IMPLEMENTATION TRAINING

2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM
AGENDA

- Getting Started
- Terms and Conditions
- Environmental Review
- Leveraged Resources
- Procurement Procedures
AGENDA (cont..)

- Financial Management Systems
- HUD Monitoring
- Reporting
- Closeout
- Final Questions
GETTING STARTED

• Funding Approval/Agreement
• Rules and Regulations
Funding Approval/Agreement

Native American Housing Assistance and Self-Determination
Act of 1996 (Public Law 104-330)

Title I - Indian Housing Block Grant

Title VI - Federal Guarantees For Financing Tribal Housing Activities

This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Recipient is made pursuant to the authority of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4101 et seq.). The Recipient’s submissions for NAHASDA assistance, the NAHASDA statute (as now in effect and as may be amended by Congress), the HUD regulations at 24 CFR Part 1900 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute this Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Recipient upon execution of the Agreement by the parties. The Indian Tribe has agreed to assume all of the responsibilities for environmental review, decision making, and actions as specified and required in regulations issued by the Secretary consistent with and pursuant to Section 105 of NAHASDA. (If the Indian Tribe did not agree to assume these responsibilities, these responsibilities are retained by HUD). The Recipient further acknowledges its responsibility for adherence to the Agreement by entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development

Recipient

Name

Signature

Title

Executive Director

7. Special conditions (check applicable box)

8a. Date HUD Received Submission

8b. Date HUD Received Submittal

8c. Date HUD Received Submission Attached

8d. Date HUD Received Submittal Attached

8e. Date HUD Received Amendment

8f. Date HUD Received Amendment

8g. Date HUD Received Amendment

8h. Date HUD Received Amendment

9. Amount of Indian Housing Block Grant

a. Public Reserved

b. Funds Now Being Reserved

c. Reservation to be Cancelled (a minus b)

10. (This section is to be completed only if a Tribally Designated Housing Entity [TDHE] is the recipient of the loan guarantee but it is not the IHBG recipient)

10a. Name & Address of TDHE

Loan Guarantee Acceptance Provisions for Tribally Designated Housing Entities (TDHE)

The Tribally Designated Housing Entity hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development (HUD) on the above date with respect to the above program grant number(s) as Recipient designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.

11b. Authorized Representative

Name

Signature

Date (mm/dd/yyyy)

HUD Accounting Use Only (show all dates as mm/dd/yyyy)

Form HUD-52734-B (12/98)
GETTING STARTED

Funding Approval/Addendum

This Indian Housing Block Grant (IHBG) Competitive Program Grant Agreement Addendum is attached to, and is part of, the Funding Agreement (HUSD-2017-032304) (Grant Agreement) entered into by the IHBG and the Recipient. This Grant Agreement Addendum includes terms and conditions applicable to IHBG Competitive grants provided pursuant to Title I of the Native American Housing Assistance and Self-Determination Act of 1996, as amended, 25 U.S.C. 4103 et seq. (NAHASKA). Additionally, as of August 13, 2020, all new grant agreements are required to include the terms established in 2 CFR 200.11. The HUSD-2017-032304 Funding Agreement has not yet been updated to include all of the required terms. Accordingly, those required terms are also provided below.

Federal Award Project Description:
The IHBG Competitive Grants program provides funding to Indian tribes and Tribal Designated Housing Entities (TDBEs) that propose affordable housing projects that meet the construction and rehabilitation of housing units. IHBG Competitive grants also enable tribes and TDBEs to implement affordable housing-related infrastructure projects and to carry out other eligible activities under NAHASKA. IHBG Competitive grants are not for research and development.

Recipient Name: [ENTER GRANTEE NAME]
Recipient’s Unique Entity Identifier: [ENTER GRANTEE UNIQUE ENTITY ID]
Recipient’s Unique Federal Award Assistance Number (FAAN): [ENTER GRANTEE ORGANIZATION IDENTIFIER] (if any)
Recipient’s Organization Name: [ENTER GRANTEE ORGANIZATION NAME]
Recipient’s Federal Award Number (FA): [ENTER GRANTEE FA NUMBER]
Period of Performance Start and End Date: [ENTER DATE] to [ENTER DATE]
Budget Period Start and End Date: [ENTER DATE] to [ENTER DATE]
CFDA Number and Name: 14.867 - Indian Housing Block Grant (IHBG) Program

TERMS AND CONDITIONS

This Grant Agreement is subject to the following terms and conditions:

1. Applicable Statutory and Regulatory Requirements

IHBG Competitive grantees are required to comply with all laws, regulations, and program requirements, including NAHASKA, the IHBG program regulations at 24 CFR Part 1000 and the IHBG Competitive Program NOA requirements.

