



HUD's Office of
Housing Counseling



Tribal Consultation: Certification of Tribal Housing Counselors

July 27, 2023

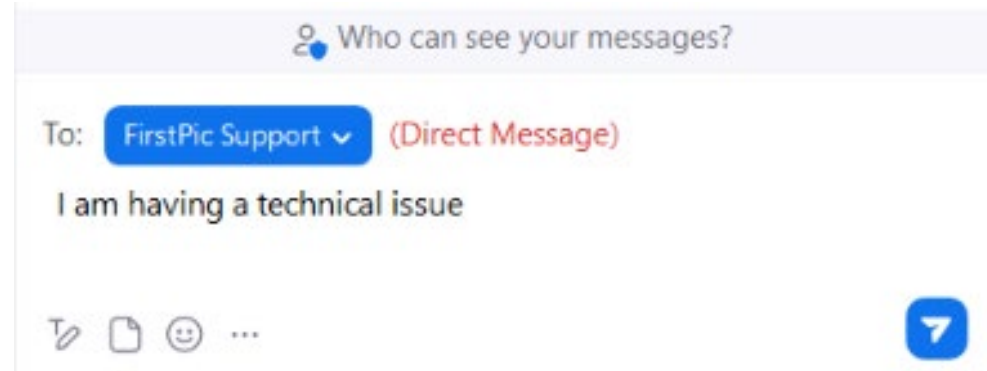
2-4pm Eastern Time

Materials and Recording

- This session is being recorded. The recording and materials on HUD's [Tribal Consultation page](#).
- This PowerPoint was posted on HUD's Tribal Consultation page prior to this session.

Logistics

Having technical issues?
Send a Chat to **FirstPic Support** via the Chat box.



Feedback and Q&A

We welcome feedback and questions throughout today's session. These will be addressed during the feedback and Q&A portion of today's session.

There are two ways to provide a comment or question.



Chat box

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Who can see your messages?

To: **Everyone** ▾

My name is ___ and I am with ___ (Tribe). My question or comment is _____.

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Housing Counseling



David Berenbaum

Deputy Assistant Secretary
Office of Housing Counseling

Agenda

Introduction and Overview 2:00-2:45pm	Background Review of proposed rule
Feedback and Q&A 2:45-3:55pm	Dedicated time for feedback and Q&A May be shared through chat or verbally
Closing and Next Steps 3:55-4:00pm	



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Background and Review of Proposed Rule

Ruth Román, Senior Policy Advisor

David Valdez, Senior Housing Program Specialist

Housing Counselor Certification Background

- On December 14, 2016, HUD published a final rule: Housing Counseling: New Certification Requirements.
 - Applies to all housing counseling required by or provided in connection with other HUD programs (programs other than IHBG and ICDBG).
 - Provided that within 36 months of the availability of a certification examination, housing counseling could only be provided by HUD certified housing counselors working for a Participating Agency.
- In December 2020, HUD issued the Final Rule: Revision of the Certification Timeline.
 - Updated the final compliance date for counselor certification for non-tribal HUD programs to August 1, 2021.
 - The rule only applies to IHBG and the ICDBG programs after the issuance of a final rule.

Tribal Consultation Sessions

- In accordance with HUD's Tribal Consultation Policy, Tribal Consultation sessions were conducted to obtain feedback on implementation of the statutory amendments to the Indian Housing Block Grant (IHBG) program and the Indian Community Development Block Grant (ICDBG) program and how to apply the housing counseling program and certification requirements in Section 106 to these programs.
- On January 26, 2021, and February 4, 2021, two Tribal Consultation sessions were conducted, and Tribal leaders and tribal housing practitioners were encouraged to participate. Written comments were received through March 27, 2023.
- Today, HUD is hosting a third virtual Tribal Consultation session to obtain feedback on the Certification of Tribal Housing Counselors proposed rule. The session will include an overview of the proposed rule and allow an opportunity for feedback.

Tribal Listening Sessions

Six Listening Sessions were held with Native Organizations in 2021:

- Association of Alaska Housing Authorities
- Great Lakes Indian Housing Association
- United Native American Housing Association
- Native CDFI Network
- Northwest Indian Housing Association
- Southern Plains Indian Housing Association

What is Housing Counseling?

- Housing Counseling is independent, expert advice customized to the need of the client to address their housing barriers and to help achieve their housing goals.
- Housing counseling elements include:
 - Intake- Obtaining basic information to determine if the agency can assist a potential client, schedule an appointment with a housing counselor, or refer the potential client to other resources.
 - The foregoing activities, on their own, are not Housing Counseling.
 - Client budget.
 - Financial and housing affordability analysis.
 - An action plan, except for reverse mortgage counseling.
 - Reasonable effort to follow-up with client.

