



**2023**  
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<b>RECIPIENT NAME:</b>	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>W/P Pg.</u>	<u>Remarks</u>
<b>I. Purpose</b>				
The purpose of the occupancy review is to ensure the recipient complies with the requirements of Sections 203 and 207 of NAHASDA and its own policies and procedures.	NAHASDA, Sections 203 & 207 24 CFR 1000.104 thru 110			Read and Noted
<b>II. Pre-Visit Preparation</b>				
<p>A. If available, review the following documents as they pertain to occupancy:</p> <ol style="list-style-type: none"> <li>1. Most recent IHP, approved IHP amendments, IHP amendments in process</li> <li>2. Recipient’s policies and procedures (see section III for review instructions)</li> <li>3. Previous monitoring findings and corrective actions status for findings</li> <li>4. Previous self-monitoring report(s)</li> <li>5. Previous 2 CFR Part 200 and OIG audit findings, work papers, and management plan status for findings</li> <li>6. Previous and current enforcement actions</li> <li>7. Valid complaints</li> <li>8. Relevant correspondence</li> </ol>	<p>NAHASDA, Section 203(d)</p> <p>24 CFR 1000.526</p>			<p>Read &amp; Noted</p> <p>For 2023, the program successfully negotiated up to 50% to be applicable with Skagit County program.</p> <p>For HP and Rapid Rehousing: Clients at or under 50% of income level enrolled in the Skagit County programs; whereas those over 50% will be enrolled in the HUD programs.</p>



RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>W/P Pg.</u>	<u>Remarks</u>
<b>III. On-Site Review</b>				
<b>A. All Programs</b> (including homeownership, rental, tenant-based rental assistance, down payment assistance, emergency assistance, etc.)				
1. Identify sampling of multiple program occupancy records.				15 new participant files (10 from 2023 and 5 from 2022) selected random via random number draw.
2. Review the sampling methods in the General Instructions for Monitoring Plans.	24 CFR 1000.503			Read & Noted
3. Review the identified files for adequacy, accuracy, and completeness.				All files are adequate, accurate and complete upon review.



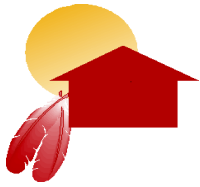
<p>a. <u>Low-income families.</u> Using the attached Tenant Files Review Form or the Occupancy Review Form, determine if the participating families were low income at the time they entered into the program.</p> <p>NOTE: It is up to the reviewer to select the most appropriate form for reviewing occupant files. The Tenant Files Review Form is good when the tribe/TDHE's files are program-based and the Occupancy Review Form is good for occupant-based filing systems.</p>	<p>NAHASDA, Sec. 205(a)(1)(A) – (D)</p>	<p>Tenant Files Review Form</p> <p>Occupancy Review Form</p>	<p>Yes, all 15 were verified as low-income in their file and adequate support provided.</p> <p>Used Appendix 2 - Tenant Files Review Forms as model and expanded.</p>
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RECIPIENT NAME:	<u>Regulatory/ Statutory Citation</u>	<u>Other Tools</u>	<u>W/P Pg.</u>	<u>Remarks</u>
(1) Do the files have supporting documentation verifying income?				Yes, for all 15 files reviewed
(2) Do the files have supporting documentation verifying income prior to providing emergency housing assistance?				Yes, for all 15 files reviewed
(3) Does the tribe/TDHE's Admissions and Occupancy Policy state that families can continue to participate in the program if they subsequently become non low-income?			Housing Policy 13.206(k) (2)	Yes, that possibility is addressed within our policy, but it does not apply to any of the chosen files in 2023. Housing Policy 13.206(k) (2)
b. <u>Non low-income families.</u> If participating families are not low-income, do the files contain documentation that verify:	24 CFR 1000.110	PIH 2014-02		N/A in 2023
(1) The tribe/TDHE has determined there is a need for housing for those families that cannot be reasonably met without the assistance?				N/A in 2023



