

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

## **1/26/20**

Olga Mulherin: Good morning, good afternoon, everyone. Welcome to the Tribal Consultation for HUD Housing Counseling Agency Approval and Housing Counselor Certification Requirements webinar. All of the training materials that we are covering today will be available on the HUD Exchange housing counseling webinar web page as well as on the HUD Exchange consultation page.

Prior to the webinar, you should have received an e-mail with a link to access the slides that we will be covering today. If you did not receive it, please send a message to the host using the chat function and a copy will be sent to you.

I'm going to go over a couple of technical issues. If you have any technical issues during this presentation, please submit via the chat box a message to the host and they will help you to resolve those issues. Also, regarding feedback. Please send all feedback during the session to all attendees so that we can all see the comments being provided.

You have two ways to submit your feedback. You can either type it into the chat and select send to all attendees, or if you would like to provide verbal feedback in the chat to all attendees, type in I have a comment and you will be placed in a queue and unmuted when it's your turn to speak. Also, please include your native nation and tribal affiliation when you provide your feedback.

And now I'm going to turn it over to David Berenbaum, the deputy assistant secretary for the Office of Housing Counseling.

David Berenbaum: Thank you very much, Olga. Thank you for joining us today for the United States Department of Housing and Urban Development's Office of Housing Counseling tribal consultation for certification requirements.

My name is David Berenbaum and I am the deputy assistant secretary for housing counseling. Welcome. Amendments to the Housing and Urban Development Act of 1968 specify new requirements for our program and how we engage with counseling agencies.

We believe any statutory changes have implications for certain HUD Native American programs. HUD is committed to engaging tribal leaders through consultation on this issue to ensure effective access to counseling services.

The mission of the Office of Housing Counseling is to help families to obtain, sustain and retain their homes. We accomplish this mission through a strong network of HUD-approved housing counseling agencies and their counselors.

Housing counselors provide unbiased assistance to help consumers resolve their housing problems or meet their needs. To date, our impact in travel communities leaves extensive opportunities for greater engagement with you.

In fiscal year 2019, we counseled over 6,200 households and through the third quarter of fiscal year 2020, agencies have reached over 3,600 households. Today, we are inviting your feedback to determine how to apply the housing counseling program eligibility and certification requirements for tribal entities and determine how to best implement the Section 106 statutory requirements as applied to the Indian Housing block grant program and the Indian Community Development block grant program.

I would like to take a moment to offer my appreciation to HUD's Office of Native American Programs, ONAP, for their partnership and planning for today's consultation. Let's go onto the next slide.

Part one. The first part of our agenda will include the first 30 minutes where in fact our team will be providing overview, including the goals of tribal consultation, background on the housing counseling program, and information about HUD's housing counseling certification rule.

This'll be followed by a brief information discussion about program eligibility, approval requirements and resources and other information. Then for the next 60 minutes, we will move to the feedback session.

It's our hope that you will actively engage with us today. You may also submit written comments and we invite you to ask other stakeholders to participate in our second virtual consultation which'll occur on February the 4th. Feedback is also being collected through our office through March 19th of this year. Let's go onto the next slide.

Now it's my pleasure to introduce our presenters. Jad Atallah is the director of the Office of Performance and Planning at the Office of Native American Programs, ONAP. Jerry Mayer is the director of the Office of Housing Counseling's Office of Outreach and he is a terrific resource for all of you. And then Olga Mulherin and Deborah Webster are our facilitators who are affiliated with our Community Compass Grantee program. Jad, let me turn it over to you and welcome to all again.

Jad Atallah: Thank you David. Hello everybody. It's nice to see everybody on this webinar. I just want to touch on a few quick issues and then we'll sort of turn it back over to the Office of Housing Counseling to touch on the substance of all of this stuff.

So this is tribal consultation. We will kind of go over the substance of housing counseling certification requirements and why we're here, but as you all know for the tribal folks, any time the department is considering any major policy changes that have a substantial impact on tribes, we engage in tribal consultation, mostly to make sure that your voice is heard and we hear your opinions and your views on what the department is considering so that we make sure that whatever we propose works for you and for your communities.

This change happened under the Dodd-Frank Act about 10 years ago requiring that housing counseling provided under HUD's programs is provided through certified housing counselors. At the time, we did not apply these requirements even though the Dodd-Frank Act listed the Indian Housing block grant program and the Indian CDBG program as two programs that would be subject to the certification requirement.

The department did not apply these requirements to -- the certification requirements to these programs pending tribal consultation, so here we are. Quite some time has passed but we are here to consult to make sure whatever the department is proposing and considering really, really is properly tailored to meet the needs of Indian countries.

And we're trying to balance I think making sure that we're applying good, strong certification requirements to ensure the housing counseling that's provided in your community meets certain minimum standards while also making sure that we're not being overly burdensome with requirements that don't work for you.

So I think the one thing I would say is listen to the requirements as they've been applied to other nontribal stakeholders and programs. Think about how this would impact you and please let us know your opinions and your feedback and your suggestions because we're really here to listen to you and learn from you so we can form good, sound policy that works. Okay. Next slide please.

I just want to touch on two quick pieces of our programs that are potentially impacted. So the housing counseling certification requirements under Dodd-Frank will apply when a HUD -- certain HUD program funds are used to pay for housing counseling or when housing counseling is provided in connection with certain housing programs.

So the big one that we have obviously is our Indian Housing block grant program. We -- tribes and TDHEs can use IHBG funds to pay for housing counseling, provide assistance and counseling to homeowners and renters in IHBG-assisted programs. Obviously, once this rulemaking is complete and these certification requirements are put in place, that's a type of activity that could potentially be subject to the certification requirement.

The second is sort of a smaller area since ICDBG is not used as much is ICDBG can be used for public services, and that includes some housing counseling. So the ICDBG program could possibly be implicated here too and we want to make sure that whatever housing counseling certification requirements we impose and we apply really work for both of these programs.

So I'm going to turn it back over to the Office of Housing Counseling, to Jerry, but I want to just make the point that we're here to listen. We want to know your views. It's critical that you let us know what your feedback is and if you have concerns, what those concerns are because our goal is to make sure that we are establishing good, sound policy.

We're required to implement the statutory requirement but we also want to make sure it's workable and practical. So that's it for me. I'll turn it over to Jerry. Thank you all.

Jerry Mayer: Well, thank you Jad and also thank you to everyone who's joined us today and especially double thank you for the opportunity to talk to you today about housing counseling certification.

I think it's helpful if we start off with some of the background. First of all, the legislative background. Back in 1968, Section 106 of the Housing and Urban Development Act not only had a lot of good things in it, but it also created the Housing Counseling Program and that is really the enabling legislation that I'd like to refer you to, and you could research that.