What Is Not Housing Counseling?

- Housing information, or placement or referral services.
- Routine administrative activities (such as program eligibility determinations and intake).
- Case management that is incidental to a larger case management and does not fund housing counseling.
- Group education without individualized housing counseling services.

Those Tribes, TDHEs, and Tribal entities not currently performing housing counseling are not required to provide housing counseling under the proposed rule. Such entities are free to continue to operate as they have been.

The Proposed Rule

- Incorporates feedback received during prior consultation sessions, listening sessions, and through public comment.
- Outline of proposed amendments to 24 C.F.R. 214:
 - New definitions: Added to 24 CFR 214.3.
 - Exemptions: Exempts Tribes, TDHEs, and Tribal entities from compulsory participation in the existing housing counseling program (Subpart B-E) unless the entities also provide housing counseling under, or in connection with, other HUD programs (programs other than IHBG and ICDBG).
 - Subpart F: Establishes Tribal Housing Counseling Certification requirements that apply only to the IHBG and ICDBG programs.
 - Certification exam: Creates an exam tailored to the relevant non-discrimination requirements of the Indian Block Grant Programs and that accounts for the unique status of trust land.

Subpart A: New Definitions

Proposed Regulation to be Revised	Proposed Definition
24 CFR 214.3	Revised “HUD certified housing counselor” to include Indian tribes, TDHEs, and other tribal entities as places a HUD-certified counselor may work. Added “Tribally designated housing entity.” Used NAHASDA definition at 25 U.S.C. 4103 .
24 CFR 1000	Added “housing counseling.” Cross-referenced the HUD-wide definition found in 24 CFR 5.100 and 24 CFR 5.111.
24 CFR 1003 (Community Development Block Grants for Indian Tribes and Alaska Native Villages)	Added “housing counseling.” Cross-referenced HUD-wide definition found in 24 CFR 5.100 and 24 CFR 5.111.

Subpart F: HUD Certified Tribal Housing Counselor Requirements

- Indian tribes, TDHEs, and other tribal entities providing housing counseling in connection with IHBG or ICDBG programs, except as otherwise provided in this section.
- Under this proposed rule, a HUD certified housing counselor is defined as a housing counselor:
 - Who has passed the HUD certification examination; and,
 - Works for:
 - A participating agency; or
 - An Indian tribe, TDHE, or other tribal entity.

View the proposed rule language [here](#).

Subpart F: HUD-Certified Tribal Housing Counselor Certification Exam: What does the Proposed Rule Say ?

214.600(b)(2)(c) HUD will certify an individual housing counselor to provide housing counseling required under or provided in connection with IHBG or ICDBG programs upon verification that the person:

- (1) Passes a standardized written examination to demonstrate competency in each of the following areas:
 - (i) Financial management;
 - (ii) Property maintenance;
 - (iii) Responsibilities of homeownership and tenancy;
 - (iv) Fair housing laws and requirements;
 - (v) Housing affordability; and
 - (vi) Avoidance of, and response to, rental or mortgage delinquency and avoidance of eviction or mortgage default

*Note: For fair housing laws and requirements, the proposed rule accounts for distinctions in fair housing laws pertaining to Tribes. Regulations at 24 CFR 1000.12 and 24 CFR 1003.601 apply to IHBG and ICDBG, respectively.

Subpart F: HUD-Certified Tribal Housing Counselor Certification Exam

- Appropriately tailored content to reflect the unique status of trust land.
 - HUD will seek to modify study materials to account for tailored exam components.
 - HUD strongly encourages additional training that covers Federal Indian law, the unique status of trust land, the role of BIA in mortgage and realty transactions, the role played by Indian tribes to grant leases on trust land, and more.
- The program will invite subject matter experts from Tribes, TDHEs, Tribal entities, and other entities with subject matter expertise to an informal working group.

Subpart F: HUD Certified Tribal Housing Counselor Requirements When Using Other Funds

Housing counselors providing counseling required by or provided in connection with **other** HUD grant programs (e.g., HOME, Housing Trust Fund), etc.) would still need to comply with the existing requirement of passing the exam and working for a HUD approved agency as implied by the Proposed Rule, when:

- The HUD grant funds are being *combined* with NAHASDA funds for housing projects located outside of a Tribe's tribal or civil jurisdiction; *and*
- The HUD grant funds are used to provide housing counseling services.



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Feedback and Q&A

Facilitated by Deborah Webster

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Next Steps + Resources

- Written comments: Will be accepted through August 28, 2023.
Submit feedback to: consultation@hud.gov
- Resources: <https://www.hud.gov/Tribalconsultation>

This session is offered by the U.S. Department of Housing and Urban Development (HUD) and the Office of Housing Counseling, under a cooperative agreement with FirstPic, Inc.

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