



Office of Native American Programs

March 20, 1998

TO: All Tribal Government Leaders and Tribally Designated Housing Entities (TDHE)

FROM: Karen Garner-Wing, Acting Deputy Assistant Secretary, 8APIN

TOPIC: Indian Housing Plan

SUBJECT: Preparation and Submission of the First Indian Housing Plan

This transmits the final Indian Housing Plan (IHP) format, Form HUD-52735 (1/98) and instructions that were approved by the Office of Management and Budget (OMB) on January 12, 1998. The final IHP replaces the draft IHP that was made available to the public as part of the proposed rule to implement the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). The proposed rule was published in the Federal Register (62 FR 35718) on July 2, 1997, and provided a 60-day public comment period to solicit comments on the draft IHP.

Comments concerning the draft IHP that were received during the comment period were carefully addressed by the NAHASDA Negotiated Rulemaking Committee. The committee, which consisted of tribal and HUD representatives, modified the IHP to reflect public comments. Additional changes to the IHP were made to incorporate changes made to the proposed regulation. A summary of the changes made to the July 2, 1997, draft IHP follows:

1. Cover sheet

- a. The cover sheet was modified to allow for separate tribal information to be gathered in cases where the IHP will cover more than one tribe.
- b. A line for the title and signature of the authorized official submitting the IHP was added.

2. Table 1 - Statement of Needs

- a. Columns d and e in Part I (which represented preference for tribal members or other Indian families) were deleted and are no longer required. Of course, this information can still be provided if the tribe/TDHE believes that it is important to the IHP.
- b. The requirement to list the number of near-elderly Indian families on line 4 of Part I is now optional.
- c. The definitions in the IHP instructions relating to Part III may be adopted or the tribe/TDHE may develop its own definitions. The definitions include: substandard housing, dilapidated housing, overcrowded conditions, units needing rehabilitation, supportive service housing, college housing, transitional housing, and homeless housing.

3. Table 3 - Housing Profile

- a. Line 13, *NAHASDA Units Planned to be Completed During the Plan Period* and line 14, *Total Planned NAHASDA Ending Inventory as of September 30*, were removed.

4. Certifications

The requirement to certify to environmental requirements was replaced with an optional

Environmental Review-Expression of Intent.

5. Other Submission Items

- a. *Performance Objectives* were moved from the “Other Submissions” page to the One-Year IHP section. The information requirements remain the same.
- b. The narrative on *the Demolition/Disposition of Indian Housing* was removed from the “Other Submissions” page and was incorporated into the One-Year IHP under Item 4.h.
- c. A requirement was added for the IHP to state the percentage of annual grant funds that will be used for planning and administrative purposes. If the amount is over 20 percent of the annual grant amount, HUD approval is required.
- d. For the first year of NAHASDA, a tribe whose allocation is less than \$50,000 under the need component of the formula shall have its need component of the grant adjusted to \$50,000. The requirement was added for a tribe/TDHE to certify that there is a need for the \$50,000 funding.
- e. A requirement was added for the IHP to state the method of payment the tribe/TDHE will use to request its grant funds.

The following questions and answers are provided to assist tribes/TDHEs with the preparation and submission of their first Indian Housing Plan.

1. Can more than one tribe be covered by one IHP?

Yes, if a tribally designated housing entity (TDHE) has been designated by more than one Indian tribe, the TDHE can submit a single IHP. The IHP must meet minimum requirements, contain separate certifications in accordance with section 102(d) of NAHASDA, and separate IHP Tables when requested by the Indian tribe.

2. What time period is covered by the first IHP?

The time period covered by the first IHP will vary depending on the IHP start date and the tribe's/TDHE's program year. (The tribe/TDHE program year is the 12-month cycle of operation for the tribe/TDHE and is generally synonymous with the tribe's/TDHE's fiscal year.) For the first IHP only, a tribe/TDHE can choose a starting date that does not coincide with the tribe's/TDHE's program year start date. However, the starting date cannot be earlier than October 1, 1997.

The ending date of the IHP must be the last day of the tribe's/TDHE's program year. Having the first IHP cover a period of time which ends on the last day of a tribe's/TDHE's program year will ensure that the second IHP covers a 12-month period that coincides with the tribe's/TDHE's program year.

Although the period of time covered by the first IHP may begin before the IHP is approved, costs that are incurred prior to IHP approval cannot be reimbursed with grant funds, except for the following:

1. Planning and administration costs directly related to the development and preparation of an IHP (including the challenge of data).
2. Eligible administrative cost for the management of housing developed with United States Housing Act funds. This applies only in cases where tribes/TDHEs are provided an advance of Indian Housing Block Grant funds to assure uninterrupted delivery of administrative services

for the second and possibly the third quarter of FFY 1998. Eligible administrative costs are those that were previously eligible as operating costs in an operating budget, such as salaries, benefits, travel, training, and routine maintenance. Until the final rule is published and an IHP processed, advanced NAHASDA funds may not be used for other eligible housing activities such as modernization, development, housing services and tenant-based rental assistance, or model activities.

