator should select a random sample of transaction files and determine whether these cases comply with policies, procedures and customary operating practices

Performance Monitoring

- Create a self-monitoring schedule
 - Track progress and activities
 - Spreadsheets are helpful
- Monthly or quarterly
 - Prepare progress reports
 - Develop corrective action plans as needed
 - Implement corrective actions

Review by Third Party

- Independent contractor procured to review IHBG programs and activities, or
- Another tribe with IHBG experience, or
- Staff of another tribal office or agency with no IHBG responsibilities but knowledge of grant administration

Critical Monitoring Areas

- Conflict of Interest
- IHP/APR
- Financial management
- Occupancy
- Procurement and contract administration
- Other federal requirements as applicable (e.g., environmental, labor standards, lead paint, relocation, etc.)

Beginning Annual Self-Monitoring

- Planning
- Scheduling
- Reviewing and implementing internal controls

Planning for Self-Monitoring

Overall Purpose of Self-Monitoring

Self-Monitoring Programs	Self-Monitoring Administrative and Finance	Self-Monitoring Construction and Projects
 Overall performance and operation Program administration Program and beneficiary selection Adequacy of policies, procedures, and practices to ensure compliance Identifies systemic problems, rather than single instance of non-compliance that are limited to specific programs. 	 6. Evaluate administrative systems for carrying out IHBG activities. 7. Financial management of all HUD grants. 8. Recordkeeping, reporting, and oversight of funded activities. 9. Effective and compliant written agreements that protect the IHBG investments in accordance with all applicable statutes. 10. Evaluate establishment of indirect cost rates 	Evaluates specific funded projects for compliance with: 1. All IHBG and other applicable requirements (property standards per unit subsidy limits, Davis Bacon Standards, beneficiary income-eligibility, and affordability restrictions) 2. Cross-cutting Federal regulations (such as environmental review, Uniform Relocation Act, Lead Safe Housing Rule, and others 3. Typically involves a review of specific project files and inspection of project files.
	timely and accurately.	

			0	OCCUPANCY MAINTENANCE & CONSTRUCTION FINANCE																	
	WAITING LIST FILES	CDTHA UNITS WAITING LIST	WAITING LIST FOR HOMEOWNERSHI P	INACTIVIE WAITING LIST FILES & LISTING	RECERTIFICATIO N	INSPECTIONS	FILE ORGANIZATION	ROSS HSS FILES	MOVE-OUT INSPECTIONS	MOVE-IN INSPECTIONS	WORK ORDER	CHARGES	PROCUREMENT	UNIT FILES	PROJECT FILES	PERSONNEL	BALANCE SHEET (BANK REC)	PROCUREMENT	TAR RECONCILIATION	TENANT ACCOUNTS	VENDOR FILES
ED																					
JULES	х				Х		х	X													
DEBZ			х	х							х	х									
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NICOLE		х	х																		

Sample Self-Monitoring Schedule

	Annual Self-Monitoring Review	
Name of HA	START DATE	
	END DATE	

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

WHAT AREAS DO YOU NEED TO MONITOR?

Identify Your Self-Monitoring Areas

- Conflict of interest
- IHP compliance
- Management
- Organizational structure
- Financial management
- Admissions and occupancy
- Procurement and contract administration
- Indian preference
- Non-Low-Income Families
- Essential Families

- Labor standards and tribally designated wage rates
- Total Development Costs
- Environmental reviews
- Program policies
- Final self-monitoring report
- 504 Compliance
- Maintenance
- Inspections

Your Indian Housing Plan

1.1. Program Name and Unique Identifier:

Modernization of 1937 Act Housing: Accessibility Modifications to Rental Units - 2101.1

1.2. Program Description (This should be the description of the planned program.):

Modification of rental units to comply with Section 504 accessibility standards.

- 1.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (1) Modernization of 1937 Act Housing [202(1)]
- 1.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (9) Provide accessibility for elderly/disabled persons
- 1.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native Americans and Alaska Natives.

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

Vacated rental units in substandard condition will be modernized and rehabilitated to Section 504 accessibility standards. Work will be performed by Housing Authority staff or contractors at no cost to residents. Level of assistance is estimated to be \$85,000 or less per unit.

1.9. Planned and Actual Outputs for 12-Month Pro-

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
3	N/A	N/A

2.1. Program Name and Unique Identifier:

Modernization of 1937 Act Housing: Conversion of Rental Units to Homebuyer Units - 2101.2

2.2. Program Description (This should be the description of the planned program.):

Transition from the rental program to the lease-purchase program for qualified families upon successful completion of homebuyer education and financial readiness requirements.

- 2.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (1) Modernization of 1937 Act Housing [202(1)]
- 2.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (2) Assist renters to become homeowners
- 2.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Coquille Tribal members residing in rental program units.

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

Qualified families will be transitioned from the rental program to the lease-purchase program upon successful completion of homebuyer education and financial readiness requirements. Families may choose to make modest improvements to the unit to be financed as part of the home purchase. Work may be performed by contractors or, if qualified, by the participant. The improvement allowance will be calculated to ensure that the participant's monthly payment does not exceed 30% of the family's adjusted income and is capped at \$15,000 per unit.

2.9. Planned and Actual Outputs for 12-Month Program Year

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program	APR: Actual Number of Units Completed in Program Year	APR: Actual Number of Households Served in Program Year	APR: Actual Number of Acres Purchased in Program Year
2	N/A	N/A			

3.1. Program Name and Unique Identifier:

Operation and Maintenance of 1937 Housing Act Units - 2102

3.2. Program Description (This should be the description of the planned program.):

Operation and maintenance of 1937 Housing Act units, community facilities, and common areas.

- 3.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (2) Operation of 1937 Act Housing [202(1)]
- 3.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
- 3.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native Americans and Alaska Natives residing in 1937 Housing Act units.

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

Activities include:

- a. Maintaining a 95% occupancy rate in rental units.
- b. Performing routine and periodic maintenance as scheduled.
- c. Performing emergency and non-routine maintenance as needed.
- d. Preparing units for re-occupancy in a timely manner.
- Reducing water and maintenance requirements, incorporating indigenous plants and materials, and improving the overall appearance of the front yard of one rental unit.
- f. Maintaining and making minor improvements to community facilities and common areas.

Work will be performed by Housing Authority staff or contractors, generally at no cost to residents. Yard improvements are capped at \$2.00 per square foot. Costs to remedy damage or failure to perform required maintenance tasks will be assessed to residents in accordance with policy.

3.9. Planned and Actual Outputs for 12-Month P

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
58	N/A	N/A

Construction of Rental Housing: Development of Accessible Rental Units - 2103

4.2. Program Description (This should be the description of the planned program.):

Construction of rental units compliant with Section 504 accessibility standards.

- 4.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (4) Construction of Rental Housing [202(2)]
- 4.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (7) Create new affordable rental units
- 4.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native Americans and Alaska Natives.

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

Development of single-family and duplex rental units compliant with Section 504 accessibility standards on vacant lots within the housing community. Work will be performed by Housing Authority staff or contractors at no cost to residents. Level of assistance will not exceed HUD-established total development cost limits.

4.9. Planned and Actual Outputs for 12-Month Pro

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
3	N/A	N/A

Tenant Based Rental Assistance: Monthly Housing Assistance Program - 2109.1

5.2. Program Description (This should be the description of the planned program.):

Assistance to eligible low income Native Americans and Alaska Natives to pay rent in private market rental units.

- 5.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (17) Tenant Based Rental Assistance [202(3)]
- 5.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (6) Assist affordable housing for low income households
- 5.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native Americans and Alaska Natives. Tribally-funded assistance is available to Coquille Tribal members only.

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

Activities include:

- a. Providing financial assistance to eligible low income Native Americans and Alaska Natives to pay rent in private market rental units.
- Maintaining a 100% utilization rate.

Subsidy will be paid to participant upon receipt of documentation that the full month's rent has been paid to the landlord. The standard subsidy rate will be supplemented if necessary to ensure participant pays no more than 30% of family adjusted income for rent, capped at fair market.

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
N/A	64	N/A



Housing Services - 2109.2

7.2. Program Description (This should be the description of the planned program.):

Provision of housing-related services to program participants, applicants, contractors, and others participating or seeking to participate in affordable housing activities.

- 7.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (18) Other Housing Services [202(3)]
- 7.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (6) Assist affordable housing for low income households
- 7.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native American and Alaska Native housing program applicants and participants.

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

Activities include:

- a. Providing materials and instruction in housekeeping practices and living habits that reduce maintenance costs, improve housekeeping, and promote resident safety.
- b. Providing compliance and performance incentives to program participants.
- c. Counseling current and prospective homebuyers on maintenance and financial responsibilities.
- d. Providing support for meetings and activities of the Residents Association.
- Maintaining partnerships with Tribal and other community social and support services providers and referring applicants and participants as necessary.
- f. Promoting and facilitating employment opportunities, financial literacy, emergency preparedness, homebuyer education, participation in Individual Development Account savings programs and other financial assistance programs for first-time homebuyers, access to the Section 184 and VA Native American Direct Loan programs, and other programs and services that enhance participant self-sufficiency.
- g. Providing rental space at a reduced rate to Tribal programs and community partners that directly promote the self-sufficiency of program participants

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
N/A	131	N/A



Housing Management Services - 2110.1

8.2. Program Description (This should be the description of the planned program.):

Management of affordable housing programs.

- 8.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (19) Housing Management Services [202(4)]
- 8.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (6) Assist affordable housing for low income households
- 8.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native American and Alaska Native housing program applicants and participants.

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

Activities include:

- Managing rental and homebuyer programs.
- b. Screening applications to determine program eligibility.
- Maintaining a waiting list of qualified low income Native American and Alaska Native families and making placement when assistance becomes available.
- d. Conducting annual and interim recertifications of family income and composition.
- Inspecting rental units at least once per year and homebuyer units at least every three years, and documenting and monitoring the correction of deficiencies.

