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NATIVE AMERICAN RECOVERY ACT PROGRAMS FREQUENTLY ASKED QUESTIONS

NATIVE AMERICAN HOUSING BLOCK GRANT (NAHBG) PROGRAM

Eligible Activities/Applicants

Q.1. Can a tribe invest their competitive IHBG funds? 24 CFR 1000.58(f) states that a tribe can invest an amount equal to the annual formula amount less any formula grant amounts allocated for the operating subsidy element of the FCAS component of the formula.

A.1. No, tribes cannot invest these funds. Investments are eligible for formula funds only.

Q.2. Are Housing Services an eligible activity for NAHBG Competitive Recovery Act Funds?

A.2. Yes. Applicants should review the rating factors in the NOFA to see how such a project might rank.

Q.3. The NOFA anticipates "New" applicants – does this mean that, for example, in Alaska where tribes who did not receive prior year funding have not been eligible are now eligible to apply for this funding?

A.3. No. Tribes under an umbrella tribally designated housing entity (TDHE) are eligible for Recovery Act funding based on the total amount of the Recovery Act IHBG Formula allocation for all tribes. A new applicant would be a tribe that has not received any funds under NAHASDA either as a tribe or TDHE.

Projects/Activities

Q.4. Can an application include more than one project?

A.4. Yes

Q.5. Can one application include several components of a project—for example, infrastructure, housing, water & sewer, etc?

A.5. Yes, as long as they are all NAHASDA-eligible activities.

Q.6. Can one application include projects on different sites—for example, funding for weatherization on one site, new construction on another, and re-paving a road on another site?

A.6. Yes, but budgets must be submitted for each proposed activity.

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Project Ceilings

Q.7. Do the ceilings apply as a total for each grant application or as the recipient's total possible award. (e.g., could one recipient submit three applications each in the amount of their ceiling and get the ceiling amount each time OR are the ceilings the total amount any recipient can receive no matter how many applications they make?)

A.7. The ceilings apply as a total for each grant application. A tribe could submit three applications each at the ceiling but only the application that the tribe/TDHE indicated should be reviewed first will be reviewed until all eligible applications from other tribes/TDHEs are reviewed.

Q.8. Would a TDHE that is a TDHE for multiple tribes (in this case two tribes, each with a ceiling of \$2 million) be eligible to apply for \$2 million for each tribe (a total of \$4 million) or would their grant ceiling be \$2 million.

A.8. The ceiling for an application submitted by this TDHE would be \$2 million. The TDHE could submit a second application for \$2 million, however, before the second application from the TDHE would be reviewed and considered, all eligible applications from other tribes/TDHEs would be reviewed.

Q.9. The NOFA says that the grant ceiling is based on the Recovery Act formula component. Does this mean that the maximum total award (regardless of applications submitted) for each tribe is based on this formula or can a tribe submit several applications each under the grant ceiling? For example, according to the Recovery Act formula, a tribe in Maine is eligible for up to \$2 million. Does that mean the tribe can apply for four projects of \$500,000 each or four projects of \$2 million each?

A.9. In this example, a tribe can submit an application with multiple projects up to the ceiling as a first application totaling \$2m. This can include four projects. A second application can also be submitted for \$2m. The budgets should be broken down for each proposed activity (see Factor 2). If the tribe decides to submit four separate applications for \$500,000 each, only the first application will be reviewed until eligible applications from other tribes/TDHEs are reviewed.

Q.10. If a TDHE serves many tribes would the grant ceiling be based on the total funds received by the TDHE or the formula portion of the specific tribe they plan to serve?

A.10. Tribes under an umbrella TDHE are eligible for Recovery Act funding based on the total amount of the Recovery Act IHBG Formula allocation for all tribes. If a TDHE submits an application for only one tribe served by the TDHE, the grant ceiling will be based on funds received by the TDHE for all tribes in that TDHE. If the TDHE plans to submit another application for the other tribes it serves, the subsequent applications will not be reviewed until all other applications from tribes/TDHEs have been reviewed. The ceiling for the second

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application will also be based on the total amount of the Recovery Act IHBG Formula allocation for all tribes in the umbrella.

Q.11. Does the NOFA require projects to be competitively bid? Does the waiver in section C-2 allow for this to be waived if it is a requirement?

A.11. No

Q.12. Can we send in more than one application of which the combined total exceeds the "grant ceiling for each award"---for example \$5 million (with the understanding of the provision about how the multiple applications would be assessed, i.e. after "all eligible applications from other tribes/TDFEs will be reviewed")? For example, can two, three or four \$5 million applications be submitted (with the second one dependent upon the proviso regarding review of other eligible applications first)?

A.12. Yes, tribes can send in more than one application and each can be up to the ceiling. The second application will not be reviewed until all eligible applications from other tribes/TDFEs are reviewed. The NOFA states that if you submit more than one application, you need to tell HUD which one you would like rated first. If you are going to send more than two applications you need to let us know the order in which they should be reviewed if all applications are submitted at the same time.

Waivers

Q.13. Does the tribal certification waiver for Alaska TDHEs for the formula part of the IHBG Recovery Act apply to the competitive portion?

A.13. No. The waiver for the NAHBG formula does not apply to the NAHBG Competitive NOFA because the regulatory requirement of 24 CFR 1000.232 only applies to the submission of an Indian Housing Plan. NOFA requirements cannot be waived so tribal certifications are required for this NAHBG Competitive NOFA from all tribes that will receive funds in the application submitted by the TDHE. If the tribal certification cannot be submitted with the application, it can be treated as a technical deficiency should the application be eligible for funding.

