

**Development & Modernization Program Policy
Siletz Tribal Housing Department**

SECTION 1: PURPOSE

To establish construction policies for addressing new construction, minor and major rehabilitation and modernization needs of the Siletz Tribe and eligible Siletz Tribal members. These policies shall govern Native American Housing Assistance and Self Determination Act (NAHASDA) related construction activities and shall be operated and managed by STHD staff in accordance with Tribal policies and applicable statutory and regulatory requirements.

The STHD shall operate the five (5) NAHASDA Development & Modernization Programs identified below.

The Development and Modernization Policy will be implemented in accordance with the STHD Procurement Policy.

Selections shall be from a waiting list, with a stipulation of one time assistance per household every six (6) years with a maximum of two (2) rehabilitation projects per residence. Applicants will be selected from the approved waiting list by date/time of application.

1) NAHASDA Rehabilitation Program for Disabled Tribal Members:

To improve safety issues and health of disability related conditions of homes for eligible disabled Siletz Tribal members who own their homes. Individuals must have legal possessor rights to the home and property and must occupy the home as their principle residence. The combined income of all adult household members 18 years of age and older must not exceed 80% of the median income. Qualified STHD staff shall determine the type of handicapped accessibility improvement based on application information and local building codes.

2) NAHASDA Rehabilitation Program for Elder Tribal Members:

To provide moderate or substantial rehabilitation to the privately owned home of eligible Tribal Elders. Individuals must have legal possessor rights to the home and property and must occupy the home as their principle residence. The combined income of all adult household members 18 years of age and older must not exceed 80% of the median income. Qualified STHD staff shall determine the scope of work based on the Tribal Elder's application information and local building codes.

3) NAHASDA Elder's Home Replacement Program.

To replace privately owned homes of eligible Siletz Tribal Elders whose dilapidated homes are not economically repairable based on 45% or \$45,000.00 whichever is less of new construction costs. Qualified STHD staff shall make this determination based on an independent cost estimate utilizing current construction cost data for the area. Elders must have legal possessor rights to their home and property and must occupy the home as their principle residence during the useful life and binding commitment period. The combined income of all adult household members 18 years of age and older must not exceed 80% of the median income. Selection shall be from a waiting list, with a stipulation of onetime assistance per household within a lifetime. The replacement home will be modest in size, not to exceed 3 bedrooms and 2 bathrooms.

4) NAHASDA Rehabilitation Program:

To improve living conditions for an eligible Tribal member family by providing moderate or substantial rehabilitation to their privately owned home. Individuals must have legal possessor rights to the home and property. The combined income of all adult household members 18 years of age and older must not exceed 80% of the median income. Qualified STHD staff shall determine the scope of work based on the client's application information and local building codes.

5) NAHASDA Modernization Program for Current Assisted Stock:

Modernization includes many kinds of physical improvements to buildings. Most of these activities shall involve bringing homeownership and rental units to standard condition. Qualified STHD staff shall determine the type of physical improvements. This program shall specifically address our Current Assisted Stock (CAS), which is housing previously developed or operated pursuant to a contract between the Secretary and an Indian Housing Authority. In the case of the Siletz Tribe, this shall include our Low Rent and Mutual Help units, projects 35-1, 35-2, 35-4, 35-7, and 35-8 through 35-12.

How the Programs Work:

The program shall be administered from the STHD Office, located on the Siletz Indian Reservation in Siletz, Oregon. Eligible enrolled members of the Siletz Tribe shall have priority in our Development and Modernization programs.

Applications may be obtained by mail, email or by coming to the STHD office. The application consists of the application and attachments, including an Authorization to Release Information. Applicants shall be expected to fill out the application in its entirety and have all adult members of the household (18 years of age and older) sign the application before returning it. All applications shall be date/time stamped with a follow-up letter provided to the applicant within 10 working days.

The letter shall acknowledge receipt of application and address any problems identified by housing department staff during the application process. The applicant shall be given fourteen (14) days from the date of the letter to respond and correct any deficiencies. If applicant fails to comply, the application shall be marked not eligible and placed in the inactive file, without further correspondence from housing. Applicants meeting all program eligibility requirements shall be placed on the active waiting list from which selections will be made. STHD shall verify each family's income directly with the sources of income to determine income eligibility. Applicable income limits are available for review at the STHD.

SECTION 2: GENERAL REQUIREMENTS

The goal of the Siletz Tribal Housing Department is to provide affordable housing to qualified families in a safe and healthy environment. Towards that end, this policy outlines eligibility, the application process, criteria used for awarding program grants, ineligible applicants, the waiting list and the grievance/complaint procedures used by STHD.

The Siletz Tribal Housing Department shall be operated in accordance with the Indian Civil Rights Act, NAHASDA, HUD and Tribal regulations.

