

Development & Modernization Program Policy

For the

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) and Housing Improvement Program (HIP) 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, resolution 2005-480 of December 16, 2005.

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. 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. Selection shall be first come first served from a waiting list, with a stipulation of one time assistance per household, every six (6) years.

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. 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. Selection shall be first come first served from a waiting list, with a stipulation of one time assistance per household every six (6) years.

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. 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 first come first served from a waiting list, with a stipulation of onetime assistance per household within a lifetime.

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. Selection shall be first come first served from a waiting list, with a stipulation of one time assistance per household every six (6) years.

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 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 by mail or in person. 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 Tribe reserves the right to reject any and all bids or proposals, to waive any informalities or irregularities, and to re-advertise when it is in the best interests of the Siletz Tribe.

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

SECTION 3: DEFINITIONS

Disabled – The term means a person with disabilities as defined in NAHASDA Section 4(17) and in 25 U.S.C.4103(15).

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).

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.
4. All other applicants regardless whether or not they are enrolled in any federally recognized tribe.

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

The applicant and household members must meet the definition of family which includes: a family with or without children, an elderly family (whose head or sole member is at least 62 years of age), a near-elderly family (whose head or sole member is at least 55 years of age), a disabled family (whose head or sole member is a person with disabilities as defined in NAHASDA Sec. 4(17); 25 U.S.C. 4103(15), and a single person.

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.

Language following this sentence only applies to proposed housing activities on trust property: "Each applicant shall be screened by checking references from previous landlords and will have a credit history report completed on them. STHD will determine if the applicant has a history of meeting financial responsibilities, is able to take proper care of the housing unit, will adequately supervise their children and has not engaged in criminal or illegal activities that would have a detrimental effect on other residents in the housing project."

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 applicant has engaged in drug related criminal activity or violent criminal activity within the past 24 months, whether or not such activity has resulted in a conviction. Except that assistance cannot be denied to an applicant or family member who is recovering or has recovered from an addiction and submits evidence, as determined by STHD, of participation in or successful completion of a treatment program.
4. If any member of the household has made a material misrepresentation in connection with any application or occupancy of any assisted housing program.
5. 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;
6. . 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 insure 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.

Occupancy Standards:

When assigning elders to new construction units, the following standard shall be followed:

Size of Unit	Minimum Persons	Maximum Persons
2-Bedroom	1	4
3-Bedroom	1	6
4-Bedroom	3	8
5-Bedroom	4	10

Variations from the above standards shall be considered by the STHD for temporary housing situations. There is room for a caregiver and a room for visiting relatives.

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.

SECTION 5: PROCUREMENT AND CONTRACT ADMINISTRATION

See Procurement Policy for the Siletz Tribal Housing Department, approved by resolution No. 2005-480.

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.

Prevailing Wage Requirements:

Federal Davis Bacon wage rates shall apply on all prime contracts over \$2000. STHD shall reference 24 CFR 1000.16 to determine Davis Bacon applicability. The rate shall be determined by the work classification performed. The posted wage rate on the Internet shall be used and included in each bid packet until such time that the Siletz Tribe adopts its own prevailing wage rates. In the event a job or wage classification is unclear, the Office of Native American Programs Labor Division shall be contacted for classification approval.

Allowable Construction Improvements:

Eligible and ineligible physical improvement costs/activities shall be in accordance with NAHASDA, 24 CFR 1000, and the National American Indian Housing Council, (NAIHC) Development and Modernization Manual, section 3, page 4 as applicable.

Independent Cost Estimates:

An Independent Cost Estimate or price analysis shall be done for each procurement conducted by STHD. Without such analysis, the Tribe and STHD shall not be able to verify that the price being paid to the contractor is fair and reasonable. The cost estimate is considered confidential information and should not be disclosed outside the STHD. .

In developing the independent cost estimate, STHD may use available published price lists, the Means list of construction, acquired knowledge from previous jobs, job estimates, Davis Bacon wage rates, pricing history from prior contracts and the National Construction Estimator. The estimate should include anticipated labor costs, material expenses, subcontracted items, overhead profit, and any other cost factor that might have an impact on the eventual contract.

Construction codes:

The Siletz Tribe Housing Department shall operate all residential construction programs in accordance with the International One and Two Family Dwelling Code. All commercial construction shall be operated under the Uniform Building Code, the Uniform Plumbing Code, the Uniform Mechanical Code, and the National Electrical Code.