Now, the Office of Housing Counseling, as Jad said, was created in the Wall Street Financial Reform Act, known as the Dodd-Frank Act which was dated around 2010. But the regulation that came out from that, which is 24-CFR-214, came out a little bit later and the Office of Housing Counseling stood up and opened its doors around October of 2012.

And some of the things that we do, of course, we administer a grant program for our counseling agency so that they can help clients. We are in the midst of certifying housing counseling which is why we're here today talking to you, and we oversee a network of approximately 1,700 organizations around the country that provide a wide range of services for clients.

We do a lot of monitoring, we do a lot of capacity building, we do a lot of training through our partners indirectly and we try to provide as many support and services as we can for our counseling agencies. Next slide please.

So a little background on certification. Around December of 2016, HUD published a final rule about housing counseling certification and that provided that within 36 months of the availability of the exam, that housing counseling would have to be provided by HUD-certified housing counselors working for a HUD participating housing counseling agency.

And this applies to all housing counseling required by or provided in conjunction with a wide variety of programs. This requirement was extended for a year because of COVID-19, so now the new final compliance date will be August 1st of 2021. Next slide please.

So I think it's important for us to understand what is a HUD-certified housing counselor and what is housing counseling? Now, a HUD-certified housing counselor is a housing counselor who has the HUD certification exam and works for a HUD participating agency. An individual can take the exam, but unless they work for a participating agency, they cannot be recognized as a HUD-certified housing counselor.

We want to make sure that our agencies are well-staffed with certified housing counselors and that's what the intent of the rule is. And now a unit of counseling, or a housing counseling session, is really defined by five elements. Primarily, we have the client intake, and that is the basic client information -- demographic information, economic information, what you see on a standard client intake form.

Then there's the budget and the client budget helps the client understand their household expenses and where they can maybe economize to realize their housing goal. In addition to that

in a [inaudible] is the financial and housing affordability analysis and that analysis is really, what is it going to take to realize that housing goal and how can that budget come into play in order to help that client realize that dream of homeownership or maybe getting a larger apartment or whatever their housing goal is?

And then there's the action plan and the action plan is the roadmap. It's, how do you get from A to Z? How do you get from your current housing situation to your housing goal? And then in the only case where we don't require an action plan is, of course, reverse mortgage counseling because when you're getting a reverse mortgage or a HECM, you already know what the goal is.

And then finally a reasonable effort to follow up with the client. What were the outcomes? Did they encounter any issues that they need help with? How are they doing? So these five items are what make up the elements of housing counseling and they're very important to keep in mind when we look at the next slide.

So what is not housing counseling? Well, simply handing out information or some sort of placement or referral service. That's not housing counseling because it's not really encompassing many of those five items that comprise [inaudible] counseling.

Repeat administrative activities such as determining a program eligibility or stewing simple client intake, doesn't contain all those elements so it's not really housing counsel. Case management, ongoing case management or some larger case management program [inaudible] as housing counseling? No. That's not housing counseling either.

Now, fair housing advice and advocacy, as important as it is, does it really contain all those five elements? Consistently processing a complaint and filing a claim because someone feels that they were discriminated against and that is not necessarily housing counseling. However, it's very important to remember that many fair housing organizations and [inaudible] what they are doing, they are also housing counseling agencies because they provide a wide range of other services.

And then finally, group education without any individualized housing counseling services, is that considered housing counseling because it's classroom and it doesn't really get down into the individual budgeting or the action plan? Those other elements. Now, group education, especially homeownership education, is very important for a lot of programs such as down payment assistance programs and things like that.

But it's very important to keep in mind that group education by itself, absent individualized housing counseling services, is not considered housing counseling. Next slide please.

So what are the approval criteria right now for an eligible entity? Well, any entity, including tribal entities, tend to participate in HUD's housing counseling program and seek grant funding. If the entity is a tax exempt nonprofit organization with a 501c certificate from the IRS or designated as a state or local government entity authorized provide housing counseling.

And an example of that could be like a housing finance agency or public housing authority or, say, a city housing department or community development organization. Anything in power by the state and local government that can provide those services is an eligible entity. Next slide please.

Now, there are also other approval criteria and on our website, on the HUD Exchange, you'll find a very, very detailed explanation of all of this. But simply, we have an experience criteria and that is the administration of a housing counseling program for at least one year and also we're quite willing to entertain substantially similar experience in the housing arena and we'd like to talk to agencies on a one-on-one basis to really evaluate their experience and make sure that we capture all of the relevant experience.

Because we can consider a substantially similar housing experience as well. For instance, the housing authority. You know, they may want to upgrade into housing counseling and they've been providing lots of good public housing services to their community through the years and we certainly would consider that experience.

Are they a community-based organization? Have they functioned for at least a year in the geographical area that they propose to serve? What we're looking for here is the community base, the grassroots activities, the interdependency and interconnection with the greater community. Are they part of a community? And demonstrating that is very important.

And of course, do they have the resources to carry out a counseling program? Are they financially capable of carrying out the program? Do they have the administrative capacity to carry out the program? Can they see at least 30 clients during the first 12 months after they gain approval?

And these are very important things for us to evaluate because we want to make sure that we are approving qualified entities that can provide great services to clients in their community. Next slide please. And now I'm going to give the mic to Olga to take you through the feedback session.

Olga Mulherin: Thank you Jerry. Before we start the feedback session, I just want to provide a few reminders. First, you can submit question feedback via the chat box. Please make sure that you select all attendees so that everyone can see your comments. If you would like to speak, please enter I have a comment in the chat box, also to all attendees, and we will put you in the queue so the host can unmute you and you can provide your comments.

Lastly, if you experience any technical issues at all, please direct a chat box message to the host and we will assist you. I will now turn it over to Deborah Webster to start our feedback session.

Deborah Webster: Good morning, good afternoon depending upon where you are. I wish you and your family and all members of your community well and pray for your health and safety at this time. This begins the feedback portion of the consultation session.

The HUD Office of Housing Counseling and the HUD Office of Native American Programs have devised five questions for you to consider and provide feedback on the Housing Counseling Agency approval process and the housing counselor certification requirements.

Bear in mind, these are only intended as a framework and not to limit your thinking or feedback on this final rule of the housing counseling program. We also want to thank you for participating in this important exchange. We have approximately one hour to obtain feedback in this session. If there are no questions on the process, I'd like to begin and I'm going to read the five questions that were included in the dear tribal letter.

Question one. Would the housing counseling certification requirements included in the final rule would be practical and effective in your community? Two. What impact the housing counseling certification requirements would have on providing culturally relevant housing counseling and other programming in Indian Country and your community.

Three. What changes to the housing counseling certification requirements included in 24-CFR Part 214 would you recommend to ensure that these certification requirements are, A, 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. Next slide please.

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 lastly, do you anticipate challenges with the qualification process that HUD currently uses for approving units of state and local government included in 24-CFR Part 214 were applied to tribes or tribally-designated housing entities?

