

## Sharon Paskewitz

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**From:** Ferguson, Sandel <Sandel.Ferguson@hud.gov>  
**Sent:** Monday, October 21, 2019 9:47 AM  
**To:** Sharon Paskewitz  
**Cc:** Sexton, Andrea R  
**Subject:** RE: Question Rental Adjustment - SIN

Good Morning Sharon,

Yes, you can adjust rent based on a preference structure as long as Native American low-income (below or at 80% of LMI) families do not pay more than 30% of their annual income. The rental structure should be incorporated into your approved Admissions and Occupancy policy.

Tribally Designated Housing Entities (TDHE) are authorized by a federally recognized tribe to act on its behalf but is considered an organization of its own. TDHE's are given authorization by the tribe to handle the Indian Housing Block Grant; therefore the TDHE becomes the grant recipient. Hence, TDHE's must have Section 8 (Tribal Certification) of the IHP completed prior to submittal. TDHEs essentially has its own business structure apart from the Tribe. Typically It has its own board members that are responsible for the direction of the TDHE as a whole; an Executive Director for the oversight of the daily operation, a Finance Director for the oversight of the fiscal aspects of the organization, and the housing staff. TDHE's must establish its own TIN, DUNS, accounting and submit an annual audit, etc. In a TDHE, the Executive Director will be the one signing off on the IHP and APR instead of the Chairman. Please let me know if SIN does decided on establishing a TDHE as we will need to prepare the IHBG grant to be transferred. Let me know if you have any questions or give me a call and we can chat further.

### **RELATED REGULATIONS**

#### **24 CFR 1000.206 How is a TDHE designated?**

- (a) (1) By resolution of the Indian tribe or Indian tribes to be served; or  
(2) When such authority has been delegated by an Indian tribe's governing body to a tribal committee(s), by resolution or other written form used by such committee(s) to memorialize the decisions of that body, if applicable.
- (b) In the absence of a designation by the Indian tribe, the default designation as provided in section 4(22) of NAHASDA shall apply

#### **24 CFR 1000.506 If the TDHE is the recipient, must it submit its monitoring evaluation/results to the Indian tribe?**

Yes. The Indian tribe as the grant beneficiary must receive a copy of the monitoring evaluation/results so that it can fully carry out its oversight responsibilities under NAHASDA.

#### **NAHASDA Statute Section 4 (22)**

TRIBALLY DESIGNATED HOUSING ENTITY- The terms `tribally designated housing entity' and `housing entity' have the following meaning:

(A) EXISTING IHA'S- With respect to any Indian tribe that has not taken action under subparagraph (B), and for which an Indian housing authority--

- (i) was established for purposes of the United States Housing Act of 1937 before the date of the enactment of this Act that meets the requirements under the United States Housing Act of 1937,  
(ii) is acting upon such date of enactment as the Indian housing authority for the tribe, and  
(iii) is not an Indian tribe for purposes of this Act, the terms mean such Indian housing authority.