

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

[Docket No. FR-4001-N-01]

**Office of the Assistant Secretary for
Public and Indian Housing; NOFA for
the Traditional Indian Housing
Development Program for Fiscal Year
1996**

AGENCY: Office of the Assistant
Secretary for Public and Indian
Housing, HUD.

ACTION: Notice of funding availability
(NOFA) for Fiscal Year 1996.

SUMMARY: This notice announces the availability of approximately \$160,000,000 in Fiscal Year (FY) 1996 funding for the development of new Indian Housing (IH) units and provides the applicable criteria, processing requirements and action timetable. All Indian housing authorities (IHAs) which have not been determined to be administratively incapable, in accordance with 24 CFR 950.135, are invited to submit applications for Indian Housing developments in accordance with the requirements of this NOFA.

Note: The Congress has not yet enacted a U.S. Department of Housing and Urban Development and Independent Agencies Appropriations Act for Fiscal Year 1996. However, HUD is publishing this notice in order to give potential applicants adequate time to prepare applications. The estimate of the amount of funds available for this program is based on the anticipated level of funding for FY 1996. HUD is not bound by the estimate set forth in this notice.

DATES: Applications must be physically received by the area Office of Native American Programs (ONAP), within whose jurisdiction the applicant is located, on or before 3:00 p.m., ONAP local time, April 13, 1996. The applicant shall submit its application(s) for new housing units on Form HUD-52730 with all supporting documentation required by Appendix 2, and for demolition or disposition in accordance with 24 CFR part 950, subpart M.

FOR FURTHER INFORMATION CONTACT: Applicants may contact the appropriate area ONAP for further information. Refer to Appendix 1, for a complete list of ONAPs and telephone numbers.

SUPPLEMENTARY INFORMATION:

Background Information

Paperwork Reduction Act Statement

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520), the information collection requirements contained in these application procedures for development funds were reviewed by the Office of

Management and Budget and assigned OMB control number 2577-0130. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Changes from FY 1995 NOFA

The Indian Housing Development NOFA for FY 1996 is essentially the same document published for the FY 1995 funding cycle with the following substantive changes:

A. Funding for replacement units. In prior year NOFAs, funding to replace units approved for demolition/disposition was set aside from the national allocation of new Indian Housing Development funds. Under this NOFA, funds are being withheld sufficient to fund replacement of units approved for demolition/disposition prior to FY 1996. For units approved for demolition/disposition in FY 1996, replacement housing may be funded by each area ONAP utilizing funds assigned to the area ONAP for new Indian Housing units.

B. IHAs impacted by the rescission of new Indian Housing Development funds in FY 1995. IHAs that lost units/funds due to the rescission of new Indian Housing Development funds in FY 1995 who are eligible to submit applications for funding in FY 1996 may submit an additional application(s) to replace the lost units/funds. An additional rating factor has been added which is applicable for those IHA's which lost funds/units due to the rescission.

C. Special provisions for state created IHAs for non-Federally recognized tribes. Application requirements applicable to state created IHAs for non-Federally recognized tribes have been included to highlight the corresponding regulatory requirement at 24 CFR 950.225(a)(3).

D. Treatment of minor technical deficiencies. To reduce workload requirements for IHAs, ONAPs will not request correction of minor technical deficiencies in applications until after completion of the rating and ranking. Only IHAs within a reasonable funding range will be requested to correct minor technical deficiencies.

E. Rating criterion for length of time since the last new Indian Housing Development grant award. This rating criterion has been simplified to provide each application with two points per year for each year since the last grant award through FY 1994.

F. Limit on awards to new IHAs. To assist new IHAs in establishing administration without overtaxing the organization, new IHAs are limited to

submitting one application, either for mutual help or low rent units for a maximum of 15 units.

G. Submission of cooperation agreements. To avoid unnecessary work for IHAs that do not rank within the funding range, the timing of the submission of cooperation agreements is changed to after funding decisions are made. Where required, valid cooperation agreement(s) must be submitted to the area ONAP before an Annual Contributions Contract is executed and a Development Cost Budget is approved which exceed the requirements for planning funds as specified at 24 CFR 950.229(a)(1).

