

## CHAPTER 6. GRANTEE REPORTING AND OTHER REQUIREMENTS

6-1 OBJECTIVE. The objective of this chapter is to describe the reporting requirements of grantees in terms of types of reports and reporting periods. Also, the local HUD FONAP responsibilities are described for the actions required upon receipt of reports from grantees.

## 6-2 INDIAN TRIBE RESPONSIBILITIES; WRITTEN AGREEMENTS; MONITORING.

- A. Responsibilities. The Indian tribe is responsible for ensuring that HOME funds are used in accordance with all program requirements. The use of subrecipients or contractors to administer the grant program does not relieve the Indian tribe of this responsibility.
- B. Executing a written agreement. Before disbursing any HOME funds to any entity (e.g., for-profit housing developer, nonprofit organization, homeowner, building contractor, or IHA) the Indian tribe must enter into a written agreement with the entity ensuring compliance with the requirements of this part. A subrecipient or contractor to administer the grant program must also enter into a written agreement before it disburses funds to any entity. The agreement remains in effect during the period for affordability under 24 CFR 92.614 or 24 CFR 92.615, as applicable, or if the entity is a subrecipient or contractor to administer the grant program, during any period that the entity has control over HOME funds.
- C. Provisions in written agreement. At a minimum, the written agreement must include provisions concerning the following items:
1. Use of the HOME funds. The agreement must describe the use of the HOME funds, including the tasks to be performed, a schedule for completing the tasks, and a budget. These items must be in sufficient detail to provide a sound basis for the Indian tribe to effectively monitor performance under the agreement.
  2. Affordability. The agreement must require housing assisted with HOME funds to meet the affordability requirements of 24 CFR 92.614 or 24 CFR 92.615, as applicable, and must require repayment of the funds if the housing does not meet the affordability requirements for the specified time period.
  3. Repayments. If the entity is a subrecipient or contractor administering the program, the agreement must state if repayment, interest, and other return on

Indian tribe or are to be retained for additional eligible activities by the entity.

4. Uniform administrative requirements. If the entity is a subrecipient or contractor administering the program, the agreement must require the entity to comply with applicable uniform administrative requirements, as described in 24 CFR 92.645.
5. Project requirement. The agreement must require compliance with project requirements in 24 CFR 92.620 through 24 CFR 92.623 of this part, as applicable in accordance with the type of project assisted.
6. Housing quality standard. The agreement must require owners of rental housing assisted with HOME funds to maintain the housing in compliance with applicable Housing Quality Standards and local housing code requirements for the duration of the agreement.
7. Other program requirements. The agreement must require the entity to carry out each activity in compliance with all federal laws and regulations described in 24 CFR 92.630 through 24 CFR 92.639.
8. Conditions for religious organizations. Where applicable, the agreement must include the conditions prescribed in 24 CFR 92.623 for the use of HOME funds by religious organizations.
9. Requests for disbursements of funds. The agreement must specify that the entity may not request disbursement of funds under the agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.
10. Reversion of assets. If the entity is a subrecipient or contractor administering the program, the agreement must specify that upon expiration of the agreement, the entity must transfer to the Indian tribe any HOME funds on hand at the time of expiration and any accounts receivable attributable to the use of HOME funds.
11. Records and reports. The agreement must specify the particular records that must be maintained and any information or reports that must be submitted in order to assist the Indian tribe in meeting its recordkeeping and reporting requirements.

12. Enforcement of the agreement. The agreement must provide for a means of enforcement by the Indian tribe or the intended beneficiaries. In addition, the agreement must

specify remedies for breach of the provisions of the agreement. If the entity is a subrecipient or contractor administering the program, the agreement must specify that, in accordance with 24 CFR 85.43, suspension or termination may occur if the entity materially fails to comply with any term of the agreement, and that the agreement may be terminated for convenience in accordance with 24 CFR 85.44.

