



OFFICE OF  
HOUSING COUNSELING



OFFICE OF HOUSING

# Office of Housing Counseling

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Tribal Consultation for HUD Housing Counseling  
Agency Approval and Housing Counselor  
Certification Requirements

January 26 & February 4, 2021

# Webinar Logistics

- The webinar recording and training materials will be available on the HUD Exchange within 10 days in the [Webinar Archive](#)
- The [Tribal Consultation Page](#) on HUD Exchange will also be updated once the webinar is posted
- Slides were posted on the HUD Exchange prior to the webinar

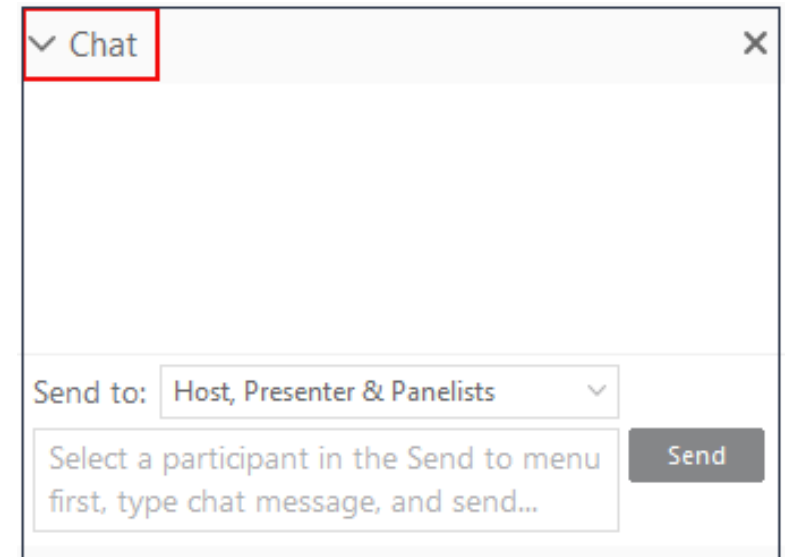
# Technical Issues? Feedback?

## Technical Issues – Send to Host

- Please submit any technical issues via the Chat box

## Feedback - Send to All Participants

- Submit written questions or feedback via the Chat box
- Type “I have a comment” in the Chat box to be placed in the queue. You will be unmuted and prompted to speak
- Please include Native nation/tribal affiliation when prompted for:
  - Feedback on certification





**David Berenbaum**  
Deputy Assistant Secretary  
Office of Housing Counseling

# Agenda

## Part One: 30 Minutes

- Tribal Consultation
- Background on Housing Counseling Program
- HUD's Housing Counselor Certification Rule
- Program Eligibility and Approval Requirements
- Resources and Other Information

## Part Two: 60 Minutes

- Feedback Session

# HUD Presenters

**Jad Atallah**, Director

Office of Performance and Planning

Office of Native American Programs (ONAP)

**Jerrold H. Mayer**, Director

Office of Outreach and Capacity Building

Office of Housing Counseling (OHC)

**Olga Mulherin & Deborah Webster**, Facilitator

Community Compass Grantee

# Tribal Consultation

- Tribal consultation must be conducted before the approval and certification requirements can be applied to tribal programs
- Need to determine how to best implement the Section 106 statutory requirements as applied to the Indian Housing Block Grant (IHBG) program and the Indian Community Development Block Grant (ICDBG) program
- Soliciting tribal feedback to determine how to apply the housing counseling program eligibility and certification requirements for tribal entities

# Tribal Programs

**Programs that may be affected by the Certification Rule and thus require consultation comprise the following:**

- Indian Housing Block Grant Program (25 U.S.C. 4132(3); and 24 CFR part 1000)
  - Housing services may include housing counseling
    - Housing counseling provided in connection with either rental or homeownership assistance
- Indian Community Development Block Grant Program (42 U.S.C. 5301, *et seq.*; and 24 CFR part 1003)
  - Public services may include housing counseling under 15% cap
    - Limited to either new service or funded in the last 12 months, a quantifiable increase in services