Work will be performed by Housing Authority staff at no cost to residents.

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
N/A	131	N/A

Operation and Maintenance of NAHASDA Units - 2110.2

9.2. Program Description (This should be the description of the planned program.):

Operation and maintenance of NAHASDA units and community facilities.

- 9.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (20) Operation and Maintenance of NAHASDA-Assisted Units [202(4)]
- 9.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (6) Assist affordable housing for low income households

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

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

Low income Native Americans and Alaska Natives residing in NAHASDA units.

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

Activities include:

- a. Maintaining a 95% occupancy rate in rental units.
- b. Performing routine and periodic maintenance as scheduled.
- c. Performing emergency and non-routine maintenance as needed.
- d. Preparing units for re-occupancy in a timely manner.
- Reducing water and maintenance requirements, incorporating indigenous plants and materials, and improving the overall appearance of the front yard of one rental unit.
- f. Maintaining and making minor improvements to community facilities and common areas.

Work will be performed by Housing Authority staff or contractors, generally at no cost to residents. Yard improvements are capped at \$2.00 per square foot. Costs to remedy damage or failure to perform required maintenance tasks will be assessed to residents in accordance with policy.

9.9. Planned and Actual Outputs for 12-Month Pr

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
6	N/A	N/A

Crime Prevention and Safety - 2111

10.2. Program Description (This should be the description of the planned program.):

Provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

- 10.3. Eligible Activity Number (Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):
 - (21) Crime Prevention and Safety [202(5)]
- 10.4. Intended Outcome Number (Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):
 - (11) Reduction in crime reports
- 10.6. Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes fall within 80 to 100 percent of the median should be included as a <u>separate</u> program within this section.):

Low income Native American and Alaska Native rental and homebuyer program participants.

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

Activities include:

- Maintaining an agreement with Tribal Police to provide services to the low income housing community.
- b. Providing security monitoring and electronic surveillance of housing facilities.
- Installing informational, directional, and traffic control signage and devices in the housing community as needed.

Services will be provided by Tribal Police, Housing Authority staff, contractors, or other service providers at no cost to residents.

Planned Number of Units To Be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program
N/A	N/A	N/A

			IHP		
	(A)	(B)	(C)	(D)	(E)
SOURCE	Estimated amount on hand at beginning of program year	Estimated amount to be received during 12-month program year	Estimated total sources of funds (A + B)	Estimated funds to be expended during 12-month program year	Estimated unexpended funds remaining at end of program year (C minus D)
1. IHBG Funds	60,000	1,111,887	1,171,887	1,171,887	0
IHBG Program Income	0	335,000	335,000	335,000	0
3. Title VI					
Title VI Program Income					
5. 1937 Act Operating Reserves					
6. Carry Over 1937 Act Funds					
LEVERAGED FUNDS					
7. ICDBG Funds					
8. Other Federal Funds: IHBG-C		1,274,985	1,274,985	1,274,985	0
9. LIHTC					
10. Non-Federal Funds	54,000	578,953	632,953	594,953	38,000
TOTAL	114,000	3,300,825	3,414,825	3,376,825	38,000

,			inr	
		(L)	(M)	(N)
PROGRAM NAME (tie to program names in Section 3 above)	Unique Identifier	Prior and current year IHBG (only) funds to be expended in 12-month program year	Total all other funds to be expended in 12-month program year	Total funds to be expended in 12-month program yea (L + M)
Accessibility Modifications to Rental Units	2101.1	15,000	611,370	626,370
Conversion of Rental Units to Homebuyer Units	2101.2	30,000	0	30,000
Operation and Maintenance of 1937 Housing Act Units	2102	366,887	207,437	574,324
Development of Accessible Rental Units	2103	20,000	1,063,615	1,083,615
Tenant Based Rental Assistance	2109.1	220,000	176,000	396,000
Housing Services	2109.2	20,000	0	20,000
Housing Management Services	2110.1	230,000	45,000	275,000
Operation and Maintenance of NAHASOA Units	2110.2	30,000	0	30,000
Crime Prevention and Safety	2111	30,000	0	30,000
Planning and Administration		210,000	0	210,000
Loan repayment – describe in 4 below		0	101,516	101,516
TOTAL		1,171,887	2,204,938	3,376,825

2101.1 - Accessibility Modifications to Rental Units

FY 2020 IHBG Competitive Grant funds were awarded for this project. Leverage includes IHBG and non-program funds.

2102 - Operation and Maintenance of 1937 Housing Act Units

Program income is used to support this activity.

2103 - Development of Accessible Rental Units

FY 2020 IHBG Competitive Grant funds were awarded for this project. Leverage includes IHBG and non-program funds.

2109.1 - Tenant Based Rental Assistance

Estimated Tribal and program income contributions during the period total \$176,000.

2110.1 - Housing Management Services

Program income is used to support this activity.

Loan Repayment

Replacement of the Authority's Projects and Maintenance Operations and Storage Facility was approved as a Model Activity in the Authority's FY 2015 Indian Housing Plan. The project was completed in FY 2018. Program and non-program income are used to repay bond and loan proceeds borrowed for construction.

Programs Summary

PROGRM/PROJECT NAME/TYPE	CHECKLIST TYPE

Programs Summary

PROGRM/PROJECT NAME/TYPE	CHECKLIST TYPE

Indian Housing Plan Compliance

Objective:

Determine the Recipient's compliance with the goals and objectives described in your Indian Housing Plans (IHPs), including the timely implementation of the planned activities, is the purpose of this review

ONAP's Responsibility:

NAHASDA Sec. 405 (b)(1)(B) requires HUD to verify the accuracy of information contained in the APR

Indian Housing Plan Compliance

- Has the Recipient carried out its eligible activities in a timely manner?
 ___Yes ___No
- Has the Recipient carried out its eligible activities and certifications in accordance with the requirements and the primary objective of NAHASDA and other applicable laws? ____Yes ____No
- Has the Recipient complied with the IHP of the grant beneficiary and submitted APRs that are accurate? ____Yes ____No
- Has the Recipient achieved what was stated in the One-Year Goals and objectives with its IHBG funds? ____Yes ____No
- Establish corrective actions and timelines for second review for compliance for all "no" answers

IHP/APR File Checklist

NOTES

☐ Resolutions	
□ Application	
☐ Grant Award	
□ ER	
□ Correspondence	
□ Budget	
☐ Correct IHP	
□ Project Activity	
☐ Goals & Objectives	
☐ Reports	
□ APR	

Management and Organizational Structure Review

Management and Organizational Structure - ONAP Perspective

- The Board of Commissioners (BOC) can significantly influence a recipient's organizational internal controls
- The Council/Board members should:
 - Have appropriate knowledge and experience to ensure the organization operates in a legal and ethical manner
 - Maintain its independence from management; select and hire an Executive/Housing Director
 - Approve the annual budget
 - Act as community liaison

Management and Organizational Structure - ONAP Perspective

- The Council/Board members are responsible for ensuring:
 - Policies are adopted and properly carried out
 - Annual audits and self-monitoring are conducted
 - Findings and issues are resolved in a timely manner by the Executive Director

Definition of a Board

A Board is an organized group of people with the authority collectively to control and foster an institution that is usually administered by a qualified executive and staff.

~ Cyril O. Houle

Purpose of a Board

- Represent and Balance
- Interests of:
 - Shareholders
 - Stakeholders
 - Exists <u>only</u> when in a formal meeting

Focus of the Board

Where do we want the Authority to be in five years?

-Not on

How are we going to get this done?

Fiduciary Responsibility

- From the Latin *fiducia* meaning "trust"....
- A fiduciary is a person (or entity) that has the power and obligation to act for another under circumstances that require
 - Total trust
 - Good faith
 - Honesty

Legal Liabilities

- Funds
- Wages
- Negligence of staff
- Contracts
- Disclosure of Interest
- Assets
- Delegation
- Government Regulations

Legal Accountability

- The Organization and its membership
- The Government
- Other Stakeholders
- To Minimize the Risk (Insurance coverage)

Responsibilities - Overview

- Management capacity
- Systematic planning & evaluation
- Identifying programs, services & resources
- Establishing an annual budget
- Developing & monitoring policies
- Establishing internal controls
- Degree of control
- Allocating a significant amount of time to housing

Typical Organizational Options

- Tribal housing department
- Tribally designated housing entity (TDHE)
- Regional Housing Authority (RHA)

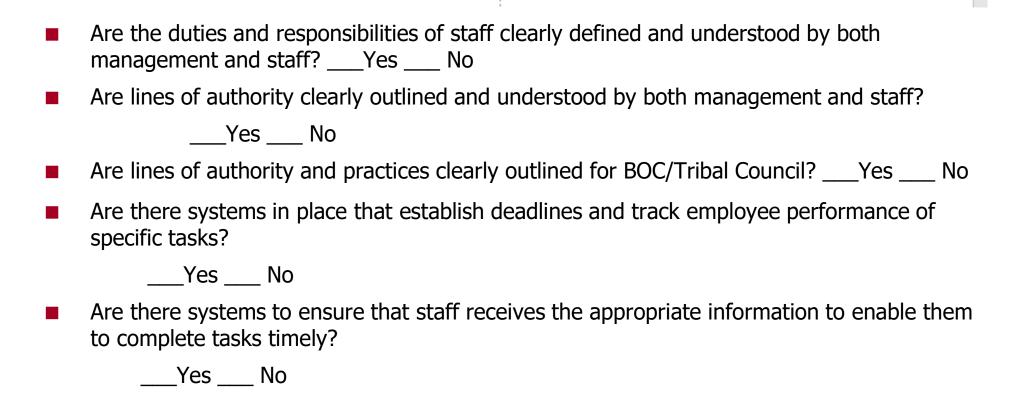
Sample

- Is the CDTHA in compliance with certifications described and included in the IHP?
- Does the CDTHA have all the necessary policies needed to operate a fullscale housing management and development operation consistent with its mission?
- Are travel reimbursements made in accordance with CDTHA Board adopted policies?
- Is there a method to track complaints and formal grievances to ensure timely follow-up and response?
- Do the CDTHA grievance procedures provide for a hearing before an impartial party?
- ❖ Are there policies and procedures for non-NAHASDA programs? List the programs in comments.