As a reminder, again, if you -- before you make a comment or feedback, if you could include your tribal affiliation or organization as well as a part of your comment. Chantel, do we have any people interested in making comments in the verbal queue at this time?

Chantel Key: Yes. Just one.

Deborah Webster: Thank you.

Shawna: Deb, this is Shawna. We do have one person who's chatted in with us if you're ready to take the first feedback.

Deborah Webster: Yes. Yeah.

Shawna: Okay. Great. And I'm not sure which tribal affiliation but the question is or the comment is about, how do tribal entities who have housing counselors become HUD-certified entities when they do not have all the appropriate certifications and want to be considered after successfully passing the exam? So maybe just some reminders about the HUD approval criteria. They may have more feedback as well or more questions.

Deborah Webster: Right. So is this -- Jerry, do you want to do a review of the requirements or -- ?

Jerry Mayer: Oh yes. Absolutely. Well, this is really an issue of making sure that your agency is HUD-approved or participating with one of our intermediaries in order for your counselor to become certified and complete the process.

So the approval part should come first and if your agency is interested in pursuing approval, I'd like you to reach out to me and I will make sure that you get the information that you need to get started and we'll talk through some of the issues with you.

We do have application advisors who will help you through the process and hold your hand through it and make sure that all of the documentation is pulled together and so that when it gets to the review process, hopefully we'll have smooth sailing.

During that process, we would consult with you and hopefully give you good advice to help your agency gain its HUD approval. And if there are any issues that come up during the process, we could talk them through together.

Now, once your agency is HUD-approved, then the next step is for your counselors to take the certification exam and through a system we call the FHA Connection, verify their employment at your newly HUD-approved agency. And we can also help you with that and our certification team would stand by to hold your hand through the entire process and make sure it's smooth for you. And I hope that answered the question. If not, please follow up.

Chantel Key: And we do have one verbal question.

Deborah Webster: Thank you. Could we hear that?

Chantel Key: Jackie, you have been unmuted.

Jackie Pata: Thank you. This is Jackie Pata and I am with Tlingit-Haida Regional Housing Authority. As the president and CEO, I'm also on the tribal council as the tribal delegate for Tlingit Central Council Tribes of Alaska.

I wanted to just respond to your questions and first to start off with, let you know I'm very concerned about implementing this requirement generally because we have worked really hard to make NAHASDA and tribal programs a self-determined program and adding additional requirements concerns me greatly.

So as far as the first question, approval criteria. Just to let you know that in Alaska, the TDHEs have been approved under state statute which is a little bit different than other areas. And a lot of the, other than two actually, housing authorities in Alaska, none of them have formal IRS nonprofit status that is a current requirement of the housing counseling agency requirement.



One of the things overall we have been asking for was to be -- for tribes and TDHEs to be eligible should they want to apply for the housing counseling certification, but not necessarily making it a requirement. Because there is a variety of capacities in Indian Country and we don't want to create overly burdensome requirements for those small or those that may not need the certification for the way that they deliver their services, which leads to the next part of the approval criteria experience.

You know, it would be virtually impossible for us to meet the experience requirement to administer the housing counseling program with the requirement of one year prior to applying for a housing counseling agency as that just isn't available to us, especially in the remote parts of Alaska.

Most of the tribes -- not all tribes. I'm not saying most but not all tribes have electronic client management systems which would be also a deterrent and the other part about housing counseling resources that when there's a discussion about the limited resources to fund a 12-month period program, we use our NAHASDA funds in the ways that are determined by the tribes through self-determination. And so having the funds available or not might be another issue in the criteria.

Once again, looking at the performance criteria, when we're looking at the current requirements of providing housing counseling to 30 clients in a 12-month period, in small communities and small tribes, small housing authorities, that kind of counseling may not happen over that length of time and so that would be another issue of consideration.

Moving to the second question that, what are the impacts of housing counseling certification requirements and culturally relevant housing counseling? I think this is really important overall. The tribes like our tribe and our housing authority, we work very closely with the tribes that we serve. We actually serve seven -- we serve 12 tribes and we provide services in 17 tribal communities. We try to work really closely in developing culturally relevant counseling.

We have house -- we have counselors, financial counselors. We offer financial counseling programs. We're even doing them virtually. We are not HUD-certified but we have been certified by a number of other programs, Oweesta and other banking enterprises for depending upon the program that we need.

And so -- and in every single case, we have adapted the programs to be culturally relevant to our communities using the language of our own communities and in examples that make a difference in our communities. So that is another area. Things like fair housing laws and requirements aren't part of NAHASDA in the same way that they are in public housing and so there's a lot of other adaptations that need to happen.

And we have more written comments that I will also submit, but generally, when we get to question number three, I just want to say once again that I believe that these requirements violate tribal self-determination and that as tribes, we know what's best for our families and that was why we created NAHASDA, under the spirit of self-determination.

And that as we seek to create financial counseling and education programs, we do that in the -- with the best interest in mind of what does our communities need and what are the programs that we're providing? We don't want to create a program -- the whole point of NAHASDA was to get out of the overly burdensome approaches that HUD has taken in implementing housing programs and we don't want to create that challenge.

In addition to that, when you can -- when you go to question number four, if there's any other ideas on how could HUD ensure that counseling certification requirements are applicable, one of the challenges that we see within HUD is when they -- when other programs become available to our tribal housing programs, that the implementors very often lack the knowledge and experience of working tribal housing programs.

And we see all kinds of challenging into understanding the distance that we have to travel or the mechanisms of our communication or the varying levels of capacity at the tribes and the TDHEs levels. You know, and so implementation becomes very difficult. We've seen it in other programs.

Although well-meaning and we certainly want access to them, mandated access doesn't meet the needs of all of our tribal situations and I would certainly urge that any implementation would require close work with ONAP and even having ONAP be the actual executors of any program requirements. So that's the end of my comments and we will be submitting comments in writing. Thank you once again. I appreciate the opportunity.

Deborah Webster: Jackie, thank you. That was very thorough and addressed a lot of -- a number of issues. Jad or Jerry, anything that you feel like you want to respond to right now?

Jerry Mayer: Well, just -- I'm sorry. The video didn't start. Well, just say thank you for those comments. That was very important. We're here to learn from you and your experience is helping to inform our program and I'm looking forward to getting those comments in writing.

Just to respond to I think the first part of your question, other housing authorities have said the same things to us about capacity and the ability to operate in the program. And another option that's available to housing authorities that I'd like you to consider is partnering with an existing HUD-approved housing counseling agency in your state.

Several housing authorities said to us that the idea of building a housing counseling operation within their housing authority, they're already overburdened with more clients than they can effectively assist, a waiting room in normal times, not COVID, that is full, a Section 8 list that could be 10 years long. The idea that now you have to build a business within your -- a housing counseling business within your housing authority is maybe a bit far.

