

1 **SECTION 184 INDIAN HOUSING LOAN GUARANTEE PROGRAM POLICY**  
2 **HANDBOOK**

3 **Chapter I – Doing Business with the Office of Loan Guarantee**

4 **Subsection B. - ALASKA NATIVE VILLAGE OR REGIONAL OR VILLAGE**  
5 **CORPORATION**

6 Alaska Native Villages, and Regional or Village Corporations (Alaska Native Villages or  
7 Corporations), as defined in or established under the Alaska Native Claims Settlement Act (43  
8 U.S.C. 1601 et seq.), may allow Alaska Natives to access the Section 184 Program on land  
9 owned by the village or corporation. While Alaska Native Villages or Corporations are included  
10 in the regulatory definition of Tribes, Alaska Native Village or Corporations have different  
11 application and participation requirements than Indian Tribes, as discussed Section A. This  
12 Section will focus on guidance relevant to Alaska Native Villages or Corporations.

13 Alaska Native Villages or Corporations may have lands in restricted status. As a result, before  
14 Section 184 lending can occur on these lands, the Alaska Native Villages or Corporations must  
15 follow the application process and participation requirements outlined in this Section. In  
16 discussing the participation requirements, this Section will focus on the importance of the  
17 partnership between HUD and the Alaska Native Villages or Corporations to ensure Section 184  
18 lending is successful for Alaska Natives or Corporations.

19 The application process and general participation requirements for Alaska Native Villages or  
20 Corporations are the following:

- 21 • Submission of Alaska Native Villages or Corporations application and lease agreement
- 22 • HUD review of the Alaska Native Villages or Corporations application
- 23 • Alaska Native Villages or Corporations partnership with HUD related to loss mitigation  
24 and property disposition
- 25 • Alaska Native Villages or Corporations Annual Recertifications
- 26 • Alaska Native Villages or Corporations duty to report changes
- 27 • Alaska Native Villages or Corporations notification to HUD when Borrower defaults on  
28 the lease

29  
30 **1. Alaska Native Village or Corporation Application**

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32 **a. Standard.** The Office of Loan Guarantee must approve an Alaska Native  
33 Village or Corporation to participate in the Section 184 Program before any  
34 Section 184 lending can occur on their lands.

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36 Eligible Alaska Native Villages or Corporations must be listed on the Bureau  
37 of Indian Affairs’ annual Federal Register Notice, typically titled “Indian  
38 Entities Recognized by and Eligible To Receive Services From the United  
39 States Bureau of Indian Affairs”. The link to the BIA website is [Tribal](#)  
40 [Leaders Directory | Indian Affairs \(bia.gov\)](#).

1  
2 **b. Documentation.** Required Documentation.

- 3  
4 i. The Section 184 Program Tribal Application (Form HUD-XXXX)  
5 must be completed and signed by an Alaska Native Village or  
6 Corporation official.  
7  
8 ii. The lease template to be used by the Alaska Native Village or  
9 Corporation for Section 184 lending must be included.  
10  
11 iii. Any other supporting documentation.

12  
13 **c. Submission.** Submission of the Section 184 Program Tribal Application

14 The completed Section 184 Program Tribal Application and supporting  
15 documentation may be emailed to [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov).

16 **d. HUD Review and Determination**

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18 Upon receipt of the Alaska Native Village or Corporation's application and  
19 supporting documentation, HUD will review the application. If any concerns  
20 are noted HUD will work with the Alaska Native Village or Corporation to  
21 resolve the concerns.

22  
23 When the Alaska Native Village or Corporation's application is acceptable,  
24 HUD will issue a written notification to the Alaska Native Village or  
25 Corporation of the approval to participate in the Section 184 Program. HUD  
26 will offer the Alaska Native Village or Corporation general training on the  
27 Section 184 Program.

28 As part of the approval, HUD will place a unique identification number on the  
29 Alaska Native Village or Corporation's proposed Section 184 lease template.  
30 The approval number on the lease serves to inform the Borrower and lender  
31 that HUD has approved the lease.

32 **2. Alaska Native Village or Corporation Leasing**

- 33  
34 **a. Leasing.** Alaska Native Villages or Corporations may make their lands  
35 available to Alaska Natives or the corporation's shareholders to provide  
36 homeownership opportunities. One mechanism Alaska Native Villages or  
37 Corporations facilitate homeownership is through a long-term lease between  
38 the Alaska Native Village or Corporation and the Alaska Native. The Alaska  
39 Native's leasehold interest is the collateral for the Section 184 loan. All leases  
40 on land owned by the Alaska Native Village or Corporation must meet  
41 requirements to qualify for Section 184 financing.