I. New Development

A. Authority. 1. Statutory Authority. Sections 5 and 6, U.S. Housing Act of 1937 (42 U.S.C. 1437c, 1437d), as amended; Section 23 U.S. Housing Act of 1937, as amended by section 554, Cranston-Gonzalez National Affordable Housing Act; section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Indian Housing Regulations. Indian Housing Development regulations are published at 24 CFR part 950.

3. 24 CFR Part 135. Economic Opportunities for Low and Very Low Income Persons. All applicants are herein notified that the provisions of section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations in 24 CFR part 135 are applicable to funding awards made under this NOFA. One of the purposes of the assistance is to give, to the greatest extent feasible, and consistent with existing Federal, state, and local laws and regulations, job training, employment, contracting and other economic opportunities to section 3 residents and section 3 business concerns. IHAs and tribes that receive HUD assistance described in this part shall comply with the procedures and requirements of this part to the maximum extent consistent with, but not in derogation of, compliance with section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).

B. Development Allocation Amount. The Indian Housing Development funds for FY 1996 total approximately \$160,000,000.

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funding for FY 1996. HUD is not bound by the estimate set forth in this notice.

Each of the ONAP jurisdictions has been designated as the smallest practical area for the allocation of assistance. Funds available for new units will be assigned to the ONAPs consistent with 24 CFR 791.403.

Up to \$2,971,674 of the available Indian Housing Development funds will be made available by the Department in order to provide funds needed to replace units approved for demolition/disposition in FY 1995 or prior years. Any portion of the \$2,971,674 withheld for pre-FY 1996 replacement units that is not designated for demolition/disposition replacements by July 1, 1996, as well as any amounts of actual recaptures that are realized and reallocated to the program, will be made available to the six ONAPs on the same basis as the amounts allocated for new units.

Replacement units for demolition/disposition approved in FY 1996 may be funded from assignments for new Indian Housing units provided to the area ONAP within whose jurisdiction such Indian housing authority resides. Funding of replacement units is not subject to the competition announced by this NOFA.

The competitive process described in this NOFA will be used to select IHA applications to be funded for new Indian Housing units. Departmental compliance with the metropolitan/non-metropolitan provisions of section 213(d) of the Housing and Community Development Act of 1974 may require the selection of lower rated metropolitan applications over higher rated non-metropolitan applications. Based upon an assumed appropriation of \$160,000,000, the table below indicates the grant authority available for new units in FY 1996 for the six ONAPs, inclusive of funds needed to meet off-site sewer and water requirements.

| ONAP location | Funds assigned |
|-------------------------|----------------|
| Eastern/Woodlands | \$22,069,860 |
| Southern Plains | 23,164,348 |
| Northern Plains | 18,051,820 |
| Southwest | 48,802,519 |
| Northwest | 14,248,750 |
| Alaska | 30,691,029 |
| Total | 157,028,326 |

C. Eligibility for New Housing Units. 1. Eligible applicants. All IHAs which meet the eligibility criteria specified at 24 CFR 950.207 are invited to submit applications for new Indian Housing units. All IHAs that have developments assisted under the U. S. Housing Act of

1937, as amended, and meet the requirements of 24 CFR part 950 subpart M, may apply for funds for demolition or disposition, whether eligible for new units or not. Such applications are not limited to the application due date specified in this NOFA.

2. Applications. IHAs may submit one application per program type (mutual help and low rent). Umbrella IHAs may submit one application per program type for each member tribe. An umbrella IHA is one that serves two or more Federally recognized tribes or Alaska native villages. New IHAs or existing umbrella IHAs with new, previously unserved member tribes may submit one application for a maximum of 15 units (either mutual help or low rent).