SECTION 3: DEFINITIONS

Annual Income:

Annual income has one of the following meanings, as determined by the Indian tribe:

- (1) "Annual income" as defined for HUD's Section 8 programs in 24 CFR part 5, subpart F (except when determining the income of a homebuyer for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of Net Family assets); or
- (2) Annual income as reported under the Census long-form for the most recent available decennial Census. This definition includes: (i) Wages, salaries, tips, commissions, etc.; (ii) Self-employment income; (iii) Farm self-employment income; (iv) Interest, dividends, net rental income, or income from estates or trusts; (v) Social security or railroad retirement; (vi) Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs; (vii) Retirement, survivor, or disability pensions; and (viii) Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

Disabled – The term means a person with disabilities as defined in NAHASDA.

Elder – means both elderly and near-elder families. NAHASDA defines elderly as a person who is least 62 years of age and near elderly as person who is at least 55 and less than 62 years of age.

Family – The term “family” includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

Immediate Family – For purposes of this policy, the term “immediate family” includes father, mother, son, daughter, husband, wife, brother, sister, or any other person living in the household.

Indian Area – The term “Indian area” means the area within which an Indian tribe or a tribally designated housing entity provides assistance under NAHASDA for affordable housing.

Low Income Family – The term “low-income family” means a family whose income does not exceed 80% of the median income for the area.

Median Income – The term “median income” means, with respect to an Indian area, the greater of:

- (A) the median income for the Indian area, which the Secretary shall determine; or
- (B) the median income for the United States.

STHD is using (B) above as income ranges are considerably higher than those in our eleven (11) county service area, (A). STHD shall continue to use the greater of (A) or (B).

Principle residence - the homeowner must live in the home for a period of 9 months out of each year. These periods may not be cumulative from year to year.

SECTION 4: ELIGIBILITY

Shall be serviced as follows:

1. The Head of Household or Spouse is an enrolled member of the Confederated Tribes of Siletz Indians.
2. The Head of Household or Spouse are not enrolled Siletz Tribal Members but the family includes their minor or dependent children who are enrolled Siletz Tribal members.
3. No member of applicant’s household is an enrolled Siletz Tribal Member, but at least one (1) member of the applicant household is an enrolled member of another federally recognized tribe.

Elderly families shall be given a preference within each of the above categories.

If both parents of any child are not included in the applicant household, then the applicant must provide proof of custody and support. If court records are not available to document

custody and support, then letters from agencies such as Services to Children & Families (SCF) or Indian Child Welfare (ICW) or from an attorney may be provided.

An Applicant shall be Considered Ineligible:

1. If an applicant owes funds to STHD or another Housing Authority, STHD shall consider them to be ineligible until they have taken care of their obligation and/or they have entered into and are in compliance with a scheduled payback agreement (as evidenced by six consecutive months of payment history).
2. If any member of the household has committed fraud, bribery or any other corrupt or criminal act in connection with any federal housing program. It is not necessary that the act result in a criminal conviction.
3. If any member of the household has made a material misrepresentation in connection with any application or occupancy of any assisted housing program.
4. If any member of the household has engaged in or threatened abusive or violent behavior toward STHD personnel, or to other residents of an assisted housing project, unless they can provide documentation that they have completed an anger management counseling program;
5. If any member of the household has severely damaged any property in a current assisted stock housing unit and cannot provide documentation that they have paid for the damages. Normal wear and tear shall not be charged against any individual.

In the event of unfavorable information regarding an applicant, STHD shall take into consideration the time, nature and extent of the past occurrences and the reasonable probability of future favorable performance.

A preliminary determination of eligibility or non-eligibility shall be made within 14 days of the date the application is received in the STHD office. Eligible applicants shall be placed on the active waiting list by date/time of application. Ineligible applicants shall be placed in the inactive file and shall be notified of the reason for their ineligibility and shall be entitled to an opportunity for a hearing.

Updating the Waiting List:

STHD shall periodically update the waiting list to ensure that it is current and accurate. STHD shall mail a notice to the address on the most recent application in STHD's file requesting information regarding their continued interest in maintaining a place on the waiting list and asking them to update their household composition and income information. If the applicant did not notify STHD of a move as required, STHD shall not be responsible for the applicant's failure to receive the update notice.

The notice shall include a deadline date by which the applicant must contact STHD of their continued interest. If STHD fails to receive the applicant's notice of continued interest by

the deadline date, the applicant's name shall be removed from the waiting list. If the notice is returned by the Post Office with the forwarding address noted, STHD shall re-send the notice. If the family member is a person with disabilities and does not respond to the update notice because of their disability, STHD shall reinstate the applicant in the family's former position on the waiting list.

Upon receipt of the applications and following eligibility and verification procedures, eligible households shall be placed on a waiting list and serviced by date/time of application received.

Principle Residence:

Approved Tribal members must agree to use the unit as their principle residence for him/her and members of his/her immediate family for the term limits identified in the appropriate Development and Modernization construction program and the Useful Life Binding Commitment. Units must be Owner Occupied in order to qualify for rehabilitation grant assistance.

SECTION 5: PROCUREMENT AND CONTRACT ADMINISTRATION

See Procurement Policy for the Siletz Tribal Housing Department.