The Recipient must comply with the applicable requirements at 2 CFR part 200 that are incorporated by the program regulations, as such be amended from time to time. When any previous or future amendments to 2 CFR part 200 replace or supersede sections of part 200 that are cited specifically in the program regulations, activities carried out under the grant after the effective date of the part 200 amendments will be governed by the part 200 requirements as amended or superseded by the part 200 amendments.

2. Reporting Requirements:

a) Quarterly Federal Financial Reports (SF-425): Grantees are required to submit SF-425 reports to the Area COA/OFFICE within 20 days after the end of each quarter. If applicable, the SF-425 must also show that inflationary increases were received and used for those intended purposes. A final SF-425 must be submitted within 90 days after the end of the period of performance identified on the grant agreement.

b) Annual Performance Report (APR) (HUSD-2017-032304): Grantees are required to submit an APR (SF-D-2177) to HBCD within 90 days of the end of their program year and within 90 days after the end of the period of performance identified on the grant agreement. This APR must pertain only to the activities of IHBG Competitive Grant and submitted separately from the traditional IHBG Federal APR.

Grantees must also include a narrative accompanying the SF-D-2177 addressing the following areas:

- The progress made in completing the project in accordance with the project implementation plan and schedule;
- A list of work remaining towards project completion;
- If applicable, any major modifications to the grantee’s scope and budget in order to meet the project goals. Note that all modifications must be in accordance with the IHBG Competitive Program of PART 1000 and subject to HBCD approval;
- If applicable, a discussion of how the grantee is addressing any identified gaps in capacity for managing the IHBG Competitive grant in accordance with the detailed assessment provided in the application;
- If applicable, a discussion of the barriers faced towards project implementation and explanation how the grantee will overcome those barriers to complete the project by the period of performance end date;
- An update of how the project is addressing the need factors identified in the IHBG Competitive grant application;
- Progress of efforts to implement the project in coordination with community members, tribal governments, and other service providers;
- Discussion of outputs and measurable outcomes achieved to date.
GETTING STARTED

Funding Approval/Addendum

1) A report of obligations and expenditures in comparison with remaining funding LOCCS balances, or its successor agency.
2) If applicable, a status of leveraging resources committed to the project.
3) If the project is done, an evaluation of its effectiveness in meeting the grantee’s affordable housing project needs.

Filing of HUD Competitive Grant post-award reports is mandatory for all awardees. Failure to do so within the required timeframe may result in HUD taking enforcement action against the awardee in accordance with Title IV of NARHAA and HUD implementing regulations.

3. HBBS Competitive Grant Progress and Performance:

Failure to make significant progress by September 30, 2023, as evidenced by failing to meet planned activities described in the HBBS Competitive Workplan, may result in substantial noncompliance under 24 CFR, 5030.134. HUD will review the circumstances of each grantee on a case-by-case basis to determine if noncompliance is substantial.

4. Leveraging Resources:

If applicable, grantees that included any proposed leveraging resources with their HBBS Competitive application must report these leveraged resources on SF-425 (Federal Financial Report) on a quarterly basis as the project proceeds. The amount of leveraged resources approved for the project is ENTERED $ LEVERAGED SOURCES. All leveraging must be secured and used by the end of the grant term.

Grantees will be required to show evidence that leveraging resources were actually received and used for their intended purposes through quarterly reports as the project proceeds.

Grantees that did not submit a firm commitment of non-traditional funds by the HBBS Competitive application deadline must provide HUD with evidence of the firm commitment from the original leveraging source or an alternative source within an additional 6 months of the grant approval date. Failure to provide this firm commitment will result in the grantee to re-calculate and reallocate the grantee’s application with an updated leveraged leverage percentage. If the application is no longer feasible after re-calculation, HUD will rescind the grant and recapture grant funds.

5. Indirect Cost Rate:

The indirect cost rate for this Federal award is:

In accordance with 2 CFR 200.414, recipients are subject to the indirect cost rate negotiated with their respective cognizant agency. Recipients whose indirect cost rates change must submit the new indirect cost rate and documentation to HUD.

If a recipient has never received a negotiated indirect cost rate, the recipient can elect to charge a de minimis (minimum) rate of 10% of modified total direct costs which may be used interagency.

Program costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until the recipient chooses to reassess the rate, which the recipient may apply to do at any time. Documentation of this decision to use the de minimis rate must be retained on file for audit purposes.