Management and Organizational Structure

- 24 CFR Part 1003 (ICDBG); Subpart F, § 1000.26 (IHBG) 1000.26
- Objective:
 - Determining whether the Recipient's implementation of key areas of authority, appropriate lines of reporting, and internal controls are adequate to ensure assets are safeguarded is the purpose of the management and organizational structure review

Management and Organizational Structure Checklist



Management and Organizational: Board

Are Board members paid a stipend? (If so, is the amount of payment reasonable and in line with local area practice, other tribal boards, etc. NOTE: If the housing entity is a department of the Tribe, stipends are not allowable.) Yes ____ No ___
Is there a Personnel Policy and is it available to staff? Yes____ No___
Monitor HUD grants without undue interference? ___ Yes ___ No
Approve any ineligible activities? ____ Yes ___ No
Maintain minutes of each meeting that are transcribed timely (pursuant to bylaws)? ____ Yes ___ No
Meet on a regular basis at reasonable intervals? ____ Yes ___ No
Justify meetings that occur more often than once per month? Yes ____ No

Establish corrective actions and timelines for second review for compliance for all "no"

answers

Management and Organizational: Policy Review

- Does the Personnel Policy indicate native/Indian preference in hiring practices (required by 24 C.F.R. § 1000.48- § 1000.50? ____ Yes ____ No
- Any complaints regarding Indian Preference could be part of the policy. Does the policy include Indian Preference Complaint Policy/Procedures as required by 24 C.F.R. § 1000.54?

____ Yes ____ No

Organizational Structure Review

Review of current organizational chart:
Is it designed to ensure adequate supervision? Yes No
Is there proper delegation of authority and responsibility? Yes No
Does it provide for management control over finance and operations? Yes No
Is there evidence that an individual is overriding controls?
Yes No
Are position descriptions current and accurate? Yes No

Establish corrective actions and timelines for second review for compliance

for all "no" answers

INTERNAL CONTROLS



2 CFR Part 200

- More commonly known as the "Uniform Guidance for Federal Awards"
- Consolidates and streamlines eight OMB circulars and into 2 CFR Part 200

N A I H C / HUD ONAP

Uniform Administrative Requirements Focus

- Management systems
- Procurement
- Reporting
- Recordkeeping
- Drug free workplace
- Conflict of interest
- Allowable, unallowable costs
- Audit requirements



What are Internal Controls?



A system of checks and balances



Address both accounting & management activities



Required by 2 CFR 200.61 & 200.303



Processes to ensure management has the capacity to operate and achieve its objectives.

Why are Internal Controls Important?

- Assign responsibility and delegation of authority
- Instill trust and confidence in the community
- Protect assets
- Help ensure NAHASDA funds are spent appropriately on Recipient's priorities
- Assist in using staff and other resources efficiently

Components of Internal Controls

Control environment

Risk assessment

Control activities

Information and communications systems

Self-monitoring

www.gao.gov/products/GAO-14-704G

Commitment to Integrity & ethical values.

Control Environment

Exercises oversight responsibility

Demonstrates commitment to competence

Enforces accountability

Risk Assessment

Specifies relevant objectives

Identifies and analyzes risk

Assesses fraud risk

Identifies & analyzes significant changes and their impact

Examples of Risk Assessment

Lack of staff experience

Potential risks factors

Size/expense of project or activity

Complexity of project or activity

Income required to support the project

Other Activities

Control Activities	 Selects and develops control activities Selects and develops general controls over technology Deploys through policies and procedures
Information & Communication Activities	Uses relevant informationCommunicates internallyCommunicates externally
Monitoring Activities	 Conducts ongoing and/or separate evaluations Evaluates and communicates deficiencies

Control Activities

- Ensure staff know their duties and perform them consistently
- Establish written policies:
 - Values and desired outcomes
- Establish written procedures:
 - Describe tasks and how they are done

Management Capacity

- Program policies
- Financial capacity
- Development capacity
- Organizational capacity
- Facilities and equipment
- Standard operating procedures (SOP)

Property Management Includes..

- Day-to-Day Operations
- Record Keeping
- Compliance with Regulations and Obligations
- Planning
- Internal Controls
- Fiscal Management
- Maintenance
- Tenant Relations
- Resident Selection

- Collections
- Security
- Annual Budgeting
- Capital Planning
- Public Relations
- Crisis Management
- Hiring Accountant, Lawyers, Contractors
- Cash Management

Separation of Duties: The Focus

BOARD

- The Board(Governance)
- **■** Leadership/Vision/Strategic
- Establish policy
- Issues affecting the entity as a whole
- Doing the right thing
- Long-term

STAFF

- The Executive Director or CEO (Management)
- Management Operations
- Establish procedures to implement policy
- Issues affecting clients, partners
- Doing things right
- Day-to-day

CONFLICT OF INTEREST

Conflict of Interest Policies

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



Conflict of Interest Requirements

- Potential conflict of interest prohibited including:
 - Person who participates in decision making process
 - Person who gains from inside information
 - Any interest in any contract or proceeds thereof
 - Ties to business and family relationships
- Report a potential conflict of interest to ONAP for exception based on program benefit
- When exception is approved, public disclosure is required

Policies and Conflict of Interest

- Must address conflict of interest in
 - Admissions
 - Procurement
- Mandatory disclosure

Applicable Rules

- 2 CFR 200.318(c)(1) covers conflict of interest in procurement
- 24 CFR 1000.30 addresses all conflict of interest issues, including admissions and occupancy.
- The above standards apply only to grant funds

2 CFR 200.318(c)(1)

The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent must participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

What Does That Mean?

- Conflict would arise when an employee, board member, council person or a member of their immediate family has a financial interest or other benefit from the firm considered for contract.
- Conflict would also arise if the firm considered for contract employs or is about to employ one of the people listed above.
- If it appears to be a conflict, you should treat it as a conflict

What Does That Mean?

- Tribal employees, board members, and council members may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or subcontractors.
- Tribe/TDHE may establish a maximum amount for gifts that are not significant or the gift is an unsolicited item of nominal value
- Amount established is usually \$20/gift or up to \$50 in total per year from the same source.

Conflicts Prohibited: 2 CFR 200.211

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

Example

The Housing
Director tells the
Board that the
program needs
to purchase 5
acres

You (a board member) have some land for sale

EXPLAIN WHY THIS MIGHT BE A CONFLICT??

Professional interest – housing program would benefit from the purchase

Personal interest – you would benefit from the sale

Mitigation Measures



- Recusal declare yourself disqualified to participate
- Code of Ethics policies that prohibit certain activities or conduct
- Third-parties independent, wellqualified individual outside the organization
- Disclosure sharing information not previously known

Conflicts in Admissions

- Program Guidance 2002-13
 - Ensure fair and equitable treatment for all
 - Determine if a conflict exists
 - Disclose to the public and report to HUD prior to providing assistance
 - HUD may make an exception
 - If family is low-income and qualifies, this is not a conflict but disclosure is required
 - If conflict is only apparent or perceived, make disclosure and inform HUD

Conflict of Interest Requirements

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

Violations

- Standards of conduct MUST include disciplinary action for any violations of the conflict of interest standards
- Wording in most policies is "up to and including termination".

Conflict of Interest Review, cont.

- Admissions and occupancy (24 CFR § 1000.30 (C))
 - Decision makers and those with inside information may not benefit
 - Does not apply to low-income applicant for assistance
 - Exceptions are possible on a case-by-case basis
 - Mandatory public disclosure is required prior to delivery of any assistance

HUD Perspective

According to the HUD NAHASDA regulations, the conflict of interest provision does not apply in instances where a person, who might otherwise be included under the conflict of interest provision, is low-income and is selected for assistance in accordance with the recipient's written policies for eligibility, admission and occupancy of families for housing assistance with NAHASDA funds. Additionally, there is no conflict of interest under applicable tribal law.

A copy of this public disclosure will be provided to the HUD Area office prior to providing any financial assistance. If you have any questions, please feel free

SAMPLE: Notice of Disclosure

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

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

Program Guidance

PROGRAM: Indian Housing Block Grant (IHBG)

FOR: All Tribal Government Leaders and Tribally Designated Housing Entities

(TDHE)

FROM: Ted Key, Acting Deputy Assistant Secretary, PN

TOPIC: Conflict of Interest in IHBG Housing Admissions

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

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

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

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

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

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

- a method of determining whether or not there is a potential conflict of interest with an
 applicant (e.g. does the housing application ask applicants to disclose any personal, family or
 business relationships with the housing entities decision makers? Does the housing entity
 maintain a list of persons having immediate family or business ties to its decision makers?);
- administrative steps for reporting a potential conflict of interest to the Area Office of Native American Programs (ONAP) and disclosing to the public the conflict of interest, the nature of the assistance to be provided the individual and the specific basis for which the selection of the individual was made.

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

Low-income individuals to whom the conflict of interest provisions would normally apply (e.g. housing staff and board members), but who qualify for assistance under the recipient's written policies for eligibility, admission and occupancy do not fall under the category of an "exception" and ONAP approval is not required to provide them with the assistance for which they qualify [See §1000.30(c)]. However, the recipient must make a public disclosure of the nature of the assistance to be provided such individuals and the specific basis for the selection of the person. The recipient must also provide its Area ONAP with a copy of the disclosure before the assistance is provided to the person.