<b>RECIPIENT NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>W/P Pg.</u></b>	<b><u>Remarks</u></b>
(i) Has the tribe/TDHE used less than 10% of its annual grant amount to assist families with incomes within 80-100% of median?				N/A in 2023
(ii) If the tribe/TDHE used more than 10% of its annual grant amount for families with incomes within 80 – 100% of median, did it obtain prior HUD approval?				N/A in 2023
(iii) If the tribe/TDHE assisted families whose income is over 100% median, did it obtain prior HUD approval?				N/A in 2023
c. <u>Other eligible families.</u> Do the files contain documentation that verify:	24 CFR 1000.110	PIH 2014-02		N/A in 2023
(1) The tribe/TDHE has determined and documented clearly that the presence of the family on the reservation or Indian area:	NAHASDA, Sec. 201(b)(3)			



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(i) Is essential to the well-being of Indian families, and				N/A in 2023
(ii) The need for housing cannot be reasonably be met without IHBG assistance?				N/A in 2023
(iii) Does the tribe/TDHE have a definition for “essential” families in its Admissions and Occupancy Policy?				N/A in 2023
(2) If the participant is a law enforcement officer:	NAHASDA, Sec. 201(b)(4)			N/A in 2023
(i) Is the participant employed full time as a law enforcement officer?				N/A in 2023
(ii) As a full-time enforcement officer, is he/she sworn to uphold the law and make arrests?				N/A in 2023



<b>RECIPIENT NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>W/P Pg.</u></b>	<b><u>Remarks</u></b>
(iii)Has the tribe/TDHE determined that the law enforcement officer’s presence may deter crime?				N/A in 2023
4. Review participant selection practices.	NAHASDA, Section 207(b)			Read & Noted
a. Review recent selections to ensure they are in accordance with selection procedures.				All 15 reviewed and they are all in accordance with program procedures and policies. Council annual reviews and determines tenants’ subsidy percentage (can never exceed 30%). Minutes reviewed, and except for approving of updates in policy for the program, the Tribal Council is not engaged in selection of clients.
b. Review minutes from the Board of Commissioners’ meetings to ensure compliance with selection policies and procedures.				Minutes reviewed, and except for approving of updates in policy for the program, the Tribal Council is not engaged in selection of clients.
c. Determine if Native American status is verified.	NAHASDA, Section 201(b) 24 CFR 1000.104			Yes, on all 15
d. Review the requirements regarding conflicts of interest to determine if the recipient:				Read & Noted





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(1) has included conflict of interest provisions in its policy(s),	2 CFR 200.308(c)(1) 24 CFR 1000.30		Housing Policy 13.302	Yes, Conflict of Interest Policy for HUD Funding §13.302
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<b>RECIPIENT NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>W/P Pg.</u></b>	<b><u>Remarks</u></b>
(2) is notifying HUD:				<p>Notification requirements are covered in the policy and are also now part of the Client Intake Checklist.</p> <p>We identified 4 current clients whose intake occurred from 2013-2016 that failed to recognize that Tribal Council presented both a real and apparent conflict even if they procedurally did not engage in admission for the program, and or, failed to properly document compliance with HUD ONAP notification and Public Posting as required. As a result, the program audited all current client files to identify all current clients that did not have sufficient documentation regarding conflict of interests. There were 4 files identified that the program re-did the notification and public posting for to ensure sufficient documentation was in the client file now.</p> <p>We also decided in 2021 to make the declaration of a conflict part of the annual recertification process as well, since conflicts could arise after intake due to marriage or deaths.</p>
(a) if a person who participates in the decision-making process or who gains inside information with regards to NAHASDA is provided housing-related services	24 CFR 1000.30(b)			None in 2023



<p>(b) of the nature of the assistance to be provided and the basis for selection of the person, and</p>	<p>24 CFR 1000.30(c)</p>			<p>None in 2023</p>
<p>(c) is making public disclosure.</p>	<p>24 CFR 1000.30(c)</p>			<p>None in 2023</p>
<p><b>B. Homeownership and Rental Programs</b></p>	<p>NAHASDA, Section 203(a)</p>			
<p>1. Using the tenant file sample and the Tenant Files Review Form or the Occupancy Review Form, review homebuyer and rent payments to determine if the practices comply with the tribe/TDHE's policies, NAHASDA, and regulations for computing payments and establishing rents.</p>	<p>24 CFR 1000.124 24 CFR 1000.126 24 CFR 1000.130 24 CFR 1000.132</p>	<p>Tenant Files Review Form  Occupancy Review Form</p>		<p>Read &amp; Noted</p>