3. Impact of funds rescinded in FY 1995. IHAs which lost funds/units as a result of the *Emergency Supplemental Appropriations for Additional Disaster Assistance, Anti-Terrorism Initiatives, for Assistance in the Recovery From the Tragedy That Occurred at Oklahoma City, and Rescissions Act, 1995*, (Pub. L. 104-19, approved July 27, 1995) may submit an application (or one per program type, if appropriate) in addition to the applications allowed under paragraph 2 above if the funds rescinded were equal to or greater than 80 percent of the cost of a typical 3 bedroom unit as specified in Notice PIH 95-46 (HUD) for the IHA's total development cost area(s). Umbrella IHAs may submit an application (or one per program type, if appropriate) for each member tribe impacted by the FY 1995 rescission. Project terminations and funding reductions in FY 1995 for projects that failed to reach construction start within 30 months after initial grant approval (see 24 CFR 950.210(c)) will not be considered for funding under the provisions of this paragraph. Funds requested for applications under this category will be adjusted to the amount required to fund the number of units nearest the amount rescinded.

4. State created IHAs for non-Federally recognized tribes. To be considered responsive to this NOFA and to be included in the rating and ranking of applications, state created IHAs for non-Federally recognized tribes must identify the general locality where the proposed units will be developed and certify that the proposed area of development is within the area of operation of the IHA. Area of operation is defined as a land area with defined geographical boundaries, which has a significant concentration of Indian families who are:

(i) Not eligible to be served by a public housing authority or other tribally created IHA; and

(ii) Have a bona fide historic presence or connection with the land, as recognized by the Federal Government or a state.

D. Development Award Application Process. 1. Application Due Date. An IHA may submit an application(s) for a project at any time after the publication date of this NOFA, to the ONAP having jurisdiction over the IHA applicant on or before 3:00 p.m., ONAP local time, May 13, 1996, for new Indian Housing units. The application(s) shall be submitted on Form HUD-52730 and shall be accompanied by all the legal and administrative attachments required by the form and the items specified in Appendix 2. A facsimile of the application will NOT constitute physical delivery.

The application deadline is firm as to date and hour. HUD will treat as ineligible for consideration any application that is received after the application deadline. Applicants should make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays or other delivery related problems.

2. Application Kit. An application kit and applicable forms may be obtained from any ONAP listed in Appendix 1.

3. Submittal of Complete Application. Completed applications must be submitted to the ONAP, within whose jurisdiction the IHA applicant is located, at the address/location listed in Appendix 1.

4. Action on Application. When the application is received by HUD, a written notification will be provided to the IHA showing the date and time the application was received in the ONAP. The ONAP will review each application for completeness and legal sufficiency. Applications that contain insufficient information to allow the ONAP to rate and rank the application will be considered non-responsive and will be returned to the IHA. After completion of this review, the ONAP will rate and rank all remaining applications received from eligible applicants. The ranking will result in an ordered listing of applicants (see E.2. below). After completion of the rating and ranking, the ONAP may request, in writing, items missing from responsive applications from applicants who appear to be within 110 percent of the funding range. IHAs notified to provide information missing from the application have 14 days from the date of such notification to submit such information to the ONAP before the application is considered non-responsive and is removed from funding consideration.

E. Rating Factors and Selection Criteria. 1. Rating and Ranking. Rating

and ranking of applications from IHAs for new Indian Housing units will be done in accordance with 24 CFR 950.225. Applications from new IHAs, or, in the case of an umbrella IHA that has added a new tribe, the application from the new tribe, will receive 100 points. If an IHA that serves more than one tribal government, or, in the case of Alaska, more than one village, submits applications for housing units in several of the communities, each application will be treated separately, for purposes of the number of points awarded. Newly created IHAs for tribes which have previously received housing units under an umbrella IHA shall not be awarded 100 points but scored as an established IHA utilizing the best available data relevant to the tribe's housing program. For each ONAP jurisdiction, the rankings will be based on awarding points to each application for the following categories in accordance with the table of maximum points available per category by ONAP jurisdictional area (see h. below):

a. *The relative unmet IHA need for housing units compared to the other eligible applications for that program type* [i.e., low rent (LR) or mutual help (MH)], based on IHA waiting lists and the total number of units in management and in the development pipeline. There should be a separate waiting list for each program type. This need will be measured for each program type by dividing the number of families on the waiting list, by the IHA's total number of units in management and under development. If the result of this division is greater than 1.00, the maximum points for this category shall be awarded. Otherwise, the result of this division shall be multiplied by the maximum possible points available. If the IHA has 500 or more families on the waiting list, it is awarded the maximum points available for the category. If questions arise regarding the veracity of information on a waiting list, an ONAP may request an applicant to submit documentation supporting waiting list numbers, or may visit the IHA and review documentation maintained by the IHA.