13. Duration of the agreement. The agreement must specify that the agreement is in effect for the period of affordability required by the Indian tribe under 24 CFR 92.614 or 24 CFR 92.615.
- D. Monitoring. The Indian tribe is responsible for managing the day-to-day operations of its HOME program, for monitoring the performance of all entities receiving HOME funds from the Indian tribe to assure compliance with the requirements of 24 CFR part 92, and for taking appropriate action when performance problems arise.
1. Not less than annually, the Indian tribe must review the activities of owners of rental housing assisted with HOME funds to assess compliance with the requirement of 24 CFR part 92, as set forth in the written agreement under paragraphs (b) and (c) of sec. 92.644. For multifamily housing, each review must include on-site inspection to determine compliance with housing codes and the requirements of this part. For rental housing containing one- to four-dwelling units, an on-site review must be made once within each two-year period. The results of each review must be included in the Indian tribe's performance report.
  2. Not less than annually, the Indian tribe must review the performance of each subrecipient and contractor administering the program.
  3. The tribe's Annual Performance Report for the 12 month period beginning October 1 and ending September 30 consists of a narrative report and a completed copy of Standard Form 269A, Financial Status Report (Short Form).

#### 6-3 APPLICABILITY OF UNIFORM ADMINISTRATIVE REQUIREMENTS.

- A. Governmental entities. The requirements of OMB Circular No. A-87 and the following requirements of 24 CFR part 85 apply to the Indian tribe and any

- B. Non-profit organizations. The requirements of OMB Circular No. A-122 and the following requirements of OMB Circular No. A-110 apply to subrecipients receiving HOME funds that are private nonprofit organizations: Attachment B; attachment F; attachment H, paragraph 2; and attachment O.
- C. Copies of OMB Circulars may be obtained from E.Q.P. Publications, room 2200, New Executive Office Building, Washington, DC 20503, telephone (202) 395-7332. This is not a toll-free number. There is a limit of two free copies.

6-4 PERFORMANCE REPORTS.

- A. Management reports. Each grantee must submit management reports on its HOME Investment Partnerships Program in such format and at such time as HUD may prescribe.

- 1. Each grantee must submit a "Financial Status Report," SF-269A, short form, at the same time it submits the Annual Performance Report, described below. A separate "Financial Status Report" is to be submitted for each Indian HOME Program grant the grantee has received.

- B. Annual performance report.

- 1. The Annual Performance Report (APR) for the Indian HOME Program is required by 24 CFR 92.649(b). The APR must be submitted by each Indian HOME Program grantee. A separate APR is to be submitted for each Indian HOME Program grant that the grantee has received.
- 2. The APR consists of required narrative statements. It provides the Department with information that is not reported through the Indian HOME Program Line of Credit Control System. This information is necessary for program analyses and for reporting to Congress.
- 3. Period of Performance: The APR reporting period covers the 12 month period beginning October 1 and ending September 30. This period coincides with the Federal fiscal year.
- 4. Timing and Procedure for Submission: The APR shall be submitted annually on or before November 30. The APR shall cover project activity undertaken under an Indian HOME grant during the fiscal year just ending. The

original of the APR is to be submitted over the signature of the Chief Executive Officer of the grantee to the HUD FONAP. The grantee is to keep one copy.

- 5. Narrative Statements: The narrative statements shall consist of the following five items (a through e),

including a description of problems encountered by the grantee in its efforts to implement the Indian HOME Program. Each of the five assessments should start on a separate page and identify the grantee in the upper right hand corner.

- a. An assessment by the grantee of the relationship between the activities carried out under its Indian HOME program grant to the objectives in its grant application.
- b. An analysis of the extent to which Indian HOME program funds were distributed among different categories of housing needs identified in its grant application.
- c. An assessment of the effectiveness of the efforts in providing the preferences and opportunities under section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)).
- d. An identification of:
  - (1) The total number of households (families and individuals), businesses, nonprofit organizations, and farms that have been displaced as a direct result of rehabilitation, demolition, acquisition, or conversion for an Indian HOME program assisted project;
  - (2) The cost of payments for moving expenses;
  - (3) The cost of replacement housing payments;
  - (4) The number of households temporarily relocated (not displaced) and related costs; and
  - (5) The number of parcels acquired and the cost of real property acquisitions.
- e. Data on the amount of repayments, interest, and other return on investment of Indian HOME funds and the use of the funds for

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projects, including number of projects assisted, and characteristics of tenants and owners.

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