6. Recipient Integrity and Performance Matters:

If the total Federal share of the Federal award is greater than $100,000 over the period of performance, the recipient is subject to the requirements of Appendix B of 2 CFR part 200.
GETTING STARTED

Period of Performance Start and End Date:

This Indian Housing Block Grant (IHBG) Competitive Program Grant Agreement Addendum is attached to, and is part of, the Funding Approval Agreement (HUD-32734-B) (Grant Agreement) executed by the IHBG Competitive award Recipient. This Grant Agreement Addendum includes terms and conditions applicable to IHBG Competitive grants provided pursuant to Title I of the Native American Housing Assistance and Self-Determination Act of 1996, as amended, (25 U.S.C. 4101 et seq.) (NAHASDA). Additionally, as of August 13, 2020, all new grant agreements are required to include the terms established in 2 CFR §200.211. The HUD-32734-B Funding Agreement has not yet been updated to include all of the required terms. Accordingly, these required terms are also provided below.

Federal Award Project Description:
The Indian Housing Block Grant (IHBG)-Competitive Grants program provides funding to Indian tribes and Tribally Designated Housing Entities (TDHEs) that propose affordable housing projects that spur the construction and rehabilitation of housing units. IHBG Competitive funding also enables tribes and TDHEs to implement affordable housing-related infrastructure projects and to carry out other eligible activities under NAHASDA. IHBG Competitive awards are not for research and development.

Recipient Name: [ENTER GRANTEE NAME]

Recipient’s Unique Entity Identifier: [ENTER GRANTEE UNIQUE ENTITY IDENTIFIER (UEI) (may still be their DUNS, DUNS is being replaced by the UEI)]

Recipient’s Unique Federal Award Assistance Number (FAIN): [ENTER GRANTEE GRANT NUMBER (that is their FAIN)]

Period of Performance Start and End Date: [Start Date: Insert the Grant Agreement is executed. (End Date: Insert End of Implementation Schedule)]

Budget Period Start and End Date. Same as Period of Performance: [Start Date: Insert the Grant Agreement is executed. (End Date: Insert End of Implementation Schedule) (For our programs, the budget period is the same as the period of performance)]

CFDA Number and Name: 14.867 – Indian Housing Block Grant (IHBG) Program

TERMS AND CONDITIONS

This Grant Agreement is subject to the following terms and conditions:

1. Applicable Statutory and Regulatory Requirements
GETTING STARTED

RULES AND REGULATIONS

2 CFR Part 200

https://www.ecfr.gov/cgi-bin/text-idx?SID=704835d27377ef5213a51c149de40cab&node=2:1.1.2.2.1&rgn=div5

24 CFR Part 1000 (IHBG regulations)

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title24/24cfr1000_main_02.tpl
GETTING STARTED

STATUTE AND APPROPRIATIONS

FY20 APPROPRIATIONS ACT

NAHASDA
https://www.hud.gov/sites/documents/DOC_8141.PDF
TERMS AND CONDITIONS

- General Terms and Conditions
- IHBG Program Regulation Compliance
- Grant Progress and Performance
- Leveraged Resources
- Indirect Cost Rate
- Affordability Period
General Terms and Conditions

As required by 2 CFR §200.211(c)(2), this IHBG Competitive award incorporates the general terms and conditions set forth by the U.S. Department of Housing and Urban Development.

The general terms and conditions, as described by the “General Administration Requirements and Terms for FY 2020 HUD Financial Assistance Awards” are located at: www.hud.gov/program_offices/spm/gmomgmt/grantsinfo/fundingopps/fy_20_ihbg_cgp.
TERMS AND CONDITIONS

General Terms and Conditions

- Non-discrimination
- Compliance with Fair Housing and Civil Rights
- Affirmative Furthering Fair Housing
- Improving Access to Services for Persons with Limited English Proficiency
- Accessible Technology
- Equal Access Requirements
- Ensuring Participation of Small Disadvantaged Business and Women-Owned Businesses

- Real Property Acquisition and Relocation
- Participation in HUD-Sponsored Program Evaluation
- Drug-Free Workplace
- Safeguarding Resident/Client Files
- Persons with Disabilities
- Ethical Standards/Code of Conduct
IHBG Competitive grantees are required to comply with all laws, regulations, and program requirements, including NAHASDA and the IHBG program regulations at 24 CFR Part 1000.
TERMS AND CONDITIONS

Environmental Review

All grant awards are conditioned on successful completion of an environmental review in accordance with the requirements of 24 CFR 1000.18-1000.24, and an environmental review must be completed before funds are released.
Grant Progress and Performance

- Failure to make significant progress by September 30, 2022, as evidenced by failing to meet planned activities described in the IHBG Competitive workplan, may result in substantial noncompliance under 24 CFR 1000.534.

