

contract vesting maintenance responsibilities in the RMC, the PHA will transfer into a sub-account of the operating reserve of the PHA an operating reserve for the RMC project. When all maintenance responsibilities for a resident-managed project are the responsibility of the RMC, the amount of the reserve made available to a project under this subpart will be the per-unit cost amount available to the PHA operating reserve, excluding all inventories, prepaids, and receivables at the end of the PHA fiscal year preceding implementation, multiplied by the number of units in the project operated. When some, but not all, maintenance responsibilities are vested in the RMC, the management contract between the PHA and RMC may provide for an appropriately reduced portion of the operating reserve to be transferred into the RMC's sub-account.

(c) The RMC's use of the operating reserve is subject to all administrative procedures applicable to the conventionally owned public housing program. Any expenditure of funds from the reserve must be for eligible expenditures that are incorporated into an operating budget subject to approval by HUD.

(d) Investment of funds held in the reserve will be in accordance with HUD regulations and guidance.

**§ 990.305 Retention of excess revenues.**

(a) Any income generated by an RMC that exceeds the income estimated for the income categories specified in the RMC's management contract must be excluded in subsequent years in calculating:

(1) The operating subsidy provided to a PHA under this part; and

(2) The funds the PHA provides to the RMC.

(b) The RMC's management contract must specify the amount of income that is expected to be derived from the project (from sources such as rents and charges) and the amount of income to be provided to the project from the other sources of income of the PHA (such as operating subsidy under this part, interest income, administrative fees, and rents). These income estimates must be calculated consistent with HUD's administrative instruc-

tions. Income estimates may provide for adjustment of anticipated project income between the RMC and the PHA, based upon the management and other project-associated responsibilities (if any) that are to be retained by the PHA under the management contract.

(c) Any revenues retained by an RMC under this section may be used only for purposes of improving the maintenance and operation of the project, establishing business enterprises that employ residents of public housing, or acquiring additional dwelling units for lower income families. Units acquired by the RMC will not be eligible for payment of operating subsidy.

**Subpart J—Financial Management Systems, Monitoring, and Reporting**

**§ 990.310 Purpose—General policy on financial management, monitoring and reporting.**

All PHA financial management systems, reporting, and monitoring of program performance and financial reporting shall be in compliance with the requirements of 24 CFR 85.20, 85.40, and 85.41. Certain HUD requirements provide exceptions for additional specialized procedures that are determined by HUD to be necessary for the proper management of the program in accordance with the requirements of the 1937 Act and the ACC between each PHA and HUD.

**§ 990.315 Submission and approval of operating budgets.**

(a) Required documentation:

(1) Prior to the beginning of its fiscal year, a PHA shall prepare an operating budget in a manner prescribed by HUD. The PHA's Board of Commissioners shall review and approve the budget by resolution. Each fiscal year, the PHA shall submit to HUD, in a time and manner prescribed by HUD, the approved Board resolution.

(2) HUD may direct the PHA to submit its complete operating budget with detailed supporting information and the Board resolution if the PHA has breached the ACC contract, or for other reasons, which, in HUD's determination, threaten the PHA's future serviceability, efficiency, economy, or

stability. When the PHA no longer is operating in a manner that threatens the future serviceability, efficiency, economy, or stability of the housing it operates, HUD will notify the PHA that it no longer is required to submit a complete operating budget with detailed supporting information to HUD for review and approval.

(b) If HUD finds that an operating budget is incomplete, inaccurate, includes illegal or ineligible expenditures, contains mathematical errors or errors in the application of accounting procedures, or is otherwise unacceptable, HUD may, at any time, require the PHA to submit additional or revised information regarding the budget or revised budget.

#### **§ 990.320 Audits.**

All PHAs that receive financial assistance under this part shall submit an acceptable audit and comply with the audit requirements in 24 CFR 85.26.

#### **§ 990.325 Record retention requirements.**

The PHA shall retain all documents related to all financial management and activities funded under the Operating Fund for a period of five fiscal years after the fiscal year in which the funds were received.

## **PART 1000—NATIVE AMERICAN HOUSING ACTIVITIES**

### **Subpart A—General**

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- 1000.1 What is the applicability and scope of these regulations?
- 1000.2 What are the guiding principles in the implementation of NAHASDA?
- 1000.4 What are the objectives of NAHASDA?
- 1000.6 What is the nature of the IHBG program?
- 1000.8 May provisions of these regulations be waived?
- 1000.10 What definitions apply in these regulations?
- 1000.12 What nondiscrimination requirements are applicable?
- 1000.14 What relocation and real property acquisition policies are applicable?
- 1000.16 What labor standards are applicable?
- 1000.18 What environmental review requirements apply?
- 1000.20 Is an Indian tribe required to assume environmental review responsibilities?

- 1000.22 Are the costs of the environmental review an eligible cost?
- 1000.24 If an Indian tribe assumes environmental review responsibility, how will HUD assist the Indian tribe in performing the environmental review?
- 1000.26 What are the administrative requirements under NAHASDA?
- 1000.28 May a self-governance Indian tribe be exempted from the applicability of §1000.26?
- 1000.30 What prohibitions regarding conflict of interest are applicable?
- 1000.32 May exceptions be made to the conflict of interest provisions?
- 1000.34 What factors must be considered in making an exception to the conflict of interest provisions?
- 1000.36 How long must a recipient retain records regarding exceptions made to the conflict of interest provisions?
- 1000.38 What flood insurance requirements are applicable?
- 1000.40 Do lead-based paint poisoning prevention requirements apply to affordable housing activities under NAHASDA?
- 1000.42 Are the requirements of section 3 of the Housing and Urban Development Act of 1968 applicable?
- 1000.44 What prohibitions on the use of debarred, suspended or ineligible contractors apply?
- 1000.46 Do drug-free workplace requirements apply?
- 1000.48 Are Indian preference requirements applicable to IHBG activities?
- 1000.50 What Indian preference requirements apply to IHBG administration activities?
- 1000.52 What Indian preference requirements apply to IHBG procurement?
- 1000.54 What procedures apply to complaints arising out of any of the methods of providing for Indian preference?
- 1000.56 How are NAHASDA funds paid by HUD to recipients?
- 1000.58 Are there limitations on the investment of IHBG funds?
- 1000.60 Can HUD prevent improper expenditure of funds already disbursed to a recipient?
- 1000.62 What is considered program income and what restrictions are there on its use?

### **Subpart B—Affordable Housing Activities**

- 1000.101 What is affordable housing?
- 1000.102 What are eligible affordable housing activities?
- 1000.104 What families are eligible for affordable housing activities?
- 1000.106 What families receiving assistance under title II of NAHASDA require HUD approval?