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

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does not have the necessary policies, systems, and control procedures to comply with NAHASDA requirements, they should be written and adopted immediately. All policies should be made public and copies should be available to the public upon request.

Assistance is available from ONAP staff to recipients that would like help in preparing or reviewing their policies and procedures. The ONAP Training Institute also provides workshops at sites throughout the country. For technical assistance, contact your Area ONAP or check www.codetalk.fed.us for scheduled workshops.

Recipients should identify any conflict of interest for participants previously admitted under NAHASDA that have not been properly reported. The necessary action should immediately be taken to make these conflicts of interest public and report them to the recipient's Area ONAP.

HUD Approval: If the person receiving assistance is of low-income and they qualify for eligibility, admission and occupancy, only public disclosure and HUD notification is required [See §1000.30(c)]. However, as stated above, HUD approval for an exemption is required when there is a potential conflict of interest that would be in violation of §1000.30(b). An example of a situation requiring HUD approval for an exemption to the conflict of interest provision would be housing assistance to a TDHE Board member whose income is between 80% and 100% of median income.

Review: A recipient's compliance with conflict of interest requirements should be included in the tribe and/or TDHE's, self-monitoring program. HUD will also review conflict of interest policies, procedures, and performance during its regular monitoring of a recipient compliance with program requirements.

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

			pment (HUD) NAHASDA regulations at 24 CFR §§	
individual dire NAHASDA pro		the organization	nd Aleutian Housing Authority (AHA) must public has qualified and been selected to receive assi	stance through the
A Potential Co		eing disclosed du	ue to immediate family members of employees and and AHA have applied for and met the	
participating in provided assis	n the		Program in, Alaska.	Participants will be
	applicants have met			
Applie	cant:		Relationship to Board Member or AHA:	
AlaskaLow-ir	for the selection: a Native or America acome as determine ry residence			
as indicated b	below. All conflict of	of interest commo	be postmarked within 7 calendar days of the initial ents must be in a sealed envelope, addressed to Avenue, Anchorage, AK 99503	
			the next regularly scheduled AHA Board meeting, ne comment period.	The Board will not
	On this day	of	, 2012, at this time of	-
	This Notice was p	osted at:		
	One this day	of	, 2012, at this time of	
	This Notice was to	aken down by: _		

Conflict of Interest Review

- 24 CFR § 1003.606 (ICDBG); § § 1000.30-.36 (IHBG); 2 CFR Part 200.211, 2 CFR Part 200.318
- Has the recipient developed and adopted a written Code of Conduct or Ethics that specifically addresses potential conflicts of interest? ____ Yes ____ No
- Has the recipient developed written policies and procedures to ensure compliance with conflict of interest and disclosure requirements for procurement and selecting individuals for receiving assistance? ____ Yes ____ No

Conflict of Interest Review, cont.

If yes, do these policies and procedures specifically address:

Tribal leadership, including members of a Board of Commissioners and/or Tribal Council? ____ Yes ____ No

Housing staff? ____ Yes ____ No

Finance staff? ____ Yes ____ No

Conflict of Interest Review, cont.

Did the recipient provide program assistance to persons who participate in the program decision-making process or who gained inside information with regard to IHBG assisted activities (except for salaries or other related administrative expenses)? Yes No
 If yes, did the recipient make public disclosure, including the nature of assistance provided and the selection criteria? Yes No Was a copy of disclosure document(s) forwarded to the Area ONAP prior to the award of assistance?
Yes No

Conflict of Interest Review

- Are there any substantiated complaints against the recipient? ____
 Yes ____ No
- If complaints did occur during review period, were the issues resolved in an acceptable and timely manner? ____ Yes ____ No
- Establish corrective actions and timelines for second compliance review for all "no" answers.

Indian Preferenence

NAHASDA Indian Preference Requirements

- NAHASDA Title I—Block Grants and Grant Requirements, Sec. 101 (<) establishes the legal basis for tribal preference:
- (k) Tribal Preference in Employment and Contracting- Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).

NAHASDA Indian Preference Requirements

- Applicable NAHASDA Indian preference regulations
 - § 1000.48 Are Indian or tribal preference requirements applicable to IHBG activities?
 - § 1000.50 What tribal or Indian preference requirements apply to IHBG administration activities?
 - § 1000.52 What tribal or Indian preference requirements apply to IHBG procurement?
 - § 1000.54 What procedures apply to complaints arising out of any of the methods of providing for Indian preference?

Program Guidance No. 2013-07 (R)

- Updates on how to administer 2014 NAHASDA regulatory changes regarding tribal preference in employment and contracting
- Addresses distinction between Indian preference and tribal preference

INDIAN PREFERENCE GUIDANCE

Program Guidance No. 2013-07 (R)

- Tribe may adopt a tribal preference law 110 (Tribal Rights Employment Office (TERO)), regulation, or ordinance governing preferences in employment and contracting under IHBG program.
 - provide tribal member with preferential treatment over other Indians that are not enrolled members,
 - may specify any preferences in reductions in workforce and layoffs,
 - tribal law would prevail over requirement of 7b of the Indian Self-Determination and Education Assistance Act and of Section 3.

Implementing Indian Preference in Procurement

Options

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

Procedures - Indian Preference

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

Two-Stage Process

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

Nez Perce Tribal Housing Authority Invitation for Indian-Owned and -Operated Businesses Intent to Bid

The Nez Perce Tribal Housing Authority (NPTHA) is seeking interested Indian-owned and -operated contractors, subcontractors or material suppliers for future residential construction. All Indian-owned/operated enterprises and organizations qualifying will be placed on a list that will be provided to the Tribal Employment Rights Office (TERO) and to contractors or subcontractors bidding on NPTHA projects. In accordance with the NAHASDA of 1996, NPTHA projects funded with NAHASDA funds are subject to the following:

- \$ Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b). Section 7(b) provides that any contract, subcontract, grant or subgrant pursuant to an act authorizing grants to Indian organizations or for the benefit of Indians shall require that, to the greatest extent feasible:
 - Preference and opportunities for training and employment shall be given to Indians, and
 - (2) Preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned economic enterprises as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452).

The NPTHA considers an enterprise to be an Indian-owned and -operated enterprise based on a determination made by the Nez Perce TERO. If there are sufficient **qualified** Indian-owned and -operated enterprises to meet federal requirements for competition, the NPTHA will restrict the bidding to those businesses. Otherwise, the NPTHA will solicit bids from all businesses and provide Indian Preference based on a monetary formula as set forth in the NPTHA policies and procedures. All interested businesses must demonstrate the capacity to perform the job as demonstrated by experience, financial capability, evidence of producing quality work on time. Contractors will have to meet bonding and insurance requirements per the NPTHA standards. Those contractors, subcontractors and suppliers who have previously worked for the NPTHA must be in good standing with the NPTHA. All bids will be reviewed by the NPTHA and all work will be inspected by the NPTHA and a licensed inspector to ensure that work meets prevailing codes. Davis-Bacon wages for residential construction apply to NPTHA work. The NPTHA has the right to choose restricting the bid advertisement or to opening-up the bid advertisement.

Those Indian-owned and -operated firms who are not already certified by TERO as a CIB must obtain and complete the TERO CIB application. A copy of the application is to be sent to JAMES BOND at the Nez Perce Tribal Housing Authority, 101 Veterans Drive, Lapwai, ID 83540, and the original application and fee must be sent directly to the TERO Office, P.O. Box 365 Lapwai, Id 83540. Existing CIBs must submit a letter of interest, a description of your area of expertise and the date in which TERO approved you as a CIB, to JAMES BOND at the Nez Perce Tribal Housing Authority, P.O. Box 682, 101 Veterans Drive, Lapwai, ID 83540. Additionally, you must be approved by MUTUAL MONEY Bank as a Contractor. This form can be obtained from JAMES BOND as well. The information requested is due on or before April 30, 2003. Contact James Brown, 843-7363 at the TERO to obtain the required TERO CIB submission forms.

Indian Preference Intent to Bid

Admissions and Occupancy Review

Admissions and Occupancy Review

- Program areas to explore include:
 - Waiting list administration and tenant selection
 - Mutual Help
 - Low-rent
 - Other funds (e.g., Section 184, Title VI, HOME, ROSS, ICDBG, Competitive, LIHTC)
 - Downpayment assistance
 - Inspections
 - Payments/tenant financial compliance
 - Housing Counseling
 - Other

Admissions & Occupancy Policy and Procedures Review

- Ensure policies and procedures are up-to-date
- Any updates to the policy and procedures during the year? Yes ____ No ___
 - If yes, incorporate changes to the policy and procedures with resolutions attached.
- Identify each staff working on occupancy:
- Are the policies and procedures being followed? Yes ____ No ____
 - If not, identify gaps and train staff.

Admissions & Occupancy Review Tenant Files

- Examine initial tenant selection:
 - Waiting list position: Were tenants screened and selected in accordance with policy and procedures? Yes ____ No ___
 - Income and family size: Were tenants screened and qualified eligible in accordance with policy and procedures? Yes ____ No ___
 - If the answer is No, document outcome and correct in accordance with policy and procedures.

- Initial inspections:
 - Move-in inspection completed: Yes ____ No ____
 - Was there a follow-up Work Order to the move in inspection? Yes
 No ____
 - If yes, was the work order completed? Yes ___ No ___
- Annual inspection followed according to policy and procedures? Yes ____ No ___
 - If no, establish corrective actions, and timeline for second review of corrective actions.