b. *The relative IHA occupancy rate compared to the occupancy rates of other eligible IHA applications for that*

program type. The occupancy rate for an IHA shall be derived from the most recent data entered in the HUD Management Information Retrieval System (MIRS) national data base, which reports total units available and total units occupied based on information supplied by IHAs on forms submitted periodically to HUD. For all IHA projects in management, the total number of units occupied is divided by the total number of units available, multiplied by 100. This occupancy rate for an IHA will then be divided by the highest occupancy rate of any IHA (never to exceed 97%, in any event), and this ratio shall be multiplied by the maximum points available for the category to calculate an IHA's points for this category. An existing IHA that is applying for a previously unfunded program type will be awarded a score equal to the highest rated score for this factor in the ONAP jurisdiction competition. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the units within such tribe's jurisdiction whether or not such units have been transferred to the newly created IHA.

c. *Length of time since the last new Indian Housing Development grant was approved.* Two points will be awarded for each year since the last grant award up to and including FY 1994, up to the maximum points available under this category. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the last new Indian Housing Development grant approved within such tribe's jurisdiction. Units received for demolition or disposition purposes will not be counted for rating and ranking purposes for new Indian Housing units in FY 1996.

d. *Current IHA development and physical improvements activity.* This factor evaluates the IHA's performance during the past 24 months in developing new housing or maintaining/improving current housing. The ONAP will evaluate the IHA's performance in these areas and will award points based upon but not limited to:

(1) Compliance with the requirements specified under 24 CFR 950.207(b);

(2) Compliance with CompGrant/modernization implementation schedules;

(3) Effectiveness of maintenance policies and procedures in protecting physical assets of the IHA;

(4) Effectiveness of the IHA's development and physical improvements contract administration.

The ONAP will prepare written support for the number of points awarded which will be available to the IHA upon request. The ONAP shall take into consideration any unforeseen events such as natural disasters or other factors that may have precluded the IHA from meeting the criteria for this factor. The maximum points available for this category are listed in the table under h. below. A newly created IHA for a tribe which previously received housing units under an umbrella IHA shall be awarded a score based on the IHA's plan for developing and maintaining the units.

e. *IHAs impacted by the FY 1995 rescission.* Each application submitted under the provisions of I.C.3. of this part shall be awarded 35 points.

f. *A bonus of up to 5 points will be awarded to any application where the applicant clearly demonstrates:*

(1) Pre-planning of site selection and coordination with other funding agencies, utility companies, and tribal departments, or

(2) That the applicant has identified and selected sites for the development which result in savings of not less than 5 percent of the proposed development cost from using existing utility systems, pre-developed subdivision sites, or other items documented by the applicant.

(3) Innovative approaches to development or financing which will significantly reduce the delivery time of housing or expand the number of houses developed without reducing quality.

g. *Computation.* Scores for ranking shall be carried out to two decimal places (xx.xx).

h. *Points available for each rating category.* The following table reflects the maximum points available for each category for each of the ONAP jurisdictional areas:

| | Points awarded for rating factors | | | |
|-------------------------|-----------------------------------|---------------|----------|--------------|
| | (a) Need | (b) Occupancy | (c) Time | (d) Workload |
| Eastern/Woodlands | 30 | 30 | 20 | 20 |
| Southern Plains | 35 | 10 | 25 | 30 |
| Northern Plains | 30 | 20 | 20 | 30 |
| Southwest | 40 | 20 | 20 | 20 |
| Northwest | 10 | 10 | 20 | 60 |
| Alaska | 40 | 20 | 20 | 20 |

2. Selection Criteria. a. *The ranking process will produce an ordered list of IHA applications by ONAP jurisdiction that may receive funding. The order is established by the total number of points the application received in the rating process. If any funds remain after the initial funding cycle within the ONAP jurisdiction, the funds will be*

provided to more fully fund applications that were reduced due to the Maximum Units Award table shown in paragraph b below.