1  
2 HUD does not have a Model Lease for Alaska Native Villages or  
3 Corporations. However, HUD can provide technical assistance to Alaska  
4 Native Villages or Corporations in developing a lease compliant with Section  
5 184 requirements. Alaska Native Villages or Corporations can obtain  
6 technical assistance by reaching out to [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov).  
7

8 **b. Minimum Lease Requirements.** At a minimum, Alaska Native Villages or  
9 Corporations leases must:

- 10
- 11 • Identify the lessor;
  - 12 • Identify the lessee;
  - 13 • Provide a legal description of the land and identify the property address  
14 covered by the lease;
  - 15 • Have a minimum term of 50 years or other terms approved by the  
16 Secretary;
  - 17 • Have a remaining term that exceeds the loan’s maturity date by a  
18 minimum of ten years, or other period as prescribed by Section 184  
19 Program Guidance, when the transaction is a loan refinancing. The  
20 Borrower and the Alaska Native Village or Corporation may request an  
21 exception to the minimum remaining years by submitting a written request  
22 to the Director of the Office of Loan Guarantee. The request made be sent  
23 to [Tribalrequest@hud.gov](mailto:Tribalrequest@hud.gov);
  - 24 • Be executed by all interested parties to be enforceable;
  - 25 • Require HUD’s consent for any lease termination or assignment of the  
26 lease when the property is secured by the Section 184 Guaranteed Loan;
  - 27 • Contain the following provision: “In the case of a default on a Section 184  
28 Guaranteed Loan: (1) the lessee may assign the lease and deliver  
29 possession of the leased premises, including any improvements thereon, to  
30 HUD; or (2) The lessor may assign the lease and deliver possession of the  
31 leased premises, including any improvements thereon, to HUD when the  
32 Alaska Native Village or Regional or Village Corporation has provided  
33 due process to lessee in compliance with State law. HUD may transfer this  
34 lease and the leased premises to a successor lessee if the successor lessee  
35 is another member of the Alaska Native Village, or to the Alaska Native  
36 village or regional or village corporation.”;
  - 37 • Provide that in the event of foreclosure, the lease will not be subject to any  
38 forfeiture or reversion and the lease may be assigned to Holder or HUD;  
39 and
  - 40 • Lease agreements must be recorded according to the jurisdiction’s specific  
41 requirements and all lease term must be consistent with state and local  
42 laws.  
43

1           **3. Post-Approval Updates/Modifications**

2           When a Section 184 approved Alaska Native Village or Corporation seeks to:

- 3           • Amend a HUD-approved lease, the Alaska Native Village or Corporation
- 4           must submit a copy of the entire lease with the proposed changes in red line to
- 5           HUD for review and approval.
- 6           • Amend any Alaska Native Village or Corporation homeownership program
- 7           that may be used with the Section 184 program, the Alaska Native Village or
- 8           Corporation must submit the proposed changes to the homeownership
- 9           program to HUD for review and approval prior to the changes taking effect.
- 10          • Update any Alaska Native Village or Corporation contact information related
- 11          to the Section 184 Program, the Alaska Native Village or Corporation must
- 12          submit updated contact information to HUD as soon as possible.

13           The Alaska Native Village or Corporation must submit the proposed changes

14           to [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov)

15

16           *PRO TIP: Alaska Native Village or Corporation should submit any proposed*

17           *changes to HUD with **ample time** for HUD to review the documents.*

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19           **4. Requirements for Alaska Village or Native Corporation’s Continued**

20           **Participation**

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22           **a. Loss Mitigation and Disposition Involving Defaulted Section 184**

23           **Borrowers.**

24           The Alaska Native Village or Corporation’s partnership with HUD is

25           essential. Beyond Alaska Native Village or Corporation leasing to Alaskas

26           Natives or the corporation’s shareholders, the Alaska Native Village or

27           Corporation’s engagement with the Borrower, Lender, and HUD is especially

28           critical when a Borrower defaults on his or her Section 184 Guaranteed Loan.

29           At loan closing, the Borrower is given the option whether to authorize the

30           Lender to disclose to the Alaska Native Village or Corporation if the

31           Borrower defaults on the mortgage. If the Borrower has elected to disclose to

32           the Alaska Native Village or Corporation, the Lender notifies the Alaska

33           Native Village or Corporation of the Borrower’s default so the Alaska Native

34           Village or Corporation may provide assistance, if any is available, to the

35           Borrower. Assistance to the Borrower may be through financial aid to cure

36           the default, referrals to housing counseling or consumer credit/foreclosure

37           prevention programs, or support to the Borrower and encouraging him or her

38           to contact the Lender to further address the default.