So the option of partnering with a HUD-approved counseling agency provide those counseling services for your clients and then send them back to the housing authority to complete their program requirements for whatever they're [inaudible] is another option that I'd [inaudible] have an opportunity to talk to you about. Because there may be other agencies out there that are willing and able to assist your housing authority and help it succeed.

Jackie Pata: Well, let me kind of share a little bit about how we actually operate. So the HUD-certified housing counseling entity approved in Alaska, there's two of them, is 900 miles away by air. And in our region, we have partnered and we do provide -- we provide virtual counseling programs. We have counseling programs we do in group. We do one-on-one counseling. We have a CDFI as part of our partner organization with the housing authority.

We have counseling certifications, like I said, from Oweesta and are working on MLS but we're also partnering with other banks and we do -- and we've done a lot of other trainings like Wells Fargo's trainings and we participate in a lot of -- even the FOA's trainings that they had, Native America Finance Organization's trainings. And we've adapted them.

But so we're working -- I mean, I feel like we actively pursue that component. We've even received Ross grants for financial education and capacity building. We also do the VITA program as part of our education program so we're helping -- when we provide a tax service, we're actually helping them also with thinking through their longer-term financial goals and visions.

So we've adapted the program to make use of what our clients need, our customers need, to the best of their ability -- our ability and theirs. And I would say that we're an exception in our communities because not everybody has access to -- our smaller villages don't have financial institutions. Our smaller communities don't have any of those services in place and that's one of the reasons why we also provide that by going into their communities.

But it's something that we were -- we developed. I just -- the additional burdens of compliance to another HUD program and reporting and all those other kinds of things, and especially not making sure that the program isn't -- I guess I just want to make sure that tribes make decisions for themselves about what's the best thing for them, where they are and how they are. And through this -- through self-determination and that we don't have -- we have opportunities.

Now, what you expressed is a great opportunity for those who want to take that on. But making it a requirement to have to get the certification because you have to -- you don't have a housing counselor and there are only two agencies. And 900 miles away in Alaska is typical but it still doesn't make for good working relationships; do you know what I mean?

Jerry Mayer: Oh yes. Absolutely. And what you described is a remarkable story of adaption and success. And our role is to support you in what you're doing and try to help you figure out the best way to comply with these requirements. And the intent is not to create a burden but the intent is to -- originally, the intent is to help clients have faith in the housing counseling session by certifying counselors, much like a real estate broker's license or an appraiser's license or something like that.

Housing counselors were the unlicensed people in the real estate arena and now this certification basically [inaudible] that. Now, how we get to [inaudible] we'll have to do together. And like I said, our intent is not to create unnecessary burdens or to tell anybody what to do.

But our intent is to support and ensure success and I would love the opportunity to [inaudible] and see if we can figure out something for your agency and for other agencies. Maybe create a best practice model that helps agents in the same situation that you're in and expressing the exact same concerns that you have, which are entirely valid, and figure out the best solutions. And we're ready to do that.

Deborah Webster: Yeah. Thank you, Jerry, and thank you, Jackie.

Chantel Key: We have another question in the box for verbal.

Deborah Webster: Yeah. That would be great. Thank you.

Chantel Key: Shalynn, you have been unmuted.

Shalynn Kellogg: This is Shalynn Kellogg. I work for the Shoshone-Bannock side. I am the CDFI manager. I am fully certified through NeighborWorks as housing counseling. The situation that has happened here, I used to work for Community Action Agency, is because the tribe is not a HUD-approved housing counseling entity, we can't -- if we take the exam, then we're not going to be a HUD -- HUD-certified because we're not a HUD-approved counseling agency.

As far as working with an intermediary, we tried that and because we are not classified as a 501c3, we were unable to work with the intermediary. I can't say that word. In addition, the other problem that we have is the recommendation to utilize entities that are HUD-approved that do not work traditionally in Native Country. They're completely different programs and I can vouch for that because I've worked in both. So my biggest concern is why is it that we have to be HUD-approved in order to be identified as a HUD-certified housing counselor?

Jerry Mayer: Well, I think we -- I'd like to refer back to the law as it was written that we're carrying out which is the [inaudible] Financial Reform Act. And then also we need to go all the way back to the 1968 law that created housing counseling in general.

One of the issues that we're dealing with is that tribally-designated housing entities and other tribal governments were not included in 1968 in that law and that is causing an issue with us in our program. Because I would love for tribal entities to be able to operate in our program but we have an issue in the legislation, the enabling legislation that created the housing counseling program.

And that is an area that I would like to hear comments on because it goes back to 53 years ago when the program was created. And was that defective in its creation? And I would contend that there are some issues there that should be addressed, and those are legislative issues. Those are not necessarily regulatory issues. David, I think you're on camera; did you want to add anything?

David Berenbaum: Yeah. And I'll invite Jad to go first. I saw he's on camera as well. And then I'll jump in with just a quick observation. And let me thank everyone, because actually some of the points you're raising are the exact purpose of why we have this listening session, this consultation today. Jad, what did you want to share?

Jad Atallah: Sure. So thank you for all the feedback so far. I know there's a bunch of questions so I'm not going to take up much time. I do want us to get to all the questions or as many as we can. I just have a question for the folks who are on this webinar and I just want to sort of probe this a little.

The housing counseling requirements require, as Jerry covered, that housing counseling be provided by a certified housing counselor who also works for a house -- a certified housing counseling agency. And a lot of the feedback we're hearing is your concerns with all of the requirements and the barriers of what it takes to become a housing counseling agency, maybe not so much on the first element of this which is that a housing counselor be certified and you do that by taking a HUD exam, to the extent I understand it.

What's everybody's views or feedback on whether it would be practical or reasonable for HUD to implement this in such a way where we still implement the statute by requiring that housing counselors be certified and take the exam but possibly tweak the second piece, the second requirement that the housing counselor works for a housing counseling -- a certified housing counseling agency; can someone give us some feedback in that particular area?

David Berenbaum: Yes. And I'll just add to that that I'd like to ask Deborah, if you don't mind, we have such a limited amount of time today for comments. I'd like us to focus on all of the tribal entities and leaders and others who are on this consultation and invite you to quickly present your thoughts.

And while Q and A is great, I also believe we can respond to many questions after the fact, as Jerry noted. I really want to make sure we give everyone the opportunity to share their thoughts today. And Jad, thank you so much. I think that's a great discussion point that you just raised. Let's continue.

Deborah Webster: Is there anyone --

Shalynn Kellogg: [inaudible] oh. Go ahead.

Shawna: That's okay. This is Shawna. So it sounds like David would like to prioritize folks that want to make comments who would like to be unmuted. So we will find the next one. I believe it's Scott George. Chantel, can you unmute Scott George please.