b. *The number of units awarded shall be based upon the following table to ensure a more equitable distribution and meaningful competition based on need. Exceptions to the maximum number of units awarded based on the table shall*

be made and approved by the ONAP Administrator upon proper justification. Examples of justifications for varying from the table include equalization of units awarded to IHAs with similar scores or adjustments to assure the award of reasonably sized projects to all IHAs above a minimum score determined by the ONAP.

| Waiting list by program type | Eastern/Woodlands | Southern Plains | Northern Plains | Southwest | Northwest | Alaska |
|------------------------------|-------------------|-----------------|-----------------|-----------|-----------|--------|
| 1,000 and above | 200 | 300 | 20 | 240 | 35 | 300 |
| 750 to 999 | 150 | 200 | 20 | 160 | 30 | 200 |
| 500 to 749 | 100 | 150 | 20 | 120 | 25 | 150 |
| 400 to 499 | 60 | 100 | 20 | 80 | 20 | 100 |
| 300 to 399 | 50 | 80 | 20 | 60 | 15 | 80 |
| 200 to 299 | 40 | 60 | 20 | 40 | 10 | 60 |
| 199 and fewer | 25 | 40 | 20 | 25 | 5 | 20 |

c. *Tie breaker. In the case of ties, priority will be given to the application that has the highest scoring under the Current IHA development and physical improvements activity rating criterion (I.E.1.d.).*

3. Replacement Housing. IHA applications for demolition or disposition may require a commitment for replacement housing units on a one for one replacement to comply with requirements of Section 18 of the U.S. Housing Act, as amended. IHAs are to process requests for demolition or disposition in accordance with 24 CFR part 905, subpart M.

II. Other Matters

A. HUD Reform Act. 1. Required Disclosures by Applicants.

a. *Disclosures.* All applicants are required to disclose information with respect to any additional funds that can reasonably be expected to be received by them as assistance in excess of \$200,000 (in the aggregate) during the Fiscal Year that will be related to the project. Disclosure must be made relative to any related assistance from the Federal instrumentalities (other than HUD), a state, or a unit of general local government that is expected to be made available with respect to the project for which the applicant is seeking assistance. The assistance shall include

but not be limited to any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

b. *Updates.* The IHA applicant shall update this disclosure within 30 days of any substantial change. This update is required during the period when an application is pending or assistance is being provided.

2. Prohibited Disclosures by HUD Employees. HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989, codified as 24 CFR part 4, applies to the funding competition announced today. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Office of Ethics (202) 708-

3815. (This is not a toll-free number.) For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

B. Lobbying. Section 319 of the Department of the Interior and Related Agencies Appropriations Act hereafter referred to as the "Byrd Amendment," prohibits grantees from using any federally appropriated funds to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts. The Department has determined that the requirements of the Byrd Amendment do not apply to IHAs established by a tribal government exercising its sovereign powers with respect to expenditures specifically permitted by other Federal law. The Byrd Amendment requires all IHAs established under state law to submit the following documents for applications for grants exceeding \$100,000.

1. Certification. A certification that no federally appropriated funds will be used for lobbying purposes. The certification shall be submitted on the Form entitled "Certification for

Contracts, Grants, Loans and Cooperative Agreements.”

2. Disclosure Document. A document disclosing any lobbying activities (on Standard Form—LLL, “Disclosure of Lobbying Activities”) where any funds other than federally appropriated funds will be or have been used to influence federal employees, members of Congress, and congressional staff regarding specific grants or contracts.

C. Conversions. During the first 24 months after Program Reservation, project conversion between program type (LR or MH) may only be considered where:

1. An IHA submitted projects for mutual help (MH) and low rent (LR), each scored high enough to be funded, and the IHA has the waiting list to support the conversion, or

2. If only one application was submitted and approved, the application upon re-ranking in the other program has to score at least 0.01 higher than the number of points achieved by the highest rated application from any IHA which was not funded. If neither circumstance exists, the request to convert will not be approved.