Observation/Inspection of Construction:

In regards to the quality and workmanship issue, it is the responsibility of the Siletz Tribal Housing Department (STHD) to make sure that construction is of high quality. Aside from technical inspections, the Siletz Tribe shall take an active role in assuring work is being done as scheduled and as reported by the general contractor.

Once the contract has been awarded, the STHD has a responsibility to actively watch and follow the contractor's performance and take prompt, affirmative action to correct problems. The STHD is also responsible to insure all terms and conditions of a contract are carried out. This is all part of contract administration.

When resolving contract disputes and claims, resolution shall be in accordance with the General Conditions of the Construction Contract or the Terms and Conditions for the Contract of Sale, and disputes over labor standards shall be resolved in accordance with the procedures in that clause, etc. Nothing in this policy shall lessen the duty of contractors to comply with the terms of contract.

Required inspections shall include but are not limited to: plans review, footing inspection, foundation inspection, under floor inspection/post and beam, plumbing rough in inspection, electrical rough in inspection, mechanical rough in inspection, sprinkler system inspection (if

sprinkler system is required), framing or cover inspection, gypsum board inspection, heating unit inspection, insulation inspection, exterior wall inspection, exterior and interior paint inspection, roof covering inspection, final inspection/punch list completion inspection and one year warranty inspection.

Allowable Construction Improvements:

Eligible and ineligible physical improvement costs/activities shall be in accordance with NAHASDA and 24 CFR 1000 as applicable.

Reference Documents:

- The Siletz Tribe’s NAHASDA Development and Modernization Programs Policies.
- Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA)
- NAHASDA Federal Regulations at 24CFR part 1000.
- STHD Procurement Policy
- 2 CFR 200
- HUD Handbooks as appropriate.

XVI. HOUSING DEPARTMENT APPEAL and COMPLAINT PROCESS

1. Right to Appeal:

Any family which is determined not to be eligible shall be advised of the right to appeal such action or decision, and will be advised of the right to examine any relevant documents, records, or regulations directly related to the action prior to a hearing or trial. Such review shall not include documents and records containing confidential information regarding other applicants or occupants.

Upon filing of a written request as provided herein, a complainant shall be entitled to an opportunity for hearing.

2. Definitions

- A. “Complainant” means an applicant for NAHASDA assistance whose rights, duties, welfare, or status are adversely affected by STHD action or failure to act and, who files an Appeal or Complaint with respect to such action. (“Complainant” may hereinafter be referred to as “you”.)
- B. “Appeal” or “Complaint” means any dispute with respect to STHD action or failure to act pursuant to CTSI Housing Department regulations, policies, or procedures which affects the rights, duties, welfare or status of the complainant.

Informal Dispute Resolution:

If the STHD makes a decision that would be subject to appeal, the staff member who made the decision will attempt to informally resolve.

While informal resolution is encouraged, it does not affect the time limits to formally complain, grieve and appeal. Appeals must be filed within ten (10) days from the date of the initial decision. Administrative remedies must be exhausted, and you cannot skip a step in the formal process.

Formal Dispute Resolution:

1st Step: Review of Housing Staff Decisions by Housing Director

Your appeal must be filed within ten (10) days from the date of the initial decision. Upon receipt, STHD will give a copy of your appeal to the staff member who made the decision and a copy to the Housing Director. If STHD staff cannot informally resolve the issue, the Housing Director will review your case and respond in writing within twenty (20) days. No particular form is required to make an appeal, as long as the appeal or complaint: (1) is in writing and is signed by the party or his or her spokesperson or attorney; and (2) is actually delivered to the Housing Department within the ten (10) day time period.

The Housing Director will review your case and respond in writing within 20 days.

2nd Step: Review by Housing Committee

If the Housing Director denies your appeal, or if the initial decision was signed by the Housing Director (for example, termination notices), you have the right to appeal to the Siletz Tribal Housing Committee in writing within 10 days from the date of the Housing Director's decision. The decision of the Housing Committee shall be the final administrative decision of the Tribe.

No particular form is required to appeal to the Housing Committee, as long as the complaint or grievance: (1) is in writing and is signed by the party or his or her spokesperson or attorney; and (2) is actually delivered to the Housing Department within the ten (10) day time period. Additional information or documentation may be included with your appeal if submitted at least three (3) working days prior to the hearing. If an appeal is filed with the Housing Committee STHD staff will notify complainant of the date and time of the meeting.

If the Housing Director's decision concerns a property management unit, then the General Manager shall conduct this 2nd Step review.

Complainant may choose to have Housing Committee review without disclosure of Complainant's name.

3rd Step: Tribal Court

If you disagree with the Housing Committee decision on a non-termination action, you have the right to appeal to the Siletz Tribal Court within twenty (20) days from the date of the response from the Siletz Tribal Housing Committee. However, if the Housing Committee decision is to uphold your termination, the STHD will file an eviction action against you in Tribal Court, and you will be able to challenge that decision in your response to the eviction case.