Scott George: Yes.

Chantel Key: Scott, you've -- you're unmuted now.

Scott George: This is Scott George from the Citizen Potawatomi Nation Housing Department here in Shawnee, Oklahoma. My concern was first to reiterate about the self-determination piece of this. You know, when the housing came about, we were able to create and change our programs to meet our needs, to find a better way to provide housing that had been done in the past.

My concern would be then if I send that individual to a housing counselor who's not aware of how my programs work, how are they going to give them the information that they need to make the best decisions?

The second concern I have would be, how is this going to be monitored? How is HUD or [inaudible] office going to come down and say, well, [inaudible] this is a chance for housing counseling, but you didn't provide it. Well, we couldn't provide it because it was 60 miles away and we tried to get them on the list. They lost interest. They couldn't get there because of their vehicle. There's going to be all kinds of barriers there.

Ourselves as the ability to provide that counseling ourselves would be great but that second part of that requirement becomes an issue for us. So, I mean, when this first came out, we talked about [inaudible] how we counsel every day. It may not be -- as you said, it may not be the counseling that HUD counselors that are honed in on, that piece of it, of those five steps, but we've picked up at least two or three of those steps in everything that we do.

So we would be interested in providing this counseling ourselves to our clientele, to the people that we serve. But like I said, that second piece prevents me from doing so.

Deborah Webster: Thank you. We have another -- oh.

Jerry Mayer: I just want to respond just really quick. Thank you for that. I encourage you to please put that in writing to us. And also, it gives me the opportunity to work with you and maybe help you find some solutions. Certainly with training and the right partners, we'll find a successful solution for you.

Deborah Webster: And we have another one in the queue, Cielo. You are now unmuted.

Cielo Gibson: Hi. My name's Cielo Gibson and I have worked in Indian Country for 40 years. I'm very familiar with the certification requirements for the HUD -- from the Office of Housing Counseling. I teach the pathways curriculum.

In 2018, OHC approved our curriculum as being appropriate for certification for homebuyer education. I'm not sure if you're aware of the curriculum. I have taught it since 2003, continued to do so. It's been taught in Alaska and we have had a lot of people who are certified under that curriculum.

We've had a lot of people who come back after three years to recertify. It is not an easy curriculum. We did this first in partnership with HUD as well as NeighborWorks. Well, used to be Neighborhood Reinvestment. That's how long ago we started. And it is still an ongoing NAIHC product.

I did the revisions in 2018 to the material and what I did is I revised the material to be in sync with a lot of the requirements that you outlined in your Office of Housing Counseling training

modules. There were -- I even took the practice test. The only one I didn't pass was the Fair Housing Act because we only serve tribal members.

But I am curious about what you know about the Pathways curriculum and what you know about the Oweesta building native communities and the numbers of people who have been certified in these programs quite successfully. And I also want to know what you know about programs such as Nez Perce who's been doing housing counseling for 25 years.

We also have a state agency but they're located 700 miles away. At the time we did. Every place I have worked throughout Indian Country, and I like to think about Navajo, it is a long, long distance away. I remember one village I worked for in Dillingham, they had to get on their snow machines to go to the other villages to teach and they basically also went through the Pathways curriculum.

The three -- let's see. AHA, Alaska Association -- Alaska -- whatever it is. It's AHA. In NAIHC, I'm so used to acronyms and now I can't do anything else. But those organizations have been diligent about providing the housing counseling, the examination, the certification, and I'm just curious how much you know.

I want to know also can certification requirements -- see, I don't have a problem taking the test, getting people certified. But it needs to be relevant to the communities that are providing them. In fact, come to think of it, Jackie failed to mention how much her national organization was involved in creating the Pathways code curriculum in partnership with multiple organizations.

I can't tell you how many people have gone through the NeighborWorks classes and got certified, and now you don't recognize that certification. But at least we have a lot of people who are very adept and understanding housing counseling in terms of what it's like in Native communities. And it is different. The land is different.

You mentioned real estate. You would not mention real estate in a Native community unless, let's say, you were in Alaska. But you're not going to be using real -- most of the time you'll not be using real estate agents, but I think it's worthy that people are aware of it because we also have 50 percent of a Native -- 50 percent of our Native populations are living off the reservation. So we do need to know.

But I don't know that it is -- I don't understand why we would have to go through a housing counseling agency. I'm wondering why the material could not be adapted to reflect the needs of Native groups. And as I mentioned, have you looked at the Nez Perce model? Thank you.

Jerry Mayer: [inaudible] that is really helpful. The Pathways program is a best practice. It's a industry leader and what I love about it is that it challenges the clients. It is not just [inaudible] program. And it's had great success and constitutes an industry best practice. So thank you for your support of that and all the work you've done in that is certainly exemplary.

We very often are able to help counseling agencies adapt to local conditions and for us, learning the best way to help our program adapt in Indian Country is something that is very important to us and we're looking for your help with that and your feedback.

I really want you to put those comments in writing so that we can respond to you in writing and make sure that we cover all of the points that you've raised because your comments will help us improve this program to be more useful for folks living on tribal lands.

Jad Atallah: Cielo, if you're still on the line, can I just ask you if the requirements that were adopted by the Office of Housing Counseling required that the counseling you provide was provided by a certified counselor but didn't include that second element, that the housing counselor work for a certified agency as well, would that be something that is workable, given all your experience providing housing counseling in Indian Country?

Cielo Gibson: Okay. Am I still unmuted?

Jad Atallah: We can hear you.

Cielo Gibson: Okay. Thank you. Let me see if I understand your question. I don't have a problem being certified as a housing counseling agency or even being recognized by one. But I do believe that our requirements, curriculum wise, the responsiveness to the community needs, how we work with the people is totally different than when you're in Missoula, Montana and you're a housing counseling agency.

Believe me, the tribes in Montana all go to the housing authority of the tribe for assistance. I just think that the requirements should not be as stringent, that you only -- you have to be hooked up with what you recognize -- what I see as a non-Native organization. So if you wanted to make NAIHC or certain nonprofits, although I feel that tribal governments, are -- their housing authorities are typically political subdivisions. I don't understand why that's not recognized.

I don't understand it at all when there is a tribal tax status act that declares that we are equivalent to state governments. Why can't we be equivalent to a housing counseling agency? I hope I answered your question.

Jad Atallah: You did. Thank you. That's very helpful. Thank you.

Jerry Mayer: Yeah. And I have to agree. I think you've gotten to the heart of the matter and your information is the information we need. So please follow up with us.

Jad Atallah: Just so everybody's clear, from ONAP's perspective, our concern would be, say you're a IHBG recipient and you're using IHBG funds to create a housing counseling mini program within your block grant program and you're using that funding to provide housing counseling.