The table below provides examples of IHP dates by tribe/TDHE program years. For the first IHP, the submission and start dates provided in the table are only examples. Tribes/TDHEs can choose their own start and submission dates within the following parameters:

1. The start date cannot be earlier than October 1, 1997.
2. The end date cannot be later than June 30, 1999.
3. The submission date cannot be earlier than the publication date of the final regulations implementing NAHASDA and not later than July 1, 1998.

INDIAN HOUSING PLAN DATES BY TRIBE/TDHE PROGRAM YEAR

Tribe/TDHE Program Year	IHP	IHP Submission Date	IHP Start Date	IHP End Date
January 1 to December 31	First IHP	April 1, 1998*	January 1, 1998	December 31, 1998
	Second IHP	November 1, 1998**	January 1, 1999	December 31, 1999
April 1 to March 31	First IHP	July 1, 1998*	April 1, 1998	March 31, 1999
	Second IHP	February 1, 1999**	April 1, 1999	March 31, 2000
July 1 to June 30	First IHP	May 1, 1998*	July 1, 1998	June 30, 1999
	Second IHP	May 1, 1999**	July 1, 1999	June 30, 2000
October 1 to September 30	First IHP	April 1, 1998*	October 1, 1997	September 30, 1998
	Second IHP	August 1, 1998**	October 1, 1998	September 30, 1999

* For FFY 1998 only, the tribe/TDHE selects its submission date, however, an IHP can be submitted no earlier than the publication date of the final regulations implementing NAHASDA and no later than July 1, 1998.

** After FFY 1998, in order to maintain continuity in its program, a tribe/TDHE should submit its IHP no later than 60 days before its program year start date to allow for HUD review of the IHP.

3. What is the due date of the first IHP?

For FFY 1998 only, an IHP can be submitted no earlier than the publication date of the final regulations implementing NAHASDA and no later than July 1, 1998. The July 1, 1998, date is necessary in order to provide for the 60-day review period by Office of Native American Program

field staff and reservation of funds prior to September 30, 1998. The final regulations will establish IHP submission dates for all future years.

4. What format can be used to prepare the IHP?

An IHP can be prepared using the following:

A. The enclosed IHP format, Form HUD-52735 (1/98). This form can also be downloaded from the Internet by following the steps below:

- Go to the HUD Homepage at <http://www.hud.gov>
- Click on *Search*
- Click on the *HUD Form Finder Search Tool*
- This will take you to the Forms Warehouse page, click on *Forms Finder Search Tool*
- In the search box, type “Indian Housing Plan” and press enter
- A list of several forms will be displayed, click on Indian Housing Plan (HUD-52735)
Note: If the IHP does not display, it may be necessary to download a PDF reader in order to view and print the IHP. A PDF reader and accompanying instructions can be downloaded by going back to the Forms Warehouse page (see step 4 above).

B. The diskette containing a template of the draft IHP in a Microsoft Word 6.0 format. This diskette was sent to tribes/TDHEs on July 24, 1997. However, if the draft version of the IHP is used, the new instructions contained in the enclosed IHP format, Form HUD-52735 (1/98) must be used, and the submission must contain the following additional items:

- Planning and Administration:** State the percentage of annual grant funds which will be used for planning and administrative purposes. If the amount is over 20 percent of the annual grant amount, HUD approval is required.

- Minimal Funding:** The first year of NAHASDA participation, a tribe whose allocation is less than \$50,000 under the need component of the formula shall have its need component of the grant adjusted to \$50,000. Certify that there is a need for funding.

- Method of Payment:** State the method of payment the tribe/TDHE will use to require its grant funds.

- The new certifications found in the IHP format, Form HUD-52735 (1/98).

C. The Office of Public and Indian Housing Internet site located at http://www.hud.gov/pih/ihp_app.html. This site allows the user to input information and submit the IHP to HUD electronically. The site contains the draft IHP and will not be updated with the current IHP format, Form HUD-52735 (1/98), until March 1998. If this Internet version of the IHP format is used, the new instructions contained in the enclosed IHP format, Form HUD-52735 (1/98) must be used, and the submission must contain the four additional items listed in number 2 above.

5. Where do I send my completed IHP?

Once the IHP is completed, it should be sent to your local Area Office of Native American Programs for review. If the IHP was prepared using the Internet site at http://www.hud.gov/pih/ihp_app.html, the IHP can be sent electronically. If the IHP is prepared using the diskette, the diskette should be submitted.