  - Examples of significant progress:
    - Workplan tasks
    - Budget timelines
    - Milestones
    - Drawdowns
    - Timely reports

- HUD will review the circumstances of each grantee on a case by case basis to determine if noncompliance is substantial.
Leveraged Resources

All leveraging must be secured and used by the end of the grant term.
Indirect Costs

• In accordance with 2 CFR §200.414, grantees can follow the negotiated indirect cost rate, which can be accepted by its cognizant agency. Also, grantees whose indirect cost rate change after the application deadline must submit the new indirect cost rate and documentation.

• If the grantee has never received a negotiated indirect cost rate, it can elect to charge a de minimus rate of 10% of modified total direct costs (as defined in 2 CFR §200.414), which may be used indefinitely.
Indirect Costs

- Also, in accordance with 2 CFR §200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimus rate must be applied consistently for all Federal awards until the applicant chooses to negotiate for a rate, which you may apply to do at any time.

- Documentation of this decision to use either the negotiated IDC rate or the de minimus rate must be retained on file for audit purposes.
Affordability Period

- Grantees will be required to adequately maintain all housing assisted under this program and ensure that housing remains affordable for the required applicable affordability periods, in accordance with Section 205 of NAHASDA and the affordability period that was proposed in their application. Failure to comply with these requirements may result in HUD taking corrective and remedial actions under 24 CFR Part 1000, Subpart F.
Summary Wrap-up

• Follow Terms and Conditions of grant award
• Questions
ENVIRONMENTAL REVIEW

2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM
ENVIRONMENTAL REVIEW

- National Environmental Policy Act (NEPA)
- 24 CFR Part 50/Part 58
- Compliance and Review Process
AGENDA

• Overview of HUD environmental review process
• Coordinating reviews with other Federal agencies
• Environmental Assessments
• Completing the review
HUD ENVIRONMENTAL REVIEW PROCESS

24 CFR Part 50/Part 58

Resources:

• WISER – online training modules
• HEROS – online environmental review system
• ONAP environmental trainings
• Sample documents, worksheets, checklists, guidance, and more!
24 CFR Part 50/Part 58

- Part 58 and Responsible Entity (RE) Tribes
  RE Tribes assume legal responsibility for the environmental review
- Part 58 and HUD
  HUD has very limited responsibilities
PART 58 – COMPLIANCE REQUIREMENTS

♦ 24 CFR §58.5 - Federal Laws & Authorities

♦ 24 CFR §58.22 - Limitations on Activities Pending Environmental Review Clearance

♦ Subpart D - Review Process, including Categorical Exclusions

♦ Subpart E – Environmental Assessments – Notice and Comment

♦ Subpart H – Review certification and Release of Funds
RESPONSIBLE ENTITIES

RE assumes responsibility for:

• Environmental review
• Environmental decision-making
• Environmental action

The RE must have the technical and administrative capability to conduct the environmental review.
CERTIFYING OFFICERS

- ONAP Program Guidance on Certifying Officers: https://www.hud.gov/sites/documents/2017-03CERTIFYING_OFFICERS.PDF
- Must be from Responsible Entity Tribe
- Must have the authority to represent the Tribe and agree to be subject to the jurisdiction of federal courts
- An employee of TDHE cannot be a Certifying Officer
COORDINATING REVIEWS

Coordinate early

NEPA options

• Lead/Cooperating Agency Agreements
• Adoption
• Incorporation by Reference
DETERMINE THE LEVEL OF REVIEW (ER)

- **EXEMPT** – 24 CFR § 58.34
- **CATEGORICALLY EXCLUDED** – 24 CFR § 58.35
  - Two Levels: Cat Ex “NOT” subject to 58.5 and Cat Ex “AND” subject to 58.5
- **ENVIRONMENTAL ASSESSMENT** – 24 CFR § 58.36
- **ENVIRONMENTAL IMPACT STATEMENT** – 24 CFR § 58.36
CONDUCT THE REVIEW: ENVIRONMENTAL ASSESSMENTS

- Laws and Authorities at 24 CFR 58.6 and 58.5
- Environmental Assessment factors
Environmental Assessment
Determinations and Compliance Findings for HUD-assisted Projects
24 CFR Part 58

Project Information

Project Name:

Responsible Entity:

Grant Recipient (if different than Responsible Entity):

State/Local Identifier:

Preparer:

Additional Factors to Consider in an Environmental Assessment

Date Published: July 2014

Description

In addition to compliance with the laws and authorities at 24 CFR 50.4 or 24 CFR 58.6 and 58.5 (also known as the Statutory Checklist), environmental assessments must consider an array of additional potential impacts of the project. This resource lists the additional environmental assessment factors and National Environmental Policy Act (NEPA) analysis that would be required of an environmental assessment for HUD-assisted projects. Note: This document presents only the factors not included in a categorically excluded, subject to (CEST) review and should be used for reference only.