But you're in a remote area and you don't have an organization near you that's a approved housing counseling agency. You know, we want to make sure that housing counseling doesn't



stop -- housing counseling that's provided by TDHEs or tribes directly to low-income families doesn't stop because of burdensome requirements. So we're just trying to sort of get to the heart of this. How do we implement this Dodd-Frank requirement but while also making it workable for you all? Let's take some more questions because there's a lot of questions and we're running out of time.

Chantel Key: We have another one in the queue. Chris, you have been unmuted.

Chris: Sure. Thank you. And I will be providing these in written format too. I want to start off with requesting some discussion points about the impacts to the IHBG and the ICDBG. Because if this is not an issue, if this is purely an open-door opportunity to access a new program, we wouldn't be discussing potential impacts to our Indian housing programs.

What I'm worried about is that this sounds more like it has the potential for HUD or housing counseling to back into some mandatory requirements on things that sovereign self-determined tribes are already doing.

In terms of our ability -- I think Jad is right in wondering about what we can do logistically. You know, we don't have logistically feasible partnerships for tribes like Fort Yukon that are 700 miles from the housing counseling agency in Anchorage.

And a partnership with them would be financially impractical. Flying to Fort Yukon is more expensive than flying to Hong Kong and requiring that is de facto extinguishment of self-determination guaranteed in NAHASDA for Fort Yukon to require them to change their program or require this certification.

I don't know how any of this would be financially feasible for any other like area that is accessible only by air and water during the summertime. In terms of logistics, the requirement for a one-year internship or paid worktime in a housing counseling agency would require 14 work years to staff a housing counselor at each of our TDHEs after they've worked in a housing counseling agency.

Assuming people want to work for NeighborWorks for a year then move to Utqiagvik, the northernmost settlement in the United States where the sun just shone for a few minutes for the first time in 66 days. There is no way that we can not only just the 14 TDHEs that represent 196 tribes in Alaska, there is no way to staff the other 30 self-determined tribes in that way. We were talking about 44 work years for that requirement.

I also am curious how it is possible to require housing counseling that is delivered from an agency that is not the statutorily designated training and technical assistance provider in NAHASDA and subsequent appropriation bills. NAIHC cannot provide housing counselors or cannot train housing counselors according to these requirements.

So you understand why I am very worried and concerned that we are discussing quite a few things that, while they sound or are packaged as an open-door opportunity, sound like we're actually being made up to be the square peg pushed into the round hole here, all in sort of

defiance of the idea of self-determination for our tribes. Thanks. I'll submit these in writing as well.

David Berenbaum: I just want to say thank you to the point that's come up repeatedly with regard to self-determination. We're hearing it. We're going to obviously review all of the verbal and written comments. The points that are being made about tribal entities having direct funding or that we look at certification requirements in a more rural, tribal nation environment are being heard as well.

But today we're not really responding. We are listening. So we'll move onto our next individual wanting to provide information for us, and I want to thank everyone again for what has been shared to this point.

Shawna: Okay David. This is Shawna again. We've gotten through all the verbal comments. I'm sorry. Was somebody trying to sneak in here? Okay. There's a few folks that we haven't heard from that have written in in terms of comments. A couple more on HUD approval that I won't repeat, but we definitely see that you've got some questions about HUD approval.

There is one question in here about, would HUD certification provide an edge or points regarding capacity when applying for ICDBG grants and other grants? So obviously that's for ONAP. Thanks for that feedback.

And then a few of the questions that we've seen as well talk about like requiring organizations to join an intermediary and about TDHEs joining an intermediary. I know that Jerry had mentioned before about finding a partner was an option; would anyone like to touch on anything related to HUD intermediaries by chance? That might address some of the questions in the comment box.

Jerry Mayer: Well, just in general, the HUD intermediary affiliate relationship largely is similar to the HUD approval, direct approval for a local housing counseling agency. The intermediary takes a qualified organization and supports them with hopefully some assigned funds, training, oversight of their program and capacity building, which are all very important.

They also help take some of the reporting burden, those HUD 9902 reports that provide us our data on the housing counseling clients and what kind of counseling is being carried out or aggregated by the intermediary. Now, I want to draw the distinction between that affiliate relationship and the concept of partnership which is a little bit different.

For instance, the example that we had talked about earlier was like a local public housing authority that partners with a housing counseling agency to perform those counseling services on their behalf so that the client of the public housing authority can continue and keep whatever goal they were seeking at the housing authority.

And that is not the same as the formal affiliate relationship because it is simply [inaudible] a memorandum of understanding where the two agencies work together to achieve a local goal that's needed. And I have clearly heard the issues in Alaska around that partnering and

understand clearly that that may not be the solution for every agency. But it is one of the things that we could talk about.

David Berenbaum: I'd just like to [inaudible] that in quickly, add one other point to the issue of intermediaries. And I -- when I welcomed everyone today, I spoke about expanding our capacity, which is definitely needed in Native American communities and tribal entities.

One of the notable aspects of the housing counseling program is that it is uniquely a neighborhood-based program on so many levels, or community-based. And that also includes constituencies. If you look at the intermediaries that exist today, many of them have particular focus on Latino, African American or other constituencies across the country who we serve.

I think another area potentially for growth would be for a tribally-designated housing entity or a similar organization serving tribal nations to consider a broader role as an intermediary or a regional entity. And that was sort of our question number 5 on the list, and I would be very interested in hearing more from the entire -- all of the stakeholders on this consultation and the next one about the possibilities to in fact pursue that opportunity.

I totally understand the -- each tribal nation has its own unique resources, tools and challenges and I applaud the knowledge and expertise that each of you are bringing to training or providing services in this space. And if anything, we want to expand that capacity, working with ONAP and you. So I just wanted to share that thought with you.

Shawna: Okay, great. Thanks David and thanks Jerry. I don't see any more questions in the queue or comments in the queue unless we missed something; are there others that would like to be unmuted? Or if you'd like to type in, we'd love to hear from you. Thank you so much. Okay. And it looks like Cielo would also like to provide additional feedback if -- Chantel, if you could unmute Cielo, that would be great.

Cielo: Thank you. The last panelist brought up an interesting obstacle that we encounter and mentioned Alaska. I'd like to basically let you know, Alaska, I've done a lot of work in Alaska. It's very colorful. But let me tell you. Navajo nation, Arizona, New Mexico is just as bad. The Seminoles of the Miccosukee Tribe in Florida, to get to where you need to go, you might have to use an airboat.

So the other obstacle is there are tribes, and I don't think many people realized that there are many tribes who still speak their native language. I did a training over at White Mountain and everybody had to do a presentation. It was a Pathways class and their presentations were all done in their native tongue.

And so that in itself is another obstacle that people face. The other thing is is that I'm sorry to say that a lot of times, we don't have some of the facilities. Like, when I was looking at all the HUD housing counseling requirements, we don't always have all the facilities that you may require. I did actually some one-on-one counseling. I'm sorry to say but it worked and it's all we had but it was in a hallway and it was an entryway to other offices.