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NOTE: It is up to the reviewer to select the most appropriate form for reviewing occupant files. The Tenant Files Review Form is good when the tribe/TDHE's files are program-based and the Occupancy Review Form is good for occupant-based filing systems.				
2. Review income eligibility verifications, using the Tenant Files Review Form or Occupancy Review Form to determine:				Read & Noted, reviewed 15 client files – All files were either TBRA, HP or RRH. no homebuyers in 2023
a. If the tenant or homebuyer is income eligible at the time they entered into the program.	24 CFR 1000.128(a) 24 CFR 1000.146			Yes, all 15 reviewed and found eligible
b. If re-certifications are performed, if required.	24 CFR 1000.128(b)			Yes, recertification was in place as needed fro TBRA clients (N/A for RRH and HP due to under 1 year in program before graduation)
c. That third-party verification is obtained.				Yes, all tested used tax return, paystubs, SSI Confirmations, and bank statements as applicable. For all participants, require 3 months of paystubs (or verification of employment) and bank statements (or no bank account affidavit).
d. That practices are consistent with the recipient's policies.				Yes, consistent with both policies and procedures



3. Review lease and homeownership agreements to determine if they comply with the IHBG regulations.	NAHASDA, Section 207(a) and (b)		Read & Noted – we review the TBRA client leases and act as an advocacy with Landlord if needed during negotiations. We do terminate rental relationships with landlords who practice violations of these standards.  Starting in 2024 Samish plans to enter into leases with participants as the landlord. Agreements will comply with IHBG regulations.
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<b>RECIPIENT NAME:</b>	<b><u>Regulatory/ Statutory Citation</u></b>	<b><u>Other Tools</u></b>	<b><u>W/P Pg.</u></b>	<b><u>Remarks</u></b>
a. Do they contain unreasonable terms and conditions?	NAHASDA, Section 207(a)(1)			N/A: 3 <sup>rd</sup> party leases in place
b. Do they require the recipient to maintain housing in compliance with applicable housing codes and quality standards?	NAHASDA, Section 207(a)(2)			N/A: 3 <sup>rd</sup> party leases in place
c. Do they require the recipient to give the period of time established by tribal or local law for written notice of termination of the lease?	NAHASDA, Section 207(a)(3)			N/A: 3 <sup>rd</sup> party leases in place
d. Do they state that a resident has the opportunity to examine any relevant documents, records, or regulations directly related to their eviction or termination prior to any hearing or trial?	NAHASDA, Section 207(a)(4)			N/A: 3 <sup>rd</sup> party leases in place
e. Do they note that the recipient may not terminate the tenancy, during the term of the lease, except for serious or repeated violations of the terms or conditions of the lease, violation of Federal, State, tribal, or local law, or for other good cause?	NAHASDA, Section 207(a)(5)			N/A: 3 <sup>rd</sup> party leases in place



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f. Do they provide for the recipient to terminate the tenancy of a resident for any activity the resident, a member of the household, or any guest or other person under the control of the resident may be engaged in that:	NAHASDA, Section 207(a)(6)			N/A: 3 <sup>rd</sup> party leases in place
(1) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or the recipient's employees;	NAHASDA, Section 207(a)(6)(A)			N/A: 3 <sup>rd</sup> party leases in place
(2) threatens the health or safety of, or right to peaceful enjoyment of the premises by, persons residing in the immediate vicinity of the premises; or	NAHASDA, Section 207(a)(6)(B)			N/A: 3 <sup>rd</sup> party leases in place
(3) includes criminal activity (including drug-related criminal activity) on or off the premises?	NAHASDA, Section 207(a)(6)(C)			N/A: 3 <sup>rd</sup> party leases in place
<b>C. Tenant Accounts Receivable (TARs)</b>				
1. Identify the current dollar amount and percentage of total TARs.				N/A in 2023 – No housing stock being rented by Samish