Work orders:

- Is there a work order form? Yes ____ No ____
 - If no, establish corrective actions, and timeline for second review of corrective actions.
- Are work orders being completed timely (defined in policies):

Yes ____ No ____

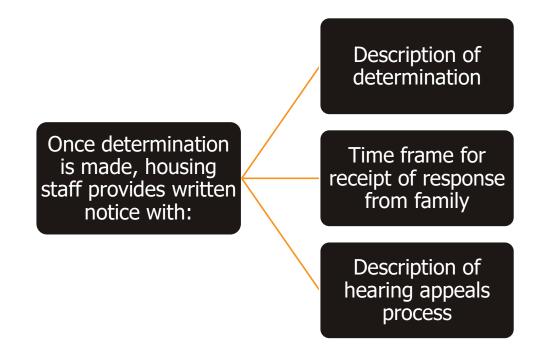
Are tenants charged for work in accordance to policies?

Yes ____ No ___

- Annual income certifications:
- Is there an annual certification? Yes ____ No ____
 - If no, establish corrective actions, and timeline for second review of corrective actions.
- Income calculated correctly? Yes ____ No ____
 - If no, establish corrective actions, and timeline for second review of corrective actions.

- Annual income certifications, cont.:
- Tenant current on payments? Yes ____ No ____
 - If not, are policies being followed? Yes ____ No ____
- Establish corrective actions and timelines for second review for all "no" answers.

TERMS AND CONDITIONS



Verifications Overview

Cuts across all occupancy areas

All information in tenant file must be verified and properly documented

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

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

Obtaining information for verification purposes, requires a signed consent for release of information from the family member whose information is being requested

Homeownership Agreement

- Allows homebuyer to purchase unit or lease unit with Option to purchase
- Specifies resident's obligations to:
 - Pay for required maintenance and utilities
 - Maintain ability to contribute land, materials, cash, or labor
 - Maintain capacity to pay monthly homebuyer payments
- Policies may require mandatory housing counseling to help resident understand financial and social responsibilities of homeownership

Rental Housing Lease Topics

- Using unit as primary, private residence
- Making monthly payments
- Keeping unit in good and safe condition
- Cooperating with recertification and inspection procedures
- Understanding maintenance process
- Understanding how disputes and grievances will be handled
- Reviewing insurance coverage options

COMPLIANCE

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ост	NOV	DEC
LATE FEE NOTICES LR	28	19	21	24	25	23	28	22	26	25	36	32
LATE FEE NOTICES MH	15	13	13	8	13	9	9	14	13	16	14	14
LATE FEE NOTICES SR	2	4	2	2	4	0	3	0	0	0	2	0
LATE FEE NOTICES W					2	2	2	2	1	2	3	3
NOTs	19	10	5	9	11	6	10	1	13	22	17	12
PBAs NEW	1	2	3	0	5	0	6	0	7	5	2	1
PBAs SATISFIED	0	0	0	0	3	0	0	0	1	1	1	3
ASSIGNMENTS NEW	0	3	5	4	2	0	6	2	5	2	1	0
BREACHED PBAs	1	0	1	2	0	3	0	1	3	8	0	1
FILED IN COURT	0	1	0	2	2	2	4	3	2	0	3	2
SENT TO ATTORNEY	6	14	6	6	19	11	13	19	19	22	34	12
COURT PROCESS COMPLETED	1	4	1	3	7	7	3	2	1	1	7	1
MOVE-OUTs	2	1	1	0	0	6	1	2	0	0	0	0
MOVE-INS	2	9	3	1	1	0	0	2	0	1	0	2
WARNING LETTERS	6	2	6	11	3	10	26	19	3	0	7	0
CONVEYANCES	0	0	1	2	1	0	0	2	0	0	0	0

	OCT	NOV	DEC	JAN	FEB	MAR	APR	M
MOVE-INs	1	1	2	3	3	0	2	
Mutual Help			0		0	0	0	
Low Rent			2	3	3	0	2	
MOVE-IN INTERIMS	0	2	0	0	4	2	1	
Mutual Help			0		0	0	0	
Low Rent			0	0	4	0	1	
MOVE-IN QUARTERLY	4	6	0	1	1	4	1	
Mutual Help			0		0	0	0	
Low Rent			0	1	1	4	1	
ANNUALS	6	4	2	3	2	1	1	
Mutual Help			2	1	1	0		
Low Rent			0	2	1	0	1	
ANNUAL INTERIMS	4	1	8	12	6	6	8	
Mutual Help			0		3	0	0	
Low Rent			8	12	3	6	8	
MOVE-OUTs	0	0	1	2	1	0	3	
Mutual Help			0		0	0	0	
Low Rent			1	2	1	0	3	
WEATHERIZATION	0	0	0	0	0	0	0	
Mutual Help			0	0	0	0	0	
Low Rent			0	0	0	0	0	
Other			0	0	0	0	0	
EXTERIORS	30	21	20	18	20	15	16	
Mutual Help			0		5	0	2	
Low Rent			20	18	15	15	14	
NOTICE OF TERMINATIONS (POSTINGS OF)	20	17	13	0	14	12	13	
ANIMAL COMPLAINTS	3	3	5	4	3	4	3	
VEHICLE TAGS	3	4	1	1	1	1	2	

Inspections Tracking

HOUSE COUNSELING REPORT	ост	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	FY Total
CLIENT CONTACTS	21	19	17	29	21	21	16	19	53	37	33	19	305
SECTION 184 CLIENT COUNSELING	7	11	17	29	21	21	16	19	35	24	25	19	244
BUDGET COUNSELING SESSIONS	6	6	6	10	6	6	3	0	0	0	3	3	49
MORTGAGES	0	0	0	0	0	0	2	0	0	0	2	0	4
IDA SAVINGS ACCOUNTS INITIATED	1	0	0	0	0	0	0	1	1	0	0	0	3
IDA INFORMATIONAL COUNSELING	1	2	5	1	0	3	6	0	5	1	3	0	27
HBE CLASSES	1	0	1	0	2	0	1	0	1	0	1	0	7
REVOLVING HOME LOAN PROGRAM	1	0	0	0	0	0	0	1	0	0	0	0	2

Vacancy Report

Summary or monuny occupancy

	Avail Occupied Units								Ytd	Ytd	Ytd						
Project	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	0cc	Avl	Pct	
006 009	45 16	32 15	32 15	32 14	32 14	32 14	32 14	32 14	31 14	30 14	32 13	35 14	35 15	387 170	540 192	72 89	_
010 MH Conversion - 010	2	1	2	2	2	2	2	2	2	2	2	2	2	23	24	96	
015 021	9	9	10	10	10	10	10	9	9	9	9	9	8	107	132	99	
022 MH Conversion - 022 025	5	0 4	0 4	0 4	0 4	0	0 4	0 4	3	3	3	4	5	46	60	77	
TOTAL	89	70	72	71	71	71	71	70	67	66	67	74	75	845	1068	79	



NON-LOW-INCOME ASSISTANCE

Summary of Requirements For Serving Non-Low-Income Families

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

MODERATE INCOME CHECKLIST

A. Inadequate Housing
Ladis Energy Efficiency
Over Crowded
Poor Plumbing
Electrical Deficiencies
Inadequate Drain field
Structurally Ursound
Pesi Infested
Fire Hazard
Inadequate Heating and or Cooling
No Heating
Inadequate Cooling
Lack of Water Pressure
No Insulation
Single Mide Trailer
Not Code Compliant
No Child Safety Measures
Incomplete Kitchen
Incomplete Bathroom

Ш	В.	Temporary Housing
		Living with Relatives
		Motels/Hotels
		Transitional Shelter
	C.	Homeless
	D.	Cost Burden (Housing costs exceed 50% of AGI including utilities)
	E.	Inaccessibility to Financing
II. D	eterr	mination that Housing Need cannot Reasonably Be Met
		Rental Housing not available in area
		Affordability
		Income & Assets Insufficient
		Housing Stock Insufficient
		Conventional Mortgages not available on trust land
		State Housing Finance Programs not available
		Section 8 waiting list is too long
		Inadequate Hausing Cteck in Area
		Inadequate Housing Stock in Area

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

Recipient can only use 10% of annual IHBG which is \$356,000. What is their 10% authority amount? Calculate the assistance provided based on the information below:

Example 1: The recipient is assisting a non-low income Indian family with rental assistance. The tribe has decided to use the monthly Fair Market Rent (FMR) of \$698 as the rental value for assistance.

\$698 FMR value x 12 months = \$8,376 of NAHASDA assistance.

Example 2: The recipient is assisting a non-low-income Indian family with homeownership assistance. The monthly value of the homebuyer unit is \$850.

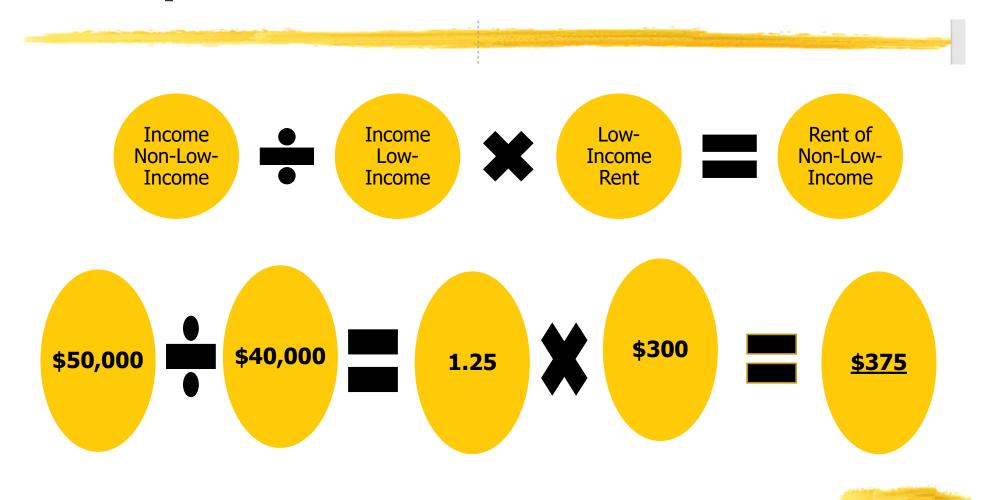
\$850 value x 12 months = \$10,200 of NAHASDA assistance.