Resource Links

- Additional Factors to Consider in an Environmental Assessment (DOCX)
CONDUCT THE REVIEW: RELATED LAWS AND AUTHORITIES

- Review each law and authority
- Make a compliance determination
- Support your determinations with documentation
  - Consultation
  - Permits
  - Approvals
<table>
<thead>
<tr>
<th>Compliance Factors: Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6</th>
<th>Are formal compliance steps or mitigation required?</th>
<th>Compliance determinations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</strong></td>
<td><strong>Airport Hazards</strong></td>
<td><strong>Yes</strong></td>
</tr>
<tr>
<td>24 CFR Part 51 Subpart D</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Coastal Barrier Resources</strong></td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
</tr>
<tr>
<td>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</td>
<td></td>
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<tr>
<td><strong>Flood Insurance</strong></td>
<td><strong>Yes</strong></td>
<td><strong>No</strong></td>
</tr>
</tbody>
</table>
### Endangered Species Act (CEST and EA)

<table>
<thead>
<tr>
<th>General requirements</th>
<th>ESA Legislation</th>
<th>Regulations</th>
</tr>
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<tr>
<td>Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).</td>
<td>The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); particularly section 7 (16 USC 1536).</td>
<td>50 CFR Part 402</td>
</tr>
</tbody>
</table>

### References

https://www.hudexchange.info/environmental-review/endangered-species

1. **Does the project involve any activities that have the potential to affect species or habitats?**
   - □ No, the project will have No Effect due to the nature of the activities involved in the project.  
     → Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.

   □ No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.  
   Explain your determination:

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Erosion, transport, and sedimentation are the processes by which the land surface is worn away (by the action of wind and water), moved, and deposited in another location. While commonly considered an agricultural problem, erosion in the urban context resulting from land clearance and construction can be equally serious. In urbanized areas, erosion can cause structural damage in buildings by undermining foundation support. It can pollute surface waters with sediment and increase the possibility of flooding by filling river or stream channels and urban storm drains.

Erosion results from the interaction of physical characteristics (topography, soil type, and groundcover), wind and water action, and human use at any one site. Some soils are less stable than others and are consequently more susceptible to erosion. Loosely consolidated soils (e.g., sands) and those of small particle size (e.g., fine silts) are more susceptible to erosion. By contrast, soils with high moisture and clay content are more resistant to erosion. Wind erosion is most likely to occur in arid or semi-arid regions where the low moisture content reduces the cohesiveness of indigenous soils.

A key factor in erosion is the land cover. Undisturbed vegetated areas are less susceptible to erosion than surfaces which have been exposed. Steep slopes (often defined as 123/4 +) increase the velocity of runoff, so erosion is more likely with greater slope.

Resources to Reference/ Experts to Contact
- USDA Soil Survey available at the county/parish USDA service center or online at [http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm](http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm)
- City or county engineer
- Soil conservationist—Soil conservation service county office
- Landscape architect
- Soils engineer—State or local highway department

Questions to Consider
1. Is there evidence of erosion or sedimentation?
CONDUCT THE REVIEW: NOTICE AND COMMENT

Sample Notice of Finding of No Significant Impact and Notice of Intent to Request Release of Funds

NOTICE OF FINDINGS OF NO SIGNIFICANT IMPACT

The designated certifying official has reviewed the proposed action and has determined that it will not have a significant impact on the environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. The Director hereby certifies that this is a non-significant action, in accordance with 40 CFR Part 1508.4(b). The action is described in accordance with 40 CFR Part 1508.2.

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

The Director certifies to the Secretary of the Interior that the project described above will not have a significant impact on the environment and has determined that an Environmental Impact Statement is not required. The action is described in accordance with 40 CFR Part 1508.2.

REQUEST FOR RELEASE OF FUNDS

All notices described above, as well as the Notice of Final Determination, will be published in the Federal Register. The Notice of Final Determination will also be sent to you at the address listed above. A copy of the Notice of Final Determination, as well as any other required documentation, will be available for review at the U.S. Department of the Interior, Office of Public & Indian Housing, 441 G Street NW, Washington, DC 20410.