D. Errors in Ranking and Rating Fiscal Year 1995. 1. Errors made by an ONAP during the 1995 fiscal year rating and ranking that resulted in a change of rank order detrimental to an IHA may be corrected as follows:

- a. The ONAP will construct a hypothetical distribution that would have existed if the error had not been made, and
- b. The ONAP will determine what the unit award/funding would have been for the IHA subject to the funds that were available at the time.

2. Remedial action will be taken for errors made by an ONAP as follows:

- a. The ONAP will deduct any funds needed from the FY 1996 fair share assigned to that ONAP before any FY 1996 rating and rankings are completed.
- b. A correction of an error for an IHA will not adversely affect the IHA participation in the FY 1996 rating and ranking process. The IHA’s application will be rated and ranked on the same basis as other applications and as if no error was made.

E. Environment. A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement section 102(2)(C) of the

National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W. Washington, D.C. 20410. For individual development projects, the IHA must comply with the environmental review procedures in 24 CFR part 58, including the limitation in section 58.22 on committing or expending funds before environmental clearance, in accordance with 24 CFR 950.247.

F. Other Federal requirements. In order to be eligible for funding, activities must be in compliance with Section 504 of the Rehabilitation Act of 1973 and implementing regulations at 24 CFR 8 and the Americans with Disabilities Act of 1990 (ADA) and implementing regulations for Title II of the ADA issued by the Department of Justice at 28 CFR part 35.

Dated: March 22, 1996.

Michael B. Janis,
General Deputy Assistant Secretary for Public and Indian Housing.

APPENDIX 1

| Tribes & IHAs location | ONAP addresses |
|--|--|
| East of the Mississippi River (including all of Minnesota) and Iowa: Mohammed Rahmah | Eastern/Woodlands Office of Native American Programs, 5P, Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604-3507, (312) 353-1282 or (800) 735-3239, TDD Numbers: 1-800-927-9275 or 312-886-3741. |
| Louisiana, Missouri, Kansas, Oklahoma, and Texas except for Isleta del Sur: Sherri Hunt. | Southern Plains Office of Native American Programs, 6.IPI 500 W. Main, Suite 400, Oklahoma City, Oklahoma 73102, (405) 553-7428, TDD Numbers: (405) 231-4181 or (405) 231-4891. |
| Colorado, Montana, Nebraska, North Dakota, South Dakota and Wyoming: Ann Roman. | Northern Plains Office of Native American Programs, 8P, First Interstate Tower North, 633 17th Street, Denver, Co 80202-3607, (303) 672-5462, TDD Number: (303) 672-5248. |
| Arizona, California, and Nevada: John Cata | Southwest Office of Native American Programs, 9EPID, Two Arizona Center, 400 North Fifth Street, Suite 1650, Phoenix, Arizona 85004-2361, (602) 379-4156, TDD Number: (602) 379-4461 or |
| New Mexico and Isleta del Sur in Texas: Sharon Booth | Albuquerque Division of Native American Programs, 9EPIDI, Albuquerque Plaza, 201 3rd Street, N.W. Suite 1830, Albuquerque, New Mexico 87102-3368, (505) 766-1372, TDD Number: None. |
| Idaho, Oregon and Washington: Dan Gough | Northwest Office of Native American Programs, 10PI, 909 First Avenue, Suite 300, Seattle, Washington 98104-1000, (206) 220-5270, TDD Number: (206) 220-5185. |
| Alaska: Donna Hartley | Alaska Office of Native American Programs, 10.IPI, 949 East 36th Avenue, Suite 401, Anchorage, Alaska 99508-4399, (907) 271-4633, TDD Number: (907) 271-4328. |

Appendix 2—New Indian Housing Development Application Submission Checklist

Note: Certain submission requirements listed on the following checklist are included on the application form HUD-52730. It is the responsibility of the IHA to assure that all submission requirements of the checklist are

met whether through the application form or by separate submittal:

- 1. Application Form HUD-52730:
 - Complete application on Form HUD-52730 (5/94).
 - Attach all exhibits and tables as required.
- 2. IHA Resolution(s): each application must be accompanied by an IHA Resolution which contains the following:

- A statement that authorizes the submission of the application for units.
- A statement explaining how solid waste disposal for the proposed development will be addressed.
- A statement regarding the planned access to public utility services and a listing of any official commitment(s) for these utility services for the development.