# Housing Counseling Background

- HUD Housing Counseling Program is authorized under Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x)
- HUD's Office of Housing Counseling is responsible for the administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling (42 U.S.C. 3533(g)(3))
- Implementing regulations found in 24 C.F.R part 214
- HUD administers a housing counseling grant program, sets standards for counselor certification, and oversees a network of approximately 1700 organizations

# Certification Background

- December 2016 – HUD published a final rule “Housing Counseling: New Certification Requirements”
  - Provided that within 36 months of the availability of a certification examination, housing counseling could only be provided by HUD certified housing counselors working for a Participating Agency
  - Applies to all housing counseling required by or provided in connection with HUD programs
- December 2020 Final Rule
  - Updated the final compliance date for counselor certification for non-tribal HUD programs to August 1, 2021

# HUD Certified Housing Counseling

- Housing Counselors ONLY
  - A HUD certified housing counselor is a housing counselor who has **passed** the HUD certification examination **and works** for a Participating Agency
- Housing Counseling is independent, expert advice customized to the need of the client to address their housing barriers and to help achieve their housing goals
- **Housing counseling elements include:**
  - Intake
  - Client budget
  - Financial and housing affordability analysis
  - An action plan, except for reverse mortgage counseling
  - Reasonable effort to follow-up with client

# What Is Not Housing Counseling

- Housing information, or placement or referral services
- Routine administrative activities (such as program eligibility determinations and intake)
- Case management that is incidental to a larger case management and does not fund housing counseling
- Fair housing advice and advocacy, such as processing complaints and filing claims
- Group education without individualized housing counseling services

# Approval Criteria – Eligible Entity

A tribal entity may participate in the HUD Housing Counseling Program and seek Housing Counseling Program grant funding if the tribal entity is:

- A tax-exempt nonprofit organization as described in section 501(c) of the Internal Revenue Code (26 U.S.C 501(c)), or
- Designated as a State or local governmental entity authorized to provide housing counseling

# Other Approval Criteria

## **Housing Counseling Approval Criteria**

- Experience: Administration of a housing counseling program for at least one year
- Community Based: Functioned for at least one year in the geographical area that the applicant proposes to serve
- Counseling Resources: The applicant must have sufficient resources to implement its proposed counseling plan
  - Including resources to serve at least 30 clients during the first 12 months after HUD approval

# Feedback Session

In accordance with HUD's Tribal Consultation Policy, HUD is now reaching out to tribal leaders to solicit feedback. Specifically, HUD seeks comments on the following points:

1. Whether the housing counseling certification requirements included in the final rule would be practical and effective in your community;
2. What impact the housing counseling certification requirements would have on providing culturally relevant housing counseling and other programming in Indian Country and your community;
3. What changes to the housing counseling certification requirements included in 24 C.F.R. part 214 would you recommend to ensure that these certification requirements (a) are not administratively burdensome, (b) enable appropriate access to housing counseling services in your community – particularly in very remote areas – and (c) help tribal members address their housing issues;

# Feedback Session cont.

4. Any other ideas on how HUD can ensure that the counselor certification requirements applicable to HUD's Native American programs are effective in Indian Country; and
5. Do you anticipate challenges if the qualification process that HUD currently uses for approving units of State or local government included in 24 C.F.R. part 214 were applied to tribes or Tribally Designated Housing Entities (TDHEs)?



# Office of Housing Counseling



## Resources

- [HUD's letter to tribal Leaders explaining the background and process for OHC's upcoming tribal consultation sessions](#)
- [FR-5651-N-03: Tribal Government-to-Government Consultation Policy](#)
- [Housing Counseling: New Certification Requirements Final Rule](#)
- [HUD Tribal Consultation](#)
- [24 CFR Part 214 - Housing Counseling Program Final Rule](#)
- [How to Become a HUD-Approved Housing Counseling Agency](#)

# Office of Housing Counseling



- Another virtual consultation session will be held on February 4, 2021
- Submit comments in writing to: [tribalconsult@hudexchange.info](mailto:tribalconsult@hudexchange.info)
  - Enter “Tribal Consultation” in subject line
- Feedback will be collected through March 19, 2021
  - *Please note the [Housing Counseling Tribal Consultation page](#) also has key resources that are recommended to be reviewed prior to providing feedback*