PUBLIC COMMENT

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the Director of Public & Indian Housing by mail or electronically at PHA-notice@hq.dhs.gov, with “Notice of Intent to Request Release of Funds” as the subject line, and include your name and contact information, the project name, and the number of this Notice of Intent to Request Release of Funds. All comments must be received within 30 days of the date of this Notice of Intent to Request Release of Funds.

Randy L. Watson
Office of Public & Indian Housing
441 G Street NW
Washington, DC 20410
• **PUBLISH / POST NOTICE(S) –**
  • 24 CFR § 58.43 & 58.44
  • NOI/RROF – 7 (published)/10 (posted/mailed) days
  • COMBINED NOTICE: FONSI & RROF – 15 (published)/18 (posted/mailed) days
## CONDUCT THE REVIEW: CERTIFICATION

### Part 1. Environmental Certification to be completed by responsible entity

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5 and also agrees to comply with the authorities in 24 CFR 58.8 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has discontinued and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.7(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of those laws apply to my responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.

9. I am authorized to and do consent, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

<table>
<thead>
<tr>
<th>Signature of Certifying Officer of the Responsible Entity</th>
<th>Title of Certifying Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Date signed</td>
</tr>
</tbody>
</table>

### Part 2. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed changes in the scope of the project or any changes in environmental conditions in accordance with 24 CFR 58.7(b).

<table>
<thead>
<tr>
<th>Signature of Authorized Officer of the Recipient</th>
<th>Title of Authorized Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>Date signed</td>
</tr>
</tbody>
</table>

*Warning:* HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1014, 1012, 31 U.S.C. 3775, 3802)
Once you receive your approval letter from HUD and the 7015.16 Authority to Use Grant Funds... you are ready to begin!
AFTER THE REVIEW

• Mitigation
• Monitoring
• Reevaluation
• Supplemental Assistance
HUD ENVIRONMENTAL REVIEW RESOURCES

- HEROS – online environmental review system: https://www.hudexchange.info/programs/environmental-review/heros/
- WISER - online training modules: https://www.hudexchange.info/trainings/wiser/
- ONAP environmental review trainings: https://www.hud.gov/program_offices/public_indian_housing/ih/codetal/k/calendar
- HUD Exchange environmental review resources: https://www.hudexchange.info/programs/environmental-review/
- 24 CFR Part 58: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title24/24cfr58_main_02.tpl
LEVERAGED RESOURCES
2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM
LEVERAGED RESOURCES

- Firm Commitments
- Six(6) month period after grant execution
- Quarterly Reporting
Firm Commitments

- Letter of Commitment or Memorandum of Understanding (MOU).
- Agreement to participate from applicant’s partner to provide support for activities specified in the grant application.
- Financial capacity to deliver resources to proposed grant activities.
- Cash and/or in-kind contributions (donations).
- Period of performance.
- Examples of Leveraged Resources (next slide).
Examples of Leveraged Resources

- Tribal Resources
- Federal Resources
- Public Agency, Foundation, other Private Party
- Goods and Services
- Land
Federal Resources:

IHBG Formula Funds

- Current Funds
- Future Funds
LEVERAGED RESOURCES

Six(6) month period after grant execution

- Firm commitment unavailable by application deadline.
- Statement of promise.
  - Why firm commitment could not be made at that current time.
  - Tribe/organization and proposed project meet eligibility criteria.
  - Date by which funding decisions will be made.
  - Date must be six (6) month from the date of the grant approval by HUD.
- Re-rate and re-rank application w/ lower leverage amount.
- Application no longer fundable (below fundable score).
- HUD rescind grant and recapture grant funds.
Economic Distress:

❖ Challenge to leverage resources for the IHBG Competitive grant project.
❖ Distressed economic, housing, and infrastructure conditions.
❖ HUD 2017 Housing Needs Study.
❖ American Indian and Alaska Native (AIAN) reservations and tribal area with severe problems.
❖ Three (3) points awarded to applicants that have difficulty leveraging funds.
❖ Access AIAN incomes in each Indian tribe’s IHBG formula area.
❖ Three (3) points awarded to **bottom 25 percent** of Indian tribes that received FY 2020 IHBG Formula funding.
❖ 2011-2015 American Community Survey (ACS) data.
❖ HUD has provided a list of all tribes a website [https://www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg_cgp](https://www.hud.gov/program_offices/public_indian_housing/ih/grants/ihbg_cgp) (under the link Tribal Area PCI RF4 Resource Only), Report will indicate which Indian tribes that will qualify for the three (3) points under Leveraging Resources.
Quarterly Reports

- Grantees must report all leveraged resources on quarterly reports.
- Quarterly report due thirty (30) days after end of each quarter.
- Final report due ninety (90) days after end of period of performance (identified on grant agreement).
GRANT REPORTING
2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM
HUD requires recipients to submit performance and financial reports under OMB guidance and program instructions.
IHBG Competitive grantees complete an Annual Performance Report (APR)

Submit to ONAP:

within **90-days of the end of the program year**

and

within **90-days after the end of the period of performance** identified on the grant agreement
GRANT REPORTING: IHBG COMPETITIVE APR

- Report only on the activities in the IHBG Competitive grant application

Submit IHBG Competitive APR SEPARATELY from the traditional IHBG Formula APR

- DO NOT COMBINE REPORTING DATA
IHBG Competitive reporting elements are defined in the NOFA.