Application Submission Process

Q.14. Can NAHBG applications be submitted to the Denver ONAP Headquarters by FedEx, UPS or other similar package delivery companies or only by U.S. Mail?

A.14. Applications can be delivered by FedEx, UPS, and other courier services but may not be hand-delivered or faxed.

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Q.15. If a TDHE that serves many tribes, submits an application to construct new housing for just one of the tribes they serve, do they need a certification from just that one tribe or do they need certifications from all tribes that have designated them as their TDHE?

A.15. The TDHE just needs a certification from the one tribe.

Application Review Process

Q.16. If an applicant is first in with an application and scores the minimum threshold points of 70, and an application comes in later and scores higher than 70, i.e. a 90 or 100, is it correct that the first application with 70 is locked in for funding and the higher scored application cannot kick them out?

A.16. Yes

Q.17. The NAHBG NOFA says that projects will be reviewed as they are received—does that mean that funding decisions will be made based on a “first come, first served” mentality (of course taking scoring into consideration as well)?

A.17. Yes

Q.18. What does it mean in the NAHBG NOFA Summary, Section G.4, that “applications will be reviewed as they are received until all funds have been obligated at which time HUD will post a notice on its website so informing the public”? Is this a competitive process or a “first come, first served (if you meet some sort of threshold)” process?

A.18. Recovery Act applications will be reviewed and funded as they are received provided they meet the requirements of the NOFA.

Q.19. If a TDHE’s second application will not be reviewed until all other applications are reviewed, could a TDHE prepare an application for one of its tribes and have the tribe submit it as an applicant and be reviewed in the first round of reviews?

A.19. No. Only one application per tribe or TDHE will be reviewed in the first review of applications.

Q.20. If a TDHE submits multiple applications on behalf of various tribes does the criteria regarding ‘second applications will only be reviewed after all applications from other tribes/TDHES applications have been reviewed’ apply?

A.20. Yes.

Q.21. What would be the HUD process for review and selection of applications after the “first round” if there is one? Date of submittal, number of points, etc.?

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A.21. Subsequent applications will be reviewed after all of the first applications have been reviewed and will be based on the date and time of submission. There is a tiebreaker in the NOFA based on points if more than one application is submitted at the same time.

INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT (ICDBG) PROGRAM

Q.22. It appears that even though the deadline is July 7, it seems like kind of a first come, first served process. If a proposal is submitted today and it scored 70 points (the minimum threshold for funding) and another tribe submitted a proposal on July 7 and it scored 90, is it possible that the later (and higher scoring application) would be shut out because the money has already been obligated?

A.22. Yes

Q.23. Can you apply for the same project under both ICDBG NOFAs?

A.23. Yes

Q.24. Do I have to submit two separate applications or can I just submit one application and tell ONAP to consider it under both ICDBG programs?

A.24. You must submit two separate applications because there are two separate competitions and the NOFAs require different forms and have different rating factors.

Q.25. Can you please clarify if tribes who did not receive a grant under the competitive process of the 2008 ICDBG NOFA but who received imminent threat funds under the 2008 ICDBG NOFA/allocation are eligible for the 2008 ICDBG Recovery Act Program?

A.25. No, they are not eligible. Only those tribes or tribal organizations that received single purpose grants are eligible Recovery Act ICDBG funds.

Q.26. If I received funds for a housing rehabilitation project under the FY 2008 NOFA, do I have to apply for additional funds for the same project under the Recovery Act ICDBG NOFA?

A.26. No, you can apply for any type of project that is eligible under the ICDBG program under the Recovery Act ICDBG NOFA.

Q.27. This is a question regarding resolutions. If the tribal legislature meets quarterly and to cover such exigencies, they have passed a resolution allowing the Chairman to authorize applications between legislative sessions, is this acceptable?

A.27. If the tribe is submitting the application; a tribal resolution is not needed.

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GENERAL QUESTIONS

Q.28. Can I apply for the same project under all three NOFAs (Recovery Act NAHBG, Recovery Act ICDBG and FY 2009 ICDBG)?

A.28. Yes, if the project/activity is eligible under all three NOFAs. You must submit three separate applications and address the rating factors of each NOFA.

Q.29. Can I submit an application for one component of a project under one NOFA (i.e. water and sewer and other infrastructure) and for another component (housing construction, for example) through another?

A.29. Yes. However, there is no guarantee that a tribe will receive all of the grants so each project/activity should be able to stand alone.

Q.30. Is there a page limit on the Recovery Act applications?

A.30. No

Q.31. Since paper applications are being submitted, does there have to be an original signature on the form HUD-2880?

A.31. Yes, original signatures are needed on all forms when submitting paper applications under both Recovery Act programs. If original signatures are not included, this can be treated as a technical deficiency should the application be eligible for funding.

Q.32. Section 1606 of the Recovery Act requires that Davis-Bacon wage rates be used for projects funded under the Recovery Act. Does this apply to NAHBG and ICDBG?

A.32. Yes. Davis Bacon applies to the Recovery Act. Tribally-determined wage rates in the NAHBG program will not supersede Davis-Bacon rates and ICDBG Recovery Act funds will be subject to Davis-Bacon (regular ICDBG is exempt under authority granted to the Secretary in the Housing and Community Development Act). The Department of Labor has indicated that Davis Bacon does not have to be applied retroactively to "an on-going construction project that was awarded, or for which construction had started, prior to notice of Recovery Act assistance." Additional information will be provided shortly.