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

Non-Low-Income Rental Payment Requirements

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

Rent Payment for Non-Low-Income Families

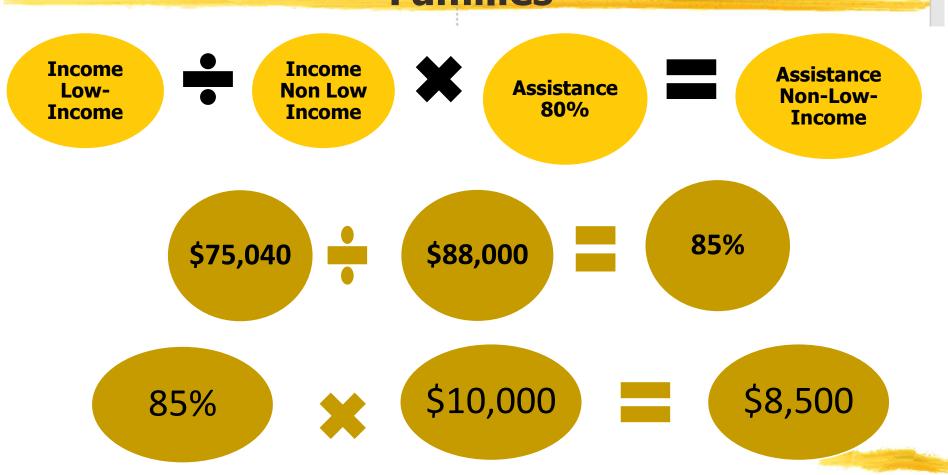


Non-Low-Income Other Assistance Payment Formula

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



Down Payment Assistance for Non Low-Income Families



TDCs

- Purpose limit cost and design to moderate standards
- Establishes the maximum amount of funds that may be used on a per units basis
- Applies to all housing assisted:
 - Acquisition, new construction, reconstruction, rehabilitation, homebuyer assistance, model activities

TDCs

- Includes all expenditures from <u>all</u> sources of funds
 - Administrative, planning, financing, site acquisition, on site utility development, site development, profit, design, etc.
- Recipient must maintain records to show cost per unit is within cost limits
- Recipients may request a variance to exceed cost limits for cause

Financial Management Review

Financial Management Monitoring

Questions to ask:

- Do we have appropriate financial management staff and tools to ensure accurate records and compliance?
- Are our policies and procedures sufficient and up to date?
- Do we have any outstanding audit findings or HUD monitoring findings?
- Do we track matching funds?
- Do we track costs by unit?
- Do we track costs by project?

Financial Management Monitoring

- Reporting:
- Timely submission of SF 425s?
- Detailed budgets and comparison against actual?
- Expenditure of drawn down funds within 3 days?
- Timely completion of audit?

Financial Management Monitoring

Internal controls:

- Segregation of duties?
- Written policy on who can authorize payments?
- Adequate documentation for all payments?

Investments:

- ONAP approval received?
- Written investment policy?
- IHBG investments separate from other investments?

- Allowable costs:
- Reasonable and necessary costs/expenditures?
- Costs meet 24 CFR Part 200 costs principals?
- Costs allocated appropriately?

Managing Multiple Sources Of Funding

- Whose money is spent when?
- What are each fund's restrictions?
- What are each fund's reporting requirements?
- Monitoring work quality & progress
- What are each fund's drawdown, disbursement requirements/procedures

Uniform Administrative Requirements

- OMB leads development of government-wide policy to assure that
 - Grants are managed properly and that
 - Federal dollars are spent in accordance with applicable laws and regulations.

Recipient Requirements

- Each Recipient must establish a system to guarantee that funds are
 - Paid in a timely manner,
 - Money is handled in compliance with OMB guidelines, funder's requirements, and Recipient's policies and procedures, and
 - All funds are tracked and documented appropriately.

Tracking System Overview

- Preparation of financial records:
 - Determine what grant reimbursement requests are outstanding (encumbered funds), and which grants are not obligated (unencumbered funds),
 - Determine & document matching funds expended
 - Determine reporting requirement for each fund, and
 - Establish a Grant Tracking Worksheet, Year To Date (YTD) Template to track multiple funds.
- Use progress meetings to reconcile any discrepancies

Good Financial Management Practices

- Generate regular reports about account activity
- Establish clear processes for reimbursements and tracking and spending different types of funds
- Track all account expenditures and revenue throughout the year
- Track all approved grants, reimbursement requests, and unencumbered funds

SAMPLE REPORTING SCHEDULE

Month	Day	Item	Preparer
January	31st	General Partner Certificate [dated 12/31]	HA
		Tenant Income/Rent Summary	HA
		Annual Business Reports	HA
		Property Inspection Reports [separate reports for each housing unit inspected]	HA
		Property Inspection Schedule for first quarter (Included in TIRS)	HA
February	12th	Tax Returns and Supporting Schedules	CPA
March	1st	Audited Financial Statements	CPA
April	30th	General Partner Certificate [dated 3/31]	HA
		Tenant Income/Rent Summary [dated 3/31]	HA
		Quarterly Unaudited Financial Statements	CPA
		Property Inspection Reports [separate reports for each housing unit inspected]	HA
		Property Inspection Schedule for second quarter (Included in TIRS)	HA
July	31st	General Partner Certificate [dated 6/30]	HA
		Tenant Income/Rent Summary [dated 6/30]	HA
		Quarterly Unaudited Financial Statements	CPA
		Property Inspection Reports [separate reports for each housing unit inspected]	HA
		Property Inspection Schedule for third quarter (Included in TIRS)	HA
October	31st	General Partner Certificate [dated 9/30]	HA
		Tenant Income/Rent Summary [dated 9/30]	HA
		Quarterly Unaudited Financial Statements	CPA
		Proposed Annual Operating Budget [for the upcoming calendar year]	HA & CPA
		Property Inspection Reports [separate reports for each housing unit]	HA
		Property Inspection Schedule for fourth quarter (Included in TIRS)	HA
November	30th	Finalized Annual Operating Budget [approved by RJ]	RJ & CPA
December	15th	Final Executed Operating Budget [approved by HA]	HA
		Current Executed Utility Allowance Schedule Insurance Renewal Certificates are due annually one month prior to expiration of	НА
Annually		current policy	HA
		Asset Management Fees Paid to RJ	HA

Sources and Uses by Phase

- Much like sources and uses
- Shows timing of sources and uses
- May be in phases planning/predevelopment/development/operations
- May be in months especially useful during construction
- Also called Cash Flow

Financial Management Monitoring Policy and Procedures Review

- Ensure Policy and Procedures are up-to-date:
 - Any updates to the policy and procedures? Yes ____ No ____
 - If yes, incorporate changes to the policy and procedures with resolutions attached.
 - Identify each staff working on financial and fiscal management:
 - Are the policies and procedures being followed? Yes ____ No ____
 - If not, identify gaps and train staff on current policy and procedures.

- HUD grants:
 - Identify all HUD grants for the review period
- 24 CFR Part 200 audits:
 - Audit completed on time? Yes ____ No ____
 - If no, explain the reason for delay
 - Any findings identified? Yes ____ No ____
 - If yes, are corrective actions in place? Yes ____ No ____

- Financial Cash Transactions Reports (425):
 - Were reports filed on time? Yes ____ No ____
 - If no, identify why and establish corrective action plan with timelines.
- Reconciliation of the APR:
 - Review the latest APR to determine the total amount reported as expended.
 - Does the reconciled APR match the audited financial statements? Yes ____ No ___
 - If no, identify reasons and create a plan for reconciliation.

Trancactions	Toction
Transactions	resung:

- Were the grant expenditures allowable, allocable, and reasonable? Yes ____
 No ____
 - If no, prepare a corrective action plan and establish a timeline for completion.
- Expenditures meet the program income requirements?

Yes ____ No ____

LOCCS:

- Were funds drawn from LOCCS supported by adequate documentation?
 Yes No
- If no, prepare a corrective action plan and establish a timeline for completion.

- Summary:
 - Summarize all conclusions and create a corrective action plan for any weaknesses identified.
- Establish corrective actions and timelines for second for compliance review for all "no" answers.