Progress made on completing the project in accordance with the approved Implementation Schedule.

If applicable, any minor modifications to the workplan and budget in order to meet the project goals.

If applicable, discuss how the grantee is addressing any identified gaps in capacity to manage the grant in accordance with the detailed assessment provided in the application.
If applicable, discuss the barriers faced towards project implementation and explain how the grantee will overcome those barriers to complete the project by the period of performance end date.

Update how the project is addressing the need components identified in the grant application.

Progress of efforts to implement the project in coordination with community members, tribal departments, and other agencies/organizations.
Discuss outputs and measurable outcomes achieved to date

Report on obligations and expenditures in comparison with remaining funding LOCCS balances

If applicable, status of leveraging resources committed to the project

When the project is completed, an evaluation of its effectiveness in meeting the grantee’s affordable housing project needs
GRANT REPORTING: IHBG COMPETITIVE APR

Two Options

Narrative APR: A grantee may choose to respond to the NOFA-defined reporting elements in narrative form.

or

Excel APR Form: A grantee may choose to complete an Excel version of the NOFA-defined reporting elements automated tool with drop-down menus.
Note on Leveraged Project Funding

- If IHBG Formula funds were planned as leverage for an IHBG Competitive project:
  - Planned leverage amount should be shown in the grantee’s Indian Housing Plan as an eligible activity
  - Actual IHBG leveraged funds expended on IHBG Competitive activities are reported in the IHBG Formula APR.

Submit to ONAP:

- within 30 days after the end of each quarter
- and
- within 90 days after the end of the period of performance identified on the grant agreement
GRANT REPORTING: **SF-425**

### Quarterly SF-425 Due Dates

<table>
<thead>
<tr>
<th>Quarterly Report Periods</th>
<th>SF-425 Due Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/01 – 03/31</td>
<td>04/30</td>
</tr>
<tr>
<td>04/01 – 06/30</td>
<td>07/30</td>
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<tr>
<td>07/01 – 09/30</td>
<td>10/30</td>
</tr>
<tr>
<td>10/01 – 12/31</td>
<td>1/30</td>
</tr>
</tbody>
</table>
GRANT REPORTING: SF-425

Sample SF-425 Form
Note on Leveraged Project Funding

If applicable, leveraging funding proposed for an IHBG Competitive project must be reported on the SF-425 on a quarterly basis.

Complete the Recipient Share (lines 10i-10k) of the form.
GRANT REPORTING: ANNUAL FINANCIAL AUDIT

- Same audit requirements as IHBG (Single Audit Act and 2 CFR § 200.501)
- Expend $750,000 or more in federal funds during its fiscal year
  - Audit is required
  - includes all IHBG Competitive grant expenditures during the audit period
  - meets the Generally Accepted Government Auditing Standards
Submit audit to the Federal Audit Clearinghouse within 30 days after receipt of the audit or within 9 months after the end of the audit period, whichever is earlier.

FAC must receive and accept the audit

Single Audit Act and 2 CFR § 200.501
Purpose of HUD Monitoring Review

1. Compliance with Statute, Regulations & Grant Agreement
2. Carried out activities as described in application
3. Made substantial progress
4. Continuing capacity to complete activities timely
5. Capacity to undertake specific planned activities
6. Monitoring findings, audits, corrective actions
7. Enforcement actions, complaints, correspondence
HUD Areas of Review -

1. Financial and Fiscal Management
2. Procurement and Contract Administration
3. Environmental Review
4. Sub-recipient Agreements
5. Admissions and Occupancy
6. Maintenance and Inspection
7. Cooperation Agreements
8. Useful Life and Binding Commitments
9. Public Availability to Citizens & TDHE to Tribe
10. Reporting: APR, Audits, and SF-425

HUD MONITORING
HUD MONITORING

HUD Areas of Review (Continued):

Force Account Compliance

Housing Rehabilitation Requirements – Cost limits, adopted policies, standards, expenditures review compared to cost summary

Land Acquisition – Financial Commitment for future project (within two years)

