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PROGRAM GUIDANCE

PROGRAM: Office of Native American Programs under the American Recovery and Reinvestment Act of 2009

FOR: Tribal Government Leaders and Tribally Designated Housing Entities

RJB

FROM: Rodger J. Boyd, Deputy Assistant Secretary for Native American Programs, PN

TOPIC: Annual Reporting Under the American Recovery and Reinvestment Act

PURPOSE: The purpose of this guidance is to describe the process for completing an accurate and acceptable Annual Performance Report (APR) and an adequate Annual Status and Evaluation Report (ASER) for projects and/or activities funded under the American Recovery and Reinvestment Act of 2009 (Recovery Act). Recipients of funds under the Recovery Act programs listed below are required to submit an annual report to their Area Office of Native American Programs (Area ONAP).

- Native American Housing Block Grant Formula Program (NAHBG Formula)
- Native American Housing Block Grant Competitive Program (NAHBG Competitive)
- Indian Community Development Block Grant Program (ICDBG Recovery Act)

BACKGROUND: The Recovery Act was enacted on February 17, 2009, as Public Law 111-5, and is intended to stimulate the Nation's economy, create or save millions of jobs, and begin to address both long-standing and new 21st Century challenges. The Recovery Act provides funding for Indian tribes and tribally designated housing entities (TDHEs).

In addition to the block grants listed above, the Recovery Act also provided formula funding for the Native Hawaiian Housing Block Grant. Please contact ONAP's Native Hawaiian Program Specialist at (808) 522-8175 for guidance on compliance with Recovery Act reporting requirements for this program.

The implementing regulations at 24 CFR Part 1000 for the Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA), as amended, apply to the NAHBG Formula and Competitive programs. The regulation at 24 CFR § 1000.512 requires recipients to review the progress made to complete the NAHBG-funded goals and

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objectives and submit an APR to their Area ONAP within 90 days of the end of their program year. Failure to submit an accurate and acceptable APR within the required timeframe could result in HUD initiating enforcement actions against the recipient.

The implementing regulations at 24 CFR Part 1003 for the Community Development Act of 1974, as amended, apply to the ICDBG program under the Recovery Act. The regulation at 24 CFR §1003.506 requires recipients to review the progress made to complete the goals and objectives listed in the approved ICDBG application and submit an ASER to their Area ONAP within 45 days of the end of the Federal fiscal year. Failure to submit an acceptable ASER within the required timeframe could result in HUD initiating enforcement actions against the recipient.

APR DATA REQUIRED FOR RECOVERY ACT REPORTING: The table below describes where and what type of Recovery Act reporting data should be included in an accurate and acceptable APR. The table highlights those APR data elements that apply to Recovery Act reporting requirements and identifies any differences in reporting on NAHBG Formula and Competitive grants.

It is important to note that recipients are required to complete a Part I of the APR for each open grant and one Part II of the APR for all open grants, including Recovery Act grants. A separate Part I is required for each NAHBG Formula and Competitive Grant in addition to one for each open IHBG. Simply stated, each open grant requires a separate APR Part I. The tables below describe those elements of the APR that require additional or different instructions specific to Recovery Act grants; otherwise, IHBG recipients should continue to report on all elements of the APR. When completing the Part I for the NAHBGs, the following information shall be included:

APR: Part I – Reporting on the One-Year Indian Housing Plan

<i>APR Data Element</i>	<i>Instructions</i>
Grant Number	Enter the grant number as shown in the NAHBG Grant Agreement. Rather than “IH” or “IT”, NAHBG Formula grant numbers include “SH” or “ST” and NAHBG Competitive grant numbers include “CH” or “CT”.
IHP Compliance Date	Formula: Enter the date that the Amended IHP was determined compliant by HUD. Competitive: Enter the date that the Area Office Administrator executed the NAHBG grant agreement.
One-Year Goals	Identify and describe briefly the one-year performance goals for major projects and activities identified in the Amended IHP and/or the NAHBG Competitive application.
Objective Number and Description	Leave blank.
Performance Objective Number and Description	Leave blank.
Accomplishments	Provide a detailed description of the specific accomplishments as a result of NAHBG funding.
No	Explain why no accomplishments were attained with NAHBG funding and