SOURCES OF FU	NI)S						GENERAL			PUBLIC	FO	RMULA	COMP.				
								FUND		PROCEEDS	WORKS		MULUS	STIMULUS		RETAINAGE	_	
Procurement - Advertisement	Ś	1,000	Ï	ĩ	IHP 2009		HP 2010	2009	FUND 2010	FROM SALE	CONTRIB.	G	RANT	FUNDS	ICDBG		-	TOTAL
Finance Software	S	100,000			\$ 1,000	-						_					\$	1,000
Reproduction of Contract Documents, As-builts;	Ş	100,000	-						\$ 100,000								\$	100,000
Operations Manual; brochure	Ś	5,000							STAD STATE CHARGE									
ADMINISTRATION SUBTOTAL		3,000	ć	106,000					\$ 5,000			_					\$	5,000
Architectual Plans & Specs Services (Mechanical,			7	100,000		_				\$ -		_					\$	
structural, electrical)	Ś	135,000								ć 120.000		Ś	45.000				,	125.000
Engineering/Survey/Soil Testing Services	Ś	120,000						¢40.000		\$ 120,000		\$	15,000	A 20,000			_	135,000
Strata Geotechnical Services	\$	5,931						\$48,000				\$	52,000 5,931	\$ 20,000			\$	120,000
Public Works Project Coordinator	\$	4,160									\$ 4,160	Þ	3,931				\$	5,931 4,160
SOFT COSTS SUBTOTAL			\$	265,091				-			\$ 4,160						\$	4,100
GATHERING PLACE																		
Mobilization	Ś	20,000	1			Ś	20,000										\$	20,000
Clean-up of site	Ś	5,000				Þ	20,000	\$ 5,000									\$	5,000
Asbestos removal	\$	15,248						\$ 3,000				Ś	15,248				\$	15,248
Demolition (EA DONE)	Ś	99,900				\vdash						\$	99,900		-		\$	99,900
Roads/signage/parking (EA DONE)	\$	557,930	1							\$ 377,930		7	33,300	\$ 180,000			\$	557,930
Drainage, Infrastructure, Cistern (EA DONE)	\$	234,100							\$ 200,000					3 100,000			-	234,100
Site surfacing & landscaping (EA DONE)	\$	83,250							¥ 200,000	V 0.,,200		\$	83,250				Ś	83,250
2 quads straw bale	\$	1,800,000												\$ 1,800,000			-	1,800,000
Water system upgrades	\$	196,100										\$	95,600		\$ 100,500		\$	196,100
Lagoon cell	\$	399,500	1												\$ 399,500		\$	399,500
GATHERING PLACE CONSTRUCTION SUBTOTAL			\$ 3	3,411,028														
HOUSING REHABILITATION																	\$	-
10 homes of 26 identified	\$	160,000				\$	95,849					\$	64,151				\$	160,000
flooring (wooden click-26 homes)	\$	45,000										\$	45,000				\$	45,000
Group Workcamps (fencing & painting)	\$	20,000			\$ 5,000	\$	15,000										\$	20,000
SENN anchor bolts & sidewalks	\$	22,000				\$	8,000									\$ 22,000	\$	8,000
REHABILITATION SUBTOTAL			\$	247,000														
OFFICE REHABILITATION																		
Office Roof	\$	10,000							\$ 5,000			\$	5,000		ia a		\$	10,000
Energy Audit	\$	1,500				\$	1,500										\$	1,500
Siding	\$	1,500				\$	1,500										\$	1,500
Painting	\$	1,500				\$	1,500										\$	1,500
Sprinkler	\$	1,800				\$	1,800										\$	1,800
Windows	\$	7,000				\$	7,000										\$	7,000
OFFICE REHABILITATION			\$	23,300													\$	-
PROJECTS TOTAL			\$ 4	4,052,419	\$ 6,000	\$	152,149	\$53,000	\$ 310,000	\$ 532,030	\$ 4,160	\$	481,080	\$ 2,000,000	\$ 500,000	\$ 22,000	\$ 4	1,038,419

Environmental Review Compliance

Environmental Review Compliance

- Areas to examine:
 - 24 CFR Part 58
 - 24 CFR Part 50
 - Exempt activities, categorically excluded activities, or activities that would require an Environmental Assessment or Environmental Impact Statement
 - Categorical Exclusions, Not Subject to 24 CFR § 58.5
 - Categorical Exclusions, Subject to 24 CFR § 58.5
 - Availability of ERR

ER Compliance Purpose and Overview

Determine the grant recipient's compliance with HUD's environmental review and clearance requirements, as outlined in 24 CFR Part 50 and Part 58

ER Compliance Purpose/Overview cont.

- Under NAHASDA [Indian Housing Block Grant (IHBG), Title VI, and Section 184 programs], the Tribe may decline the responsibility for carrying out the environmental review responsibilities under 24 CFR Part 58
- If a Tribe declines the responsibility, the environmental review responsibilities are carried out by HUD under 24 CFR Part 50

ER Compliance Purpose/Overview cont.

■ Funds cannot be committed or used to undertake a program or activity listed in 24 CFR 58.1(b) if the activity or project would have an adverse environmental impact or limit the choice of reasonable alternatives

Environmental Review Compliance

Without exception, all Environmental Review Records must include a determination that an action did or did not trigger the requirements of the Flood Disaster Protection Act, the Coastal Barriers Resources Act and include a disclosure of properties located in airport runway clear zones.

Environmental Review Compliance: Who is Responsible?

- Tribe assumed responsibility for the environmental reviews under 24 CFR Part 58? ____ Yes ____ No
 - If no, show documentation that the ERR responsibilities are carried out by HUD under 24 CFR Part 50.
 - Review the Form HUD-4128, Environmental Assessment and Compliance Findings for the Related Laws, completed for each activity, and
 - Summarize the decision made by the ONAP conducting the environmental review.

Environmental Review Compliance: Who is Responsible?

- Tribe assumed responsibility for the environmental reviews under 24 CFR Part 58? ____ Yes ____ No
- Is the information related to all types of environmental reviews (exempt activities, categorically excluded activities, or activities that would require an Environmental Assessment or Environmental Impact Statement) done by or for the Recipient located in one place and available to public? ____ Yes ____
 - If no, create a central EER file for all environmental reviews

Environmental Review Compliance 24 CFR Part 58

- Has the Tribe assumed responsibility for the environmental reviews under 24 CFR Part 58? ____ Yes ____ No
- Is there an ERR for each covered activity in the file?

___ Yes ___ No

Environmental Review Compliance

- Federal funds may not be used for acquisition and construction (including rehab), even if the activity is exempt or categorically excluded, in an area identified by the Federal Emergency Management Agency (FEMA)as having special flood hazards, unless:
 - The community is participating in the National Flood Insurance Program (NFIP) 24 CFR 58.6(a)(1)(i), and
 - The Recipient purchases and maintains flood insurance under that program
- Do the conditions above apply to the Recipient?

Yes	No

Environmental Review Compliance: Exempt Activities

- Environmental and other studies
- Development of plans and strategies
- Information and financial services
- Public services not having a physical impact or resulting in physical changes (i.e., employment, crime prevention, education, counseling, etc.)
- Inspections and testing for hazards or defects
- The purchase of insurance
- Engineering or design costs
- Technical assistance and training
- The purchase of tools

Environmental Review Compliance: Exempt Activities, cont.

- Is there an ERR for the exempt activities?
 ____ Yes ____ No
 - If there is not adequate documentation for this review:
 - Provide a copy of the Sample Environmental Review for Projects that are Exempt Per § 58.34
 - Complete it, and include it in the records for each activity or activities in this category. Include in the documentation a copy of correctly completed record(s) and/or documents to support that each error is remedied

Environmental Review Compliance Categorical Exclusions, Not Subject to 24 CFR § 58.5

- Tenant-based rental assistance;
 - Supportive services (i.e., health care, housing services, etc.)
 - Operating costs (i.e., maintenance, security, utilities, etc.)
 - Economic development activities (i.e., equipment purchase, operating expenses not associated with construction or expansion, etc.)
 - Downpayment or closing cost assistance to homebuyers for existing units

Environmental Review Compliance Categorical Exclusions, Subject to 24 CFR § 58.5

- Typical categorically-excluded activities, which are subject to § 58.5, include:
- Acquisition, repair, improvement, reconstruction, rehabilitation of public facilities (other than building) when the facilities:
 - Are in place, and
 - Will be retained in the same use without change in size or capacity
- Removal or material and architectural barriers

Environmental Review Compliance Categorical Exclusions, Subject to 24 CFR § 58.5

- Rehabilitation of buildings and improvements
- An individual action (e.g., disposition, new construction, demolition, acquisition) on up to four dwelling units; or
- An individual action on five or more units scattered on sites more than 2,000 feet apart and no more that 4 units per site
- Determine if the activities listed in the ERR are included in the list of categorical exclusions, subject to 24 CFR § 58.5. Did the Recipient review compliance with applicable regulatory requirements? ____ Yes ____ No

Environmental Review Compliance Categorical Exclusions, Subject to 24 CFR § 58.5

- Review each ERR to establish if compliance with the applicable laws and authorities was determined and documented; i.e., if there is a completed statutory worksheet.
- Determine if recognized authoritative sources were used to support the conclusions reached.
- If it was determined and documented that there were no circumstances which required compliance with any of the applicable federal laws or authorities, the project converts to exempt under the provisions of 24 CFR § 58.34(a)(12).
- Subsequent to obtaining compliance, were the request for release of funds RROF responsibilities, including public comment, met? ____ Yes ____ No

Environmental Review Compliance, cont.

 If an activity is not exempt or categorically excluded, an Environmental Assessment (EA) must be completed

Environmental Review Compliance Summary

Summarize the compliance review sections to include:

- Compliance with requirements
- Violations of the applicable statutes, regulations, or local laws and authorities
- Issues that should be noted as a concern because they could lead to a violation
- Significant accomplishments and/or best practices
- For all no answers and deficiencies, complete the required ERR, and include in the documentation a copy of correctly completed record(s) and/or documents to support each error disclosed is remedied

PROJECTS 2012	UNDING	UNDING EST. \$\$		xem	pt	Dept	date Initiated			
PROJECTS 2012 S	SOURCE	E31. 33	Exempl	Cat. Exc.	EA	Lead	Date Initiated	Date Started	Date End	Closeout Date
TDHE OFFICE BUILDING										
fencing replacement		10,000		X						
roof replacement		10,000		X						
spinkler system for office building		4,000		Х						
paint office building		5,000		X						
addition		85,000								
ELDERLY COMPLEX										
handicap counters		16,000		X						
sidewalk paving		37,000		X						
handicap shower		36,000		X						
visquine under building		15,000								
Replace		160,000		X						
fencing perimeter of complex		16,000		X						
PROJECT 12										
Landscaping		23,000		X						
Clean up		2,000		X						
Speed bumps		8,000		X						
Fencing		45,000		X						
ACQUISITION										
acquisition of 4 sgl fam homes &					10.22					
2 duplexes & 1 empty lot		650.000			X					
PRAIRIE WIND PROJECT										
arborist for existing fruit trees		5.000	Х							
asbestos removal 15k		15.000			х					
Landscaping (RFP)		15.000			X					
Demolition		98,000			X					
Housing Designs		70.000			X					
DEVELOPMENT - NEW CONSTRUC	TION									
	IION	240.000			X					
Build 2 new houses		240,000			٨					