And I think in Native communities, we do what we have to do. And I would like to mention another tribe that does have an outstanding housing counseling program is the Lumbee Tribe. All the components that are required under the umbrella of housing counseling are actually taught and we do perform -- we wear multiple hats. So there are challenges.

And actually I have one last question. Then I promise to be quiet. Jad, I cannot remember, but there is a law in the Indian Tribal Tax Status Act that recognizes tribes as equivalent to 501c3s. And I'm just curious as to why that would not work with housing -- with the Office of Housing Counseling's requirement. So that's -- yeah. But I can't remember if it's [inaudible]

Jad Atallah: [inaudible]

Cielo Gibson: Go ahead.

Jad Atallah: I'm certainly no tax expert. I know there's a statute that puts tribes on parity with states in terms of the federal government's authority to tax them. I don't know if there's a statute that says that tribes or tribal entities are automatically 501c3 entities, and I think that's part of the challenge here is if the housing counseling office's requirements are in order to be -- one way you can be approved certified housing counseling agency is to be a 501c3.

Many TDHEs are not 501c3s and so it's an eligibility barrier. I don't -- I'm not expert on this tax stuff but I think there is a statute that basically puts tribes, for purposes of the tax code, in parity with the states.

Cielo Gibson: It also does say that it makes them equivalent to 501c3 and there's even a whole brochure about it. So I guess my other question would be, if I could find that information and [inaudible]

Jad Atallah: Yeah. Send it to us.

Cielo Gibson: Yeah. Because I think that could basically kind of -- it would pair out with the 501c3 requirement.

Jad Atallah: If you have anything that could bolster that position, for sure send it to us. I will definitely look at it.

Cielo Gibson: Thank you.

Jad Atallah: I just want to emphasize we're here in a support role at the Office of Native American programs. We want to make sure that the Office of Housing Counseling has all the support they need as they try to implement this statutory requirement. But we're going to do everything we can to make sure that we assist them navigate this complicated and challenging area. So thank you for your feedback.

David Berenbaum: And Jad, thank you and thank you for that information. If in fact there is a equivalent to a 501c3 status, we would definitely be interested in learning more about that and if it in fact reaches every tribal nation that we hope to engage with. So that would be wonderful.

Deborah Webster: Chantel, are there -- I think there were a few more people and they wanted to speak.

Chantel Key: Yes. We have another in the queue.

Shawna: And I'm sorry; could you also let folks know that we are focusing on the verbals for the moment? Because we're getting some comments on that.

Chantel Key: Colleen, you have been unmuted.

Colleen Dushkin: Thank you. Good afternoon. My name is Colleen Dushkin. I'm a member of the Belkofski Tribe located in King Cove, Alaska. I'm also a director for the Aleut Corporation and I serve as the executive director for the Association of Alaska housing authorities whose members are the 14 regional housing authorities serving 197 tribes in Alaska.

I have a couple of questions and I think -- and statements and I think number one, the dear tribal leader letter talks about the renters. The reason why this is being considered is so our homebuyers and existing homebuyers and renters will benefit from more knowledgeable housing counselors and effective housing counseling services due to the certification requirements.

It brings us back to the lack of housing counseling agencies and the -- working with intermediaries here in Alaska and not being able to do that. I think one thing that -- another thing that I'll touch on very briefly -- I know we're running short on time. Well, actually there'll be two things.

Going back to Chris's Fort Yukon tribal housing -- back to that tribe, these are small tribes. There are 561 people in Fort Yukon; how is the Office of Housing Counseling expecting these small tribes to deliver services to at least 30 clients in a 12-month period? It's not feasible at all.

I think my last comment would be, is that Office of Housing Counseling is staffing up. I heard Mr. Berenbaum talk about building capacity within the Office of Housing Counseling. We're talking about 574 tribes. Here in Alaska, we -- again, there's 54 IHBG recipients. So when we're talking about all of the tribes that are on the call today, we all have the same concerns that we're restating over and over again.

And so when -- Jerrold, when you're talking about getting back and working with these specific tribes, we all have these concerns and I hope that the Office of Housing Counseling is sharing all of the feedback that we're talking about because if this is going to be a requirement for all tribes, we all need to know it and we all have the similar concerns.

David Berenbaum: Thank you. And we understand the challenges and are learning as you speak. And I just want to be clear. My priorities expanding our organization's capacity, not a

headquarters branch or anything else. This is about meeting the needs of residents throughout the country. That's our priority.

Jerry Mayer: And I'd just like to add, learning from your experiences [inaudible] here today on an ongoing basis. You do this every day and we have the information that we need to build capacity and to make this program work well for you. And please keep this dialogue going with us. I really encourage you to put your comments in writing as well so that we can address them back to you in writing.

And also, we want to work with you to help bring services to even [inaudible] communities. And I know there are challenges. You know, you have clearly identified them and these are things that hopefully we'll be able to [inaudible] together to work through.

Shawna: And hey Jerry. We have a couple more written comments we'd definitely like to pivot to if that works for you.

Jerry Mayer: Sure. Please.

Rachael: It's Rachael speaking. One question that we wanted to make sure got answered was from Northern Ponca Housing Authority. It is our understanding that this used to be a requirement and HUD moved away from it; why would we be going back? That's one question. And another question that was written in from Eastern Band of Cherokee Indians. We've had a very large amount of turnover in recent years including the resignation of a director; how do we check to see if our housing entity is HUD-certified?

Jerry Mayer: I'm not sure I understood the first part of the question so I would like you to elaborate on that a little bit. The second part is very easy. On the HUD.gov website, there is a list of HUD-approved housing counseling agencies and you could search in your state for your agency.

If you don't see them on the list of HUD-approved housing counseling agencies, then the agency is probably not currently participating in HUD's program. If they were in the past, I would love to talk to you all about maybe reactivating that approval and see what the best path is for that.

Shawna: Okay. And then Jerry, there's also -- this is from Andres and he would like to know -- and I don't have his tribal affiliation. I'm so sorry. But he would like to know a little bit more about just the certification process; is it a 200-page document or a three-hour exam? Is there an online portal? Basically just answering some of those questions about the exam itself.

Jerry Mayer: Oh. Well, the first thing that I would like to point you to is our HUD Exchange website and there you will find all of the resources you need in order to learn about housing counselor certification. But in a nutshell, the exam will provide a meaningful test of the counselor's experience and knowledge.

On our website, we have a link to the testing site where you can register to take the exam. There are practice exams. There are knowledge and skill tools that will help you prepare for the exam.

We have a lot of training that is available for housing counselors in order to prepare for the exam. And those are typically provided through our training partners like NeighborWorks or MCRC or Rural Community Assistance corporation, to name just three of the five that are out there that are doing this kind of work.

