



Berry Creek Rancheria of Maidu Indians

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HOUSING POLICIES AND PROCEDURES TO COMPLY WITH THE TRIBAL HOUSING REHABILITATION & REPLACEMENT PROGRAM

Overview – The Berry Creek Rancheria of Maidu Indians, a federally recognized Tribe, has developed the following policies and procedures in an effort to implement an effective, fair and consistent housing rehabilitation and replacement program for tribal members who are in need of housing assistance. Funding for this program is provided through the Native American Housing and Self Determination Act (NAHASDA) which was enacted into law by the United States Congress in 1996, and other federal and tribal housing monies that may become available.

The Tribe intends to assist members to rehabilitate their homes that demonstrate a need for this assistance under Tribal program guidelines; furthermore, the program is structured to not only provide assistance with rehabilitation needs, but also provide new houses for those families whose homes are too costly to rehabilitate. The Tribe is obligated to abide by the adopted federal regulations and guidelines for these housing funds and has adopted its own program of implementation consistent with existing federal rules.

Program Eligibility & Criteria: The Housing Rehabilitation and Replacement Program establishes the following criteria, consistent with existing federal rules, for tribal applicants applying for housing assistance:

- ✓ Income
- ✓ Age
- ✓ Handicapped
- ✓ Living Conditions
- ✓ Family Size

Ranking – Once applications are reviewed to ensure program eligibility based on the criteria listed above, each application will undergo further evaluation, based on the Tribe’s adopted rating system, in order to establish a quantitative ranking. The rating system assigns points to each criteria and the applications receiving the highest point totals will be assigned a “priority ranking.” Please see Appendix A for details on the rating system.

Not All Homes Are Eligible - The Tribe has structured the Housing Rehabilitation and Replacement Program to provide “priority consideration” to homes that have not previously benefitted from any other federal, state or Tribal housing programs including the Indian Community Development Block Grant (ICDBG) rehabilitation program, the Bureau of Indian Affairs Housing Improvement Program (HIP); or the Housing and Urban Development (HUD) Indian Housing Program, or any other tribal or state housing funding source.

These guidelines establish that homes receiving prior assistance from HUD or HIP programs could possibly qualify for assistance under the Tribe's Housing Rehabilitation and Replacement Program if certain timelines have passed as follows:

- Single Family Homes (Stick-Built) – Homes that have not received any assistance for **five years** prior to submitting a tribal-NAHASDA application are eligible;
- Manufactured Homes (Factory-Built) – Homes that have not received any assistance for **five years** prior to submitting a tribal-NAHASDA application are eligible.

Exceptions for Substandard Conditions – Exceptions to the above-stated policies exist if it can be demonstrated that any HUD-assisted, or HIP-assisted units, have substandard conditions due to circumstances other than lack of maintenance.

Exceptions for Emergencies Emergencies will be handled immediately if funds are available. Emergencies defined as: Any immediate threat, any water leak through the shell of the house, water line or sewer line.

Non-Exemption for Eligibility Requirements: All applicants must meet the Eligibility Requirements.

Program Consistency with Federal and Tribal Rules - The Tribe assures that households that have been evicted from HUD assisted housing within the past five (5) years will not be assisted by the Tribe's NAHASDA housing project except in emergency situations or as stipulated by federal regulations. Furthermore, the Tribe assures that these housing procedures proposed for the TRIBAL REHABILITATION AND REPLACEMENT PROGRAM are consistent with the Indian Housing Plan (IHP) submitted by the Tribe, or on behalf of the Tribe, under the provisions of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), and also covers the use of all other housing funding sources.

The Northern Circle Indian Housing Authority is responsible for approving recipients for housing assistance. Selection decisions will be based on the criteria, priorities and ranking system identified by the document and by any other special circumstances that may be involved with a specific housing program.

Statement of Permanent Residency – Applicants who do not currently reside in the home that is being considered for rehabilitation or replacement must provide a signed statement (statement provided by the Tribe) to certify that the applicant will reside in the home and use the home as their full-time permanent residence once the rehabilitation/replacement project is completed.

The TRIBAL REHABILITATION AND REPLACEMENT PROGRAM also establishes that applicants that do not comply with the *Permanent Residency* requirement could result in the repayment of all housing monies that have been invested into the home.

Construction Standards – Construction standards for housing assistance will comply with the California Building Code with also includes the California Plumbing Code, California

Mechanical Code and the California Electrical Code. *Construction Standards* – Construction standards for housing assistance will comply with the 2012 International Residential Code (or most recent edition) which is compatible with the International Building Code, International Energy Conservation Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Green Construction Code, International Mechanical Code, ICDC Performance Code, International Plumbing Code, International Private Sewage Disposal Code, International Property Maintenance Code, International Swimming Pool and Spa Code, International Wild land-Urban Interface Code, International Zoning Code and International Electrical Code.