PROJECTS 2012	FUNDING	EST CE	EX	cemp	ot	Dept	Date Initiated Date Date Date End Closeout				
PROJECTS 2012	SOURCE	L31. 99	Exempt	Car. Exo.	EA	Lead	Date	Date	Date End	Closeous	
HOUSING SERVICES NETWORK											
Pathways Manuals		10,000	X								
Home Fair		5,000	X								
CASA		200	X								
Maintenance Counseling Materia	Į\$	3,000	X								
Elderly Dinner Booth		1,000	X								
General Council Booth		2,500	X								
Cultural Pow Wow Booth		2,500	X								
LANDSCAPING CREW								d			
DREAM ON			X								
SECURITY											
Project 10 & 11 holiday security		7,000	X								
RETREAT											
Staff meeting		3,000	X								
HOME IMPROVEMENTS - REVOL	VING LOANS										
10 to 20 loans		250,000		X							
IDA											
2 to 4 families		18,000	X								
DOWN PAYMENT ASSISTANCE											
5 families		25,000	X								
ENVIRONMENTAL											
Contract special work out		18,000	X								
SOFTWARE REPLACEMENT											
Finance		100,000	X								
REHAB											
100 LR homes		18,000,000		X							

Procurement and Contract Administration Review

Procurement and Contract Administration Review

- Review policies and procedures
- Staff interviews
- Review 2 CFR Part 200 audits
- Sample transactions for testing
- Review inventory for maintenance

Procurement Review

- Full and open competition required by 2 CFR Part 200, plus IHBG requires Indian and/or tribal preference
- If value under \$10,000 neither required so depends upon Recipient's procurement policies

Process:

- Invite Indian-owned businesses to indicate intent to bid
- If sufficient response, advertise for bids and select most advantageous bid
- If insufficient bids received, re-advertise with or without Indian preference OR
- If one approvable bid or proposal received, request Area ONAP review and approval
- Recipients should have written policies and procedures to ensure fairness, federal compliance and best value

- Is the policy in compliance with all applicable statutes?
- Yes ____ No ____
- Any updates during the year to policy and procedures?
- Yes ____ No ____
 - If yes, incorporate changes to the policy and procedures with the approving resolutions attached.
- Staff responsible for procurement and contract management are familiar with and follow the requirements under the policy and procedures? Yes ____ No ____
 - If no, establish a training method for staff.

- 24 CFR Part 200 audits:
 - Any procurement findings identified during the audit ? Yes ____ No ____
 - Any findings identified? Yes ____ No ____
 - If yes, are corrective actions in place? Yes ____ No ____

- Sample transactions for testing:
- Select samples from each of the following: small purchases (less than \$250,000), micro purchases (less than \$10,000, if used), sealed bids, competitive proposals, and non-competitive proposals. Do they meet the requirements under policy and procedures? Yes ____ No ____
- If areas of weaknesses identified, develop a corrective action plan and set a timeline for review. Include documentation for testing.

- Inventory for maintenance:
 - Does the tribe have an inventory of materials?
 - Yes ____ No ____
 - If yes; is there a designated person for inventory control? Yes ____ No
 - Are materials stored in a safe location? Yes ____ No ____
 - Test a sample (10% or 10 whichever is higher) of purchase orders for compliance with policy and procedures.
- Establish corrective actions and timelines for second for compliance review for all "no" answers.

Contract Administration - Construction

- Inspect the work being performed
- Monitor the work for timeliness of completion according to the contract construction schedule.
- Monitor the budget:
- Issue Certificate of Completion
- Issue Certificate of Occupancy
- Execute the Permanent Loan, if applicable
- Negotiate certificate of substantial completion
- Manage construction close out

Contract Administration - Construction

SDH Construction Schedule												
Sept. 2004 - Aug. 2004												
Lots 1-16, 18-21, 38-40, 48-50, 52, 53, 59, 60, 62, 63 - Sundown Heights												
Items	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.
Lots 1-5												
Lots 6-10												
Lots 10-15												
Lots 16-												
21, 38												
Lots 39,												
40, 48-50												
Lots 52,												
53, 60, 62,												
63												

Contract Administration – Construction Documents

- Plans/Specs
- Site Map/Plot Plan
- Construction Schedule/Draws
- Builders Contract
- Builders Certification
- Section 184 Applicant Acknowledgment
- Construction Loan Rider/Agreement
- HUD 4128 Environmental

Contract Administration – Post Endorsement Documents

- Compliance Inspection Reports
- Final Pictures
- Warranty of Substantial Completion
- Draw Requests
- Mortgagor's Letter of Completion
- Clearance docs (i.e. CO, well/septic)
- Final Release to be signed by HUD

Cost Estimate Summary

					Total Tech.	TOTAL EST.
Alternati		Total Est.	Total Est.	Total	Support (Nearest	COST
ve	Description	Water	Wastewater		•	(Nearest \$1,000)
1	Do Nothing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
2	Comm. Water & Indiv. STDF's	\$677,400.00	\$267,825.00	\$94,522.50	\$104,000.00	\$1,144,000.00
3	Comm. Water & Comm. Drainfield	\$677,400.00	\$453,325.00	\$113,072.50	\$124,000.00	\$1,368,000.00
4	Comm. Water & Sewer, Expand City Lagoon & Land Application	\$677,400.00	\$612,325.00	\$128,972.50	\$142,000.00	\$1,561,000.00
5	Comm. Water & Sewer, Expand City Lagoon & Discharge to Lapwai Creek	\$677,400.00	\$608,925.00	\$128,632.50	\$141,000.00	\$1,556,000.00
6	Comm. Water & Sewer and Construct New Wastewater Treatment Facility	\$677,400.00	\$4,423,625.00	\$510,102.50	\$561,000.00	\$6,172,000.00

- 24 CFR § 1000.16
- Apply to all laborers and mechanics working on new or existing affordable housing units
- Tribes may develop their own designated wage rates (TDWs) or use:
 - Davis-Bacon wage rates for new development
 - HUD-determined wage rates for maintenance of existing units

- Did the tribe or recipient elect to utilize TDCs for development and/or maintenance work? Yes ___ No___
 - If yes, does the law or regulation require the payment of not less than prevailing wages (not "minimum", "average", "fair" wages, etc.)?

 Yes ____ No ___
 - Is the law or regulation applicable to all, or only a portion, of development and/or maintenance work? Yes
- Did the tribe use Davis-Bacon or HUD wages for any development or maintenance work not covered by TDWs? Yes ____ No ____

- If the tribe has elected to use Davis-Bacon wages for development work and/or HUD wages for maintenance work:
 - Does the tribe have designated staff for labor standards administration and enforcement? Yes ____ No ___
 - Does the tribe maintain labor standards records for covered development and maintenance work, including copies of contracts (if applicable); payroll reports; correspondence; and evidence that any discrepancies or violations were corrected? Yes ____ No ____

- If the tribe has elected to use Davis-Bacon wages for development work and/or HUD wages for maintenance work, cont.:
 - For both contracts and force account labor, has a Davis-Bacon wage decision been assigned for development work and a HUD wage decision is assigned for maintenance work? Yes ____ No ____
 - Are the applicable wage decisions (and Davis-Bacon poster for development work) posted at a location accessible to all laborers and mechanics covered by such wage decisions? Yes ____ No ____

- If the tribe has elected to use Davis-Bacon wages for development work and/or HUD wages for maintenance work, cont.:
 - Are confidential interviews conducted at the job site with laborers and mechanics performing covered work? Yes ____ No ___
 - Are complaints or other allegations of wage violations addressed promptly and followed to resolution? Yes ____ No ____

CONTRACT PROVISIONS	THRESHOULD \$ AMOUNT
Indian Preference Section 7b	\$10,000
Equal Employment & Certification of Nonsegregated facilities	\$10,000
Davis-Bacon	\$2,500
Copeland Anti-kickback Act	\$2,000
Bonding	\$150,000
Clean Air & Federal Water Pollution Control Act	\$150,000
Debarment, Suspension-Executive Orders 12549 & 12689	All contracts
Termination for Cause & Convenience	\$10,000
Violations/Breaches	\$150,000
Sm, Labor Surplus Area, Women Owned Businesses	All contracts
CWHSS	\$100,000
Byrd Anti Lobbying Amendment	\$100,000

Final Self-Monitoring Report

Final Self-Monitoring Report

- Corrective actions are the steps that must be taken to correct instances of noncompliance, poor management, or poor performance that are identified as a result of self-monitoring
- Final Self-Monitoring report should include all conclusions and corrective actions completed for areas of weakness and deficiencies
- The chart below provides examples of noncompliance and corrective actions that can be identified

Final Self-Monitoring Report

Finding or Concern	Possible Corrective Actions
Policies, procedures, or forms used in	Require the adoption or revision of
program operations do not accurately	policies, procedures, or forms.
state HUD requirements, or do not	Provide specific guidance on issue to
sufficiently ensure compliance.	be improved.
Staff are unfamiliar with HUD	Require staff to attend training and/or
requirements in general; or, one or two	participate in technical assistance
specific program areas are not in	(recommended when staff is new or
compliance, but overall program is well-	inexperienced)
administered.	Large TDHEs should conduct training
	and technical assistance and tap HUD
	Field Office resources for technical
	assistance, where possible.
HUD funds spent on ineligible costs	Repay/return HUD funds
Costs are unsubstantiated	Withhold payments until there is
	evidence that costs are justified and
	reasonable
Tenant paid too much for rent due to	Calculate tenant's overpayment and
miscalculation	make tenant whole

Questions?