Relocation and Real Property Acquisition – if applicable

Lead Based Paint – if applicable
Specific to IHBG Competitive Grants:

- Compliance with approved grant application activities
- Program Progress – Implementation Schedule & Cost Summary
FINAL REPORT WILL INCLUDE:

- Compliance with requirements
- Violations of applicable statutes, regulations, or local laws and authorities
- Corrective Actions – if needed

Monitoring Plans for Recipients
On www.hud.gov/codetalk:
https://mgmt.hud.gov/program_offices/public_indian_housing/ih/grants/oversight#recip
IF YOU ARE SCHEDULED FOR A HUD MONITORING REVIEW:

Have the following information available:

FOR PROGRAM PROGRESS
- Approved original application
- Implementation schedule
- Cost Summary
- Project implementation plans

Be Prepared To Explain
- Any delays in the project
- Any cost overruns
- Changes from approved application
FOR PROGRAM BENEFIT
Beneficiaries as stated in approved application – this is the benchmark
Records showing who is benefiting from the project

ENVIRONMENTAL REVIEW RECORDS
Make sure documentation is available for each level of environmental review:
• Exempt
• Categorically Excluded NOT subject to 58.5
• Categorically Excluded SUBJECT to 58.5
• Environmental Assessment
• Request for Release of Funds
HUD MONITORING

FINANCIAL AND FISCAL MANAGEMENT SYSTEM
- Accounting System Policies and Procedures
- Financial Cash Transactions Reports
- Financial Status Reports

PROCUREMENT AND CONTRACT ADMINISTRATION
- Procurement Policy and Procedures
- Written and oral price quotes
- Bid announcements
- Bid evaluations
- Contracts
- Indian preference
ALLOWABLE COSTS:

- Receipts
- Invoices
- Cancelled checks
- Bank statements
- Check register
- Tax records
- Payroll records
HUD MONITORING

PUBLIC AVAILABILITY INFORMATION TO HAVE ON HAND:
  Made report publicly available
  Summary of citizen comments
  If TDHE report submission to Tribe

MONITORING OF SUBRECIPIENTS
  Written subrecipient agreement with the subrecipient
  Subrecipients are aware of all statutory and regulatory requirements
  Documents that show the grantee has monitored subrecipients on ongoing basis

PERSONAL PROPERTY MANAGEMENT
  Property records
  Inventory of tools and equipment
  Disposition records
HUD MONITORING

ADMISSIONS AND OCCUPANCY
- Admissions and Occupancy Policy and Procedures
- Waitlist
- Eligibility Documents: Income Verification, Tribal Enrolment

MAINTENANCE AND INSPECTION
- Maintenance and Inspections Policy and Procedures
- Annual Inspections
- Work Order Tracking
COOPERATION AGREEMENTS

- Exempt from all real and personal property taxes
- Required cooperation agreements for services with the local government
- Make annual payments of user fees or payments in lieu of taxes (PILOT) for the provision of services such as police and fire protection, roads, water and sewage systems and related facilities

USEFUL LIFE AND BINDING COMMITMENTS

- Units remain affordable for Useful Life of the property
- Tribe or TDHE sets Useful Life in Section 6 of the IHP
- Affordability be secured through recorded Binding Commitments
REPORT PROCESS

- Once review is complete Draft Monitoring Report (DMR) will be issued
- 60-day review period to comment on DMR
- Additional 30-days with notice to ONAP

- Area ONAP has 30-days to review comments to DMR

- If the Final Monitoring Report (FMR) contains findings, the report will include the due date for each finding.
CLOSEOUT

2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM
CLOSE OUT

- What is the official Period of Performance End Date on the grant addendum?
- Is the project complete?
- Have responsibilities been carried out satisfactorily?
- Have all costs incurred been reconciled?
- Have grant funds and leverage funds been expensed?
- Have you drawn down all grant funds from LOCCS?
WHAT DO YOU NEED TO CLOSEOUT THE GRANT?

- 24 CFR § 1000.552 – Retention Requirements for Records
- A Final Annual Performance Report (APR) within 90-days after the end of the period of performance identified on the grant agreement
- Photographs of the project site
CLOSEOUT

FINAL FINANCIAL REPORT ELEMENT

• A completed Federal Financial Report SF-425 marked “Final”
CLOSEOUT

PROGRAM PERFORMANCE

Final Review of Grantee Performance
Final Corrective and Remedial Actions
Final Reduction or Withdrawal of Grant
Final Other remedies for non-compliance
THE END

2020 COMPETITIVE INDIAN HOUSING BLOCK GRANT PROGRAM