Standard Housing Condition – Standard housing conditions means that the homes to be repaired and brought to this condition will, at minimum, provide and include the following. A "standard condition" housing unit is a home in the following condition:

1. A safe home in physically sound condition with all plumbing, heating, electrical, sanitation systems, and air conditioning (where needed) satisfactorily performing their intended design functions.
2. A livable home environment.
3. Adequate security, such as exterior doors and windows accessible from outside the unit that shall be lockable, and exterior lighting at exit doors.
4. Energy conservation measures such as insulation, weather-stripping and double-pane windows.
5. Adequate interior space to prevent overcrowding, including the following for each unit:
 - a. living room,
 - b. kitchen area,
 - c. bathroom,
 - d. at least one bedroom of appropriate size for each two person,
 - e. persons of opposite sex, other than husband and wife or very young children age 3 or above, shall not be required to occupy the same bedroom or living/sleeping room.
6. Hot and cold running water

Tribal Policy on Housing Rehabilitation & Replacement – The Tribe's overall policy is to first evaluate the need of any eligible house so that the dwelling meets the benchmarks as defined in the Standard Housing Condition section above. If evaluations indicate that the home qualifies for replacement any interim improvements will be made to ensure the home does not pose any hazardous living conditions. Once a home is selected for replacement, it is then placed on a priority list and will be scheduled for demolition and removal once funding becomes available.

The Tribal Council, acting as the Selection Committee, is responsible for developing the priority list for recipients slated to receive NAHASDA, or any other form of housing assistance.

1. The Tribe's/Tribally Designated Housing Entity's (TDHE) standard approach to housing rehabilitation, if not considered for replacement, is to improve housing conditions by removing or repairing defects in substandard housing in the following order of priority: Priorities could change based on degree of hazard.
 - a. electrical hazardous
 - b. plumbing hazardous
 - c. in adequate weather protection
 - (1) roof leaks
 - (2) wall leaks
 - (3) window leaks
 - (4) plumbing leaks
 - d. structural defects:
 - (1) foundation
 - (2) roof supports
 - (3) ceilings
 - (4) wall supports
 - (5) roofs
 - (6) walls or partitions
 - (7) dry rot
 - (8) termite damage
 - (9) mold
 - e. heating system defects
 - f. entrance and exit defects
 - g. removal of unsafe site materials or barriers which restrict or impair accessibility for elderly or handicapped persons, handicap accessibility and modifications;
 - h. installation of smoke detectors or other minor fire prevention equipment as necessary;
 - i. weatherization as follows:
 - (1) sealing
 - (2) insulation
 - (3) painting
 - j. overcrowded living conditions

2. Assistance is limited to:

- a. Households whose total household income (includes incomes from all household members over 18 years of age) does not exceed “Income Limits” determined by NAHASDA annually. Furthermore, other officially-recognized income limits may apply depending upon the specific housing program, such as the Dept. of Health and Human Services’ Housing Improvement Program (HIP); ICDBG; or those limits established by local government as applicable. Finally, the tribe may establish additional income limits as needed.
- b. Owners agree in writing that the property will not be transferred to another owner unless the new owner/occupant is income-eligible for NAHASDA program services, during the “useful life” of the property as determined by the following amount of assistance:

Amount of Assistance:	Useful Life ¹ Remaining on Affordable Housing Stock
Less than \$5,000	6 months
\$5,000 to \$15,000	5 years
\$15,001 to \$40,000	10 years
Over \$40,000	15 years
Purchased Manufactured Housing	15 years
Newly constructed stick built housing	20 years

1 – “Useful Life” designations are required by NAHASDA

- c. Dwellings must be owned by the tribe or tribal member and located on the Tribe’s Reservation/Rancheria, or dwellings located within the Tribe’s Service Area. Houses to be rehabilitated must be the permanent non-seasonal residences of the tribal members. Eligible homes may be conveyed Mutual Help, individually owned, or tribal owned. Persons who do not entirely meet this standard, but who are in need of assistance, must provide the Tribe with special explanations and justifications to be considered for assistance.
- d. The cost of rehabilitating a house to standard condition should not exceed \$40,000 to rehabilitate. It is the policy of the Tribe that a housing unit is "not economically feasible to rehabilitate" if it will cost more than \$40,000 to bring the unit up to a standard condition. A housing unit is "suitable for rehabilitation" if it can be brought up to a standard condition for a cost of less than \$40,000.
- e. Houses designated for eventual replacement within the next five (5) years will only receive repairs essential for the health and safety of the occupants. Such repairs

should not cost more than \$10,000. Proposals to spend more than this on any such house will have to include a justification and explanation. If replacement will be scheduled more than five (5) years into the future, repair costs should not exceed \$20,000.

- f. Houses that have received any rehabilitation assistance from any Tribal, State, or Federal grant program within the past eight (8), years will not be assisted with NAHASDA funds to make the same repairs if the repairs are needed as a result of abuse, neglect or lack of maintenance.
- g. The families whose homes are to be rehabilitated to a standard condition are not to be slated to receive a new HUD house under an existing or approvable program through an Indian housing authority or other Tribal Designated Housing Entity; however, such homes could receive interim assistance.
- h. Units *receiving* NAHASDA funds, *or