And then there are other industry resources that are available and some really great social media resources that are available where counselors help each other in studying for the exam. The exam can be taken at home, which is highly recommended during this COVID-19 national emergency. Or it could be taken at a proctoring center.

Now, the proctoring centers right now because of COVID have largely closed. And so we recommend taking the exam at home in a safe environment that you can control and you're working on your own computer. And that way, you could take the exam safely and schedule the exam for when it is convenient for you.

We are also recommending that counselors who want to sit for the exam do so well before April because if you need to retest, you need time to schedule the next exam and study on the areas that you may need more help on. So in a nutshell, I hope that answers the question about the exam process itself and where you can find the resources to prepare.

Shawna: And we do have -- thanks, Jerry. There are some links on the tribal consultation page that I know that was sent earlier in the chat and we'll make sure you receive that afterwards. Two from the same person, Jerry. One is, "Will tribes be responsible for creating the certification curriculum and have the tribal council approve the certification?" Why don't you take that. There may be some confusion about certification curriculum versus certification related to the actual counselor.

Jerry Mayer: Well, sure. And I appreciate the question because it really gets to the question of how to deliver housing counseling in Indian Country and how to tailor make it for the client. Now, the certification exam itself was a national exam that was rolled out for the whole country and it's testing for the housing counselor's knowledge broadly.

And we recognize that becoming a certified housing counselor requires knowledge in some of these broad area like fair housing and foreclosure, avoidance and rental counseling. And these are very important areas, but we also recognize that there are local concerns as well. We're not excluding local concerns and we're not also requiring anyone to devise a curriculum to address these local concerns.

The test right now is out there and is available as given to be taken by anybody who wants to certify as a housing counselor and works for a HUD-approved agency. After you are certified, the test does not preclude any kind of local approach to local community issues and the housing issues around those. And we would work with you to help structure programs to make sure that they're compliant and see what resources we can provide to help you achieve success in those programs as well.

Shawna: Okay. Thanks for clarifying. Just two more quick questions. One is, it would be helpful to know the activities. This is Colleen again. We talked to her verbally. Thanks so much Colleen. It'd be helpful to know what activities will not be required to be provided by HUD-approved housing counseling -- housing counselors. Sorry.

There was a brief list under a different slide but it would be great for tribes and TDHEs to know what programs this will cover in their organizations. So we can revisit that slide if you don't mind going back a few, Chantel. And then a subsequent question to that is negotiate a rulemaking. When is it and when will the nominations be open to participate?

Jad Atallah: I guess I can take that one. So in terms of programs covered really, the Dodd-Frank Act expressly references a bunch of different programs that HUD administers and the two tribal ones are the Indian Housing block grant program and the Indian CDBG program. So those are really the programs that we'd be looking at that would be subject to these certification requirements.

In terms of negotiate a rulemaking, I have no idea. But we'll have to wait and see. That kind of gets triggered when the NAHASDA gets reauthorized which hasn't happened yet. But once NAHASDA gets reauthorized, a bunch of statutory deadlines get turned on and we will get the neg reg process going. But until then, I don't think there's a plan to do a neg reg imminently, but we'll see how the -- how Congress works and how things move.

Colleen Dushkin: I think it was mentioned somewhere along the lines in -- I was just trying to revisit the dear tribal leader letter again or even -- maybe not the regs but I swear it was somewhere in here, specifically for this. But it does not is what you're saying.

Jad Atallah: Yeah. We wouldn't do a negotiated rulemaking. This would be rulemaking -- so I think the goal here is to do this consultation, to get as much of your feedback as possible, and the Office of Housing Counseling will put together a proposed rule that will go through the normal rulemaking process where there will be more tribal outreach, public comments and so forth with the goal of finally getting to a final rule that they would issue. So it would be normal rulemaking with some tribal consultation but not negotiated rulemaking.

David Berenbaum: Yes. That describes it perfectly but we are very interested in beginning this process. It will have to be more -- a little bit more formal. It's not likely to be negotiated. I think that's a very accurate statement.

Chantel Key: And we have someone else in the queue. Cielo, you are unmuted.

Cielo Gibson: I would like to congratulate you on the HUD Exchange. It is a fabulous, fabulous website. I think there's a -- just a tad of a need for improving the search function, but I love it and I would like to know if you have a checklist of the criteria for certification and also are you recording this session? And sorry I was late, but how do we get a copy of the -- are you making a copy of the slides available to all the participants?



David Berenbaum: I'll defer to Olga and Deborah to speak to recording and the slide deck. The answer is yes to both. And then the factors for certification, both for organizations as well as the housing counselor, are found in detail on the HUD Exchange, or as Jerry invited, to please feel free to reach out to him directly and we'll be happy to walk you through that. Olga, I'll defer to you on the taping and other issues.

Olga Mulherin: Sure. Thank you. Yes. This session is being taped and it will be posted on the HUD Exchange. You should have received a e-mail prior to this session with a link to the slides. They're on the HUD Exchange page, but if you did not, you can let the host know and we'll get another link sent out to you. Thank you. Okay. Chantel, do we have any other questions in the queue? I know we're at the time right now.

Chantel Key: No. No other requests in the queue.

Olga Mulherin: Okay. Great. David, should I turn it over to you to wrap this up since we've got no other questions in the queue?

David Berenbaum: Sure. Let me start my video. I apologize for that. So if we can just move to the final slides. The final slide deck includes a host of resources. And by the way, thank you for the feedback about HUD Exchange. It is a wonderful living website that we hope to further build out. So if you have suggestions, particularly for how we could better serve the interests of tribal leaders and entities, we're very open to putting more information up on the Exchange website.

But all of these links are some terrific resources for you and I invite you to take advantage of them. As we're at the conclusion, at the closure of this first consult, I'm not going to go over them in great detail. But I would like to take a moment to say thank you because your candor, your insights, the information that you've shared with us are both informative to us -- I know they were to me individually -- as well as I think will help guide us.

And potentially, you've raised wonderful solutions, a path forward for us to explore how we can better engage and address the certification requirements as well as provide more services and build capacity.

Now, our next session will be on February 4th. We invite you to attend again or certainly share the information with others. You can submit comments in writing to [tribalconsult@hudexchange.info](mailto:tribalconsult@hudexchange.info). Please place the word tribal consultation in the subject line. And we are going to be collecting information through March 19th and sharing that information within Housing and Urban Development as well as our collaborative offices.

We are also going to be looking at all of this information. And there are -- there's a terrific resource, if you haven't seen it already, other than the letter that was forwarded to you by me, regarding housing counseling, tribal consultation on our website information and the link is provided there for you as well.

So thank you again. Be safe. Be healthy everyone. And the Office of Housing Counseling really looks forward to working with you as we move forward on this issue and others. Please call upon us. Thank you.

(END)