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<p>NOTE. The TARs percentage equals the total TARs divided by the total tenant revenue due, including rent and other charges.</p> <p>NOTE: High TARs is not a violation of the statute or regulations; therefore, a finding cannot be made in this monitoring area. Instead, high TARs would be a concern.</p>				N/A in 2023 – No housing stock being rented by Samish										
<p>2. Using the rating scale below, is the recipient’s TARs percentage poor or very poor? If yes, this is a concern.</p> <table border="1" data-bbox="113 854 701 1045"> <thead> <tr> <th>TARs Percentage</th> <th>TARs Rating Scale</th> </tr> </thead> <tbody> <tr> <td>0% - 9%</td> <td>Very good</td> </tr> <tr> <td>10% -24%</td> <td>Fair</td> </tr> <tr> <td>25% - 49%</td> <td>Poor</td> </tr> <tr> <td>50% and higher</td> <td>Very poor</td> </tr> </tbody> </table>	TARs Percentage	TARs Rating Scale	0% - 9%	Very good	10% -24%	Fair	25% - 49%	Poor	50% and higher	Very poor				N/A in 2023 – No housing stock being rented by Samish
TARs Percentage	TARs Rating Scale													
0% - 9%	Very good													
10% -24%	Fair													
25% - 49%	Poor													
50% and higher	Very poor													
<p>3. Is the recipient abiding by its Occupancy Policy when it comes to:</p>				N/A in 2023 – No housing stock being rented by Samish										
<p>a. Rent collection?</p>				N/A in 2023 – No housing stock being rented by Samish										
<p>b. Repayment plans?</p>				N/A in 2023 – No housing stock being rented by Samish										
<p>c. Eviction for non-payment of rent?</p>				N/A in 2023 – No housing stock being rented by Samish										





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4. Does the recipient initiate counseling when a tenant begins to lag in rental payments?				N/A in 2023 – No housing stock being rented by Samish
<b>D. Down Payment Assistance</b>				
1. If the recipient has a downpayment assistance program. If so:	24 CFR 207(b)			N/A in 2023
a. Does the recipient have policies that address the requirements for this type of assistance?				Our down payment policy is in the housing policy §13.204, but the program was inactive and not included in the IHP for 2023
b. Does the recipient have an application process and select recipients from a waiting list?				N/A in 2023
2. Select a sample of recipients and determine whether the recipients are eligible (low-income, Native American family). (Review the sampling methods in the General Instructions.)	24 CFR 1000.104			N/A in 2023



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a. Did the recipient determine whether the home being purchased was within TDC limits?	24 CFR 1000.158(c)			N/A in 2023
b. Is there documentation to demonstrate that there are no lead-based paint issues?		PIH Notice 98-54 (HA)		N/A in 2023
c. Is there a binding agreement to ensure that the home remains affordable for a period of time? (A lien on property is also appropriate.)	24 CFR 1000.142 24 CFR 1000.144			N/A in 2023
<b>IV. Summary</b>				
<p>A. Summarize the results of the review in a work paper.</p> <p>B. Discuss significant issues with Supervisor.</p> <p>C. Develop findings, including questioned costs and corrective actions, as appropriate.</p> <p>D. Develop concerns because they could lead to a violation</p> <p>E. Develop report language, including any findings and concerns.</p> <p>F. If there are any major issues identified in this review and the recipient has approval to invest, determine if a withdrawal of investment authority should be recommended.</p>				<p>Area of Non-Compliance found and corrective actions have been completed:</p> <p>In 2023 we updated the Samish website to include virtual postings for public disclosure. Confirmed IHP 2024 and APR 2023 are visible to the public.</p> <p>2016 files with undisclosed conflict of interests were discovered. In 2021 the process has changed to renew conflict of interest on an annual basis to cover changes in relationships that may occur after initial entry into program. No areas of non-compliance found in this area for 2023.</p>



Office of Native American Programs

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<b>Reviewer Names:</b>	Lisabeth Nielssen Compliance Executive Director	<i>Lisabeth Nielssen</i>
	Justin Krupa Housing Director	<i>Justin Krupa</i>
	Olivia Duvall Performance & Quality Improvement Specialist	<i>Olivia Duvall</i>
<b>Review Date(s):</b>	12/12/2023	