1 In cases where the Lender assigns the Section 184 Guaranteed Loan to HUD,  
2 this signals that the Borrower's default was not cured, and the Borrower faces  
3 foreclosure. The Alaska Native Village or Corporation may work with HUD  
4 on exploring alternatives to foreclosure, such as pursuing a Note Sale or  
5 Lease-in-Lieu of foreclosure with the Borrower. The Lease-in-Lieu of  
6 foreclosure is an opportunity for the Borrower to assign the lease to HUD in  
7 exchange for HUD's release of the Borrower's obligation on the mortgage. A  
8 Lease-in-Lieu of foreclosure prevents the derogatory reporting and damaging  
9 effects the foreclosure would have on the Borrower's credit report/history.

10 **b. Property Preservation**

11 The Alaska Native Village or Corporation must notify HUD when they  
12 determine a property is vacant, abandoned, or the property is not secured. The  
13 notifications may be sent via email to [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov).

14 **c. First Right of Refusal and Property Disposition**

15 Under the First Right of Refusal process involving Alaska Native Village or  
16 Corporation's restricted land, the Alaska Native Village or Corporation would  
17 be notified by the Lender when the Borrower defaults on the mortgage and  
18 loss mitigation has not been successful. The First Right of Refusal generally  
19 occurs before the initiation of foreclosure. Chapter X, Section XX further  
20 explains the First Right of Refusal process.

21 **d. Duty to Report Changes**

22 If there is a change in the Alaska Native Village or Corporation's Section 184  
23 Program point of contact, the Alaska Native Village or Corporation notify  
24 HUD within 30 Days of making the staffing change.

25 Additionally, the Alaska Native Village or Corporation must notify HUD of  
26 any proposed changes to the HUD-approved template lease. The Tribe shall  
27 obtain HUD approval of the proposed changes to the lease utilizing the  
28 process in XXXX of this Chapter. Alaska Native Village or Corporation are  
29 strongly encouraged to submit the proposed lease changes to HUD early in the  
30 process to allow for HUD review before the lease take effect.

31 If the proposed lease changes are acceptable, HUD will provide the Alaska  
32 Native Village or Corporation with a written approval letter. A revised or  
33 new unique identifier for the updated lease will be provided for lease  
34 revisions.

35  
36 Lastly, if there are any other changes that may impact the Section 184  
37 Program, such as changes in the Alaska Native Village or Corporation's  
38 homeownership program, these changes must also be reported to HUD prior  
39 to the changes taking effect.

1  
2 Changes may be reported to HUD at [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov)

3 **e. Alaska Native Village or Corporation Annual Recertification**

4 Alaska Native Villages or Corporations approved for the Section 184 Program  
5 must complete an annual recertification - Form XXXX (insert name, number,  
6 link). The recertification process serves two primary purposes: (1) provides  
7 HUD with the Alaska Native Village or Corporation's point of contact for  
8 matters related to Section 184 Program lending, and (2) confirms with HUD  
9 there have been no changes to the Alaska Native Village or Corporation's  
10 Section 184 Program lease since obtaining HUD approval or changes to any  
11 other information previously reviewed by HUD.

12 Additional annual recertification guidance:

- 13 i. The Alaska Native Village or Corporation's annual recertification  
14 deadline is December 31 of each calendar year. Tribes may complete  
15 their recertification as early as 90 Days before the December 31  
16 deadline.
- 17
- 18 ii. Tribes newly approved by HUD, after July 1 of the current year are  
19 exempt from the December 31 recertification deadline for that same  
20 year but must complete the annual recertification by December 31 for  
21 each subsequent calendar year.
- 22
- 23 iii. If the Alaska Native Village or Corporation faces extenuating  
24 circumstances and is unable to complete the recertification by  
25 December 31st, they must contact [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov) prior to the  
26 deadline to request an extension and provide the reason for the request.  
27 HUD may grant the Alaska Native Village or Corporation an extension  
28 on a case by case basis.
- 29
- 30 iv. If the Alaska Native Village or Corporation fails to complete an annual  
31 recertification, HUD will notify the Alaska Native Village or  
32 Corporation at the following intervals:
- 33 • 30 Days late, First Notice
  - 34 • 60 Days late, Second Notice
  - 35 • 90 Days late, Third and Final Notice
  - 36 • 120 Days late, Temporary Suspension for all new Section 184  
37 Program transactions on the restricted lands. This suspension will  
38 not allow Lenders to close any loans utilizing the Section 184  
39 Program on the Alaska Native Village or Corporation's restricted  
40 lands until HUD lifts the suspension.
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**f. Notification of Borrower’s Default under the Lease**

In cases where the Borrower defaults on the lease, the Alaska Native Village or Corporation shall provide written notification to HUD within 30 Days of the lease default. The notification to HUD must include any default notices the Tribe may have provided to the Borrower. The Alaska Native Village or Corporation may submit the written notification to [TribalRequests@hud.gov](mailto:TribalRequests@hud.gov). This requirement only applies when a Section 184 Guaranteed Loan encumbers the Borrower’s leasehold interest.

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