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Accomplishment	describe the specific steps to be taken to complete the projects and/or activities identified in the Amended IHP or NAHBG Competitive application.
5-Year Goal Attainment	Since NAHBG projects and activities are expected to be completed in less than a 5-year period, check “Yes” or “No” on whether the NAHBG-funded project and/or activity is on schedule according to the implementation schedule submitted with the Amended IHP or NAHBG Competitive application.
Explain Cause(s) for Schedule Delays, if Applicable	If the NAHBG-funded project and/or activity is behind schedule, explain the cause(s) of the delays. Given the strict time frames for obligating and expending Recovery Act funds, it is critical for NAHBG recipients to describe how the cause(s) of any schedule delays will be overcome and how the project and/or activity will be put back on schedule.
Program Change(s)	Briefly explain whether NAHBG funding has had a favorable impact on your operations.
Table I – Sources of Funds	Line 1.a.: Enter the NAHBG award amount in Column c and leave Column b blank. All other lines: Enter planned and actual leveraged budget amounts, as appropriate.
Table II – Uses of Funds	Column b: Enter the actual amount of funding budgeted for each line item. This should include NAHBG and leveraged funds. The calculated total for Table II, Column b (Budgeted Amount) should equal the calculated total for Table I, Column c (Amount Actually Awarded). Column f: Enter the percentage of NAHBG grant funds obligated. The percentage should be derived by: 1) Adding unexpended but obligated NAHBG funds to the expended NAHBG line item amounts in Column f.; and 2) Dividing the obligated and expended NAHBG sums from each line item into the actual NAHBG award amount listed in Table I, Column c, Line 1a. For more information on how to calculate fund obligation, refer to <i>NAHASDA Guidance 2001-12 IHBG</i> .
Table II (continued)	Column g: Enter number of planned units as shown in the Amended IHP or the NAHBG Competitive application.

Part II: Reporting on Program Year Accomplishments

Since there is only one Part II for each APR reporting period, be sure to consider the following regarding NAHBG Formula and Competitive grants:

<i>APR Data Element</i>	<i>Instructions</i>
Section A – Monitoring	Remember to include NAHBG in the self monitoring process and summary report. Self Monitoring is expected to include the recipient’s performance as well as that of any subrecipients and/or vendors.
Table III – Inspection of Assisted Housing	Remember to include the total number of units inspected using NAHBG and IHBG funding.
Section B – Audits	NAHBG funding and expenses must be included in and identified separately in the recipient’s financial audit. Line 1: Include NAHBG expenses for the reporting period in the \$500,000 audit requirement threshold calculation.

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	Line 3: If the recipient is a TDHE and it expensed less than \$500,000 in Federal funds during the reporting period, check “Yes” or “No” whether the TDHE’s housing activities will be included in the tribe’s audit.
Table IV – Jobs Created by NAHASDA	Since NAHBG recipients are required to report job data quarterly to federalreporting.gov, there is no reason to complete this table for jobs funded by NAHBG; however, IHBG recipients are encouraged to use this table for reporting on jobs funded by IHBG.

ASER DATA REQUIRED FOR RECOVERY ACT REPORTING While there is no form for annual reporting under the ICDBG program, an acceptable ASER should include: 1) A narrative portion describing the progress made in completing approved activities, a list of work remaining, and a revised implementation schedule, if necessary. Additionally, this report should include progress on any outputs or outcomes specified in Rating Factor 5 of the Notice of Funding Availability and the grant application. An approved Logic Model may be used for the narrative report. 2) A financial portion which provides a breakdown of funds spent on each major project activity or category, including leveraged fund expenditures.

CONSEQUENCES OF REPORTING NONCOMPLIANCE: Failure to submit an acceptable APR or ASER within the required timeframes could result in HUD determining that the recipient is in substantial noncompliance with its annual reporting requirements. In these instances, HUD may pursue enforcement actions to ensure compliance, including withholding or limiting of grant funds, termination of grant funds, and/or suspension and debarment of the recipient and the subrecipient, or both. Further, intentional reporting of false information can result in HUD pursuing civil and/or criminal penalties against the recipient.

ADDITIONAL GUIDANCE: Contact your Area ONAP if you have any questions.