Self – Monitoring Process:

The Siletz Tribe Housing Department shall conduct an in-house independent annual self-monitoring process on all construction programs to ensure statutory/regulatory compliance with NAHASDA and Tribal Operations.

Reference Documents:

- The Siletz Tribe’s NAHASDA Development and Modernization Programs Policies.

Development & Modernization Program Policy
Approved by T.C. on 10/17/03
Resolution 2003-458
Approved by T.C. on 3/17/06
Resolution 2006-130

- General Conditions of the Contract for Construction Native American Housing Programs (Northwest Indian Housing Authority/Form NWIHA GC (1/99).
- Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA)
- NAHASDA Federal Regulations at 24CFR part 1000.
- U.S. Department of Housing and Urban Development Office of Native American Programs (NAHASDA Indian Housing Block Grant Recipient Self-Monitoring Compliance Assessment Guidebook)
- STHD Procurement Policy
- Office of Management and Budget (OMB) Circular A-87, (Cost Principles), OMB Circular A-102 (Grants and Cooperative Agreements with State and Local Governments/Common Rule (Procurement) and OMB Circular A-133 (Annual Audit).
- HUD Handbooks as appropriate.

SECTION 6: GRIEVANCE/COMPLAINT PROCESS

1. Right to a Hearing:

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

2. Definitions:

- A. “Complaint” means any tenant or participant in a HUD assisted or NAHASDA assisted Housing Project operated by the Housing Department of the Confederated Tribes of Siletz Indians of Oregon (CTSI), formerly Siletz Indian Housing Authority (SIHA) whose rights, duties, welfare, or status are adversely affected by CTSI action or failure to act and, who files a Grievance or Complaint with respect such action. (“Complainant” may hereinafter be referred to as “you”.)
- B. “Grievance” or “Complaint” means any dispute with respect to CTSI Housing Department action or failure to act pursuant to a lease or Mutual Help and Occupancy Agreement or CTSI Housing Department regulations, policies, or procedures which affects the rights, duties, welfare or status of the complainant.

3. Exclusions:

Grievances or complaints based upon the following are excluded from the grievance procedure:

- A. Any termination based upon activity that threatens the health or safety of or right to peaceful enjoyment of the Indian housing development by, other residents or employees of the owner or manager of the housing; or
- B. Any termination based upon criminal activity (including drug-related activity on or off the premises of the Indian Housing development.
- C. For grievances or complaints based on above excluded matters, there is 15-day appeal time to Siletz Tribal Court if a party wishes to challenge the action by the Housing Department.

Informal Dispute Resolution:

If an applicant, homebuyer or tenant disagrees with a Housing decision or action, they are to call the Housing staff member who sent them the decision. Perhaps the issue can be resolved informally and the decision or action explained to your satisfaction. While informal resolution is encouraged, it does not affect the time limits to formally complain, grieve and appeal. Administrative remedies must be exhausted, and you cannot skip a step in the formal process.

Formal Dispute Resolution:

1st Step: Review by Housing Director:

If you disagree with a decision or action of the Housing Department, you have the right to file a complaint, grievance or request for review with the Housing Director within 30 days from the date of the department's decision or action complained of. The Housing Director shall review your case and respond in writing within 30 days.

No particular form is required to do this 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 and timely delivered to the Housing Department. If you want additional information or documentation considered, please deliver them with your appeal.

2nd Step: Review by Housing Committee:

If the Housing Director denies your complaint, or if he Housing Director signed the initial decision, you have the right to appeal to the Siletz Tribal Housing Committee in writing within 30 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 do this 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 and timely delivered to the Housing Department. If you want additional information or documentation considered please deliver them with your appeal or bring them to the hearing. If you appeal to the Housing Committee it is your responsibility to find out when the next Housing Committee meets and to attend if you wish to testify.

If the Housing Director's decision primarily concerns a for-profit tribal business available to the general public (for example, the 8-plex apartments), then the General Manager shall conduct this 2nd Step review.

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

3rd Step: Tribal Court:

If the Housing Committee denies your appeal, you have the right to appeal to the Siletz Tribal Court within 30 days from the date of the response from the Siletz Tribal Housing Committee. Ordinarily, you shall not be able to present additional evidence to the Tribal Court. (One requesting Tribal Court review has the burden of showing that based on administrative record previously developed, the final administrative decision of the Tribe is erroneous as a matter of law.