- The IHA Resolution must advise HUD of any persons with a pecuniary interest in the proposed development. Persons with a pecuniary interest in the development shall include but not be limited to any developers, contractors, and consultants involved in the application, planning, construction, or implementation of the development. (During the period when an application is pending or assistance is being provided, the applicant shall update the disclosure required within thirty days of any substantial change.)
- 3. Certifications: Each application must contain the following certifications provided by the Executive Director on IHA letterhead, in addition to the certifications included on Form HUD-52730 (5/94):
 - Certification Regarding Drug-Free Workplace Requirements as directed by 24 CFR 24.630(b).
 - Certification that the IHA has complied with all requirements of 24 CFR Part 135, which implements Section 3 of the HUD Act of 1968, as amended.
 - 4. Letters: Each IHA application must be accompanied by a letter of support signed by the CEO of the general local government indicating:
 - Support for the proposed application and development.
 - Support for the IHA's intent to apply for planning funds for the development.
 - Where applicable, assurance to HUD that access road needs will be identified by Tribal Resolution (with BIA concurrence) and entered on the BIA Indian Reservation Roads prioritization schedule used by BIA for resource allocation (25 CFR part 170: 57 BIAM 4 and Supplement 4).
 - Acknowledgement that there is a need for the housing assistance applied for that is not being met by private enterprise.
 - Assurance that there are, or will be available, public facilities and services adequate to serve the proposed housing. (If available, Tribal support is evidenced by attached letters from various organizations that will provide utilities and services to the proposed housing units.)
 - 5. Supporting Documentation: Each application must be accompanied by the following supporting documentation:
 - Disclosure of additional assistance from other sources that will be used in association with the project for which the applicant is seeking assistance.
 - Statement specifying the number of eligible applicant families by program type (LR or MH). The statement must be supported by a sufficient number of current applications from eligible families maintained by the IHA.
 - 6. Items That Should be Submitted, If Not Previously Submitted:
 - Certified Copy of the Transcript of Proceedings containing the IHA Resolution pursuant to which the Application is being made.
 - IHA Organization Transcript or General Certificate.
 - Tribal Ordinance.
 - 7. Optional Items:
 - Cooperation Agreements. Where the provisions of the necessary local government cooperation are not contained in the ordinance or other enactment creating the IHA, the IHA is required to execute a cooperation agreement(s) for the location involved, which is sufficient to cover the number of units in the application. The cooperation agreement may be submitted with the application but shall be submitted before HUD may enter into an Annual Contributions Contract (or amendment thereto) for funds in excess of planning needs of the project.
 - 8. Force Account. To enable the Field Office of Native American Programs to make an initial determination of the viability of the proposal, there are additional submission requirements for the application, including:
 - IHA justification for HUD approval of the force account method, pursuant to 24 CFR 950.215(b).
 - IHA or Tribal resolution agreeing to cover any costs in excess of the HUD-approved estimated construction cost.
 - Evidence that either the IHA or Tribe has the resources to cover such excess costs.
 - An action plan as outlined in HUD Handbook 7450.01 REV-1, Chapter 14, paragraph 14-5. (The Handbook has been rescinded; however, it continues to be used as guidance.)
 - 9. Special submittal requirements for state created IHAs for non-Federally recognized tribes:
 - Certification, signed by the Chairman of the IHA Board of Commissioners stating that sites selected or to be selected are within the IHA's area of operation.
 - Supporting documentation including maps, state laws and local ordinances, and other relevant information which documents the IHA's area of operation, i.e., defined geographic boundaries which have a significant concentration of Indian families who are not eligible to be served by a public housing authority or tribally created IHA and have a bona fide historic presence or connection with the land, as recognized by the Federal Government or a state.

[FR Doc. 96-7647 Filed 3-28-96; 8:45 am]

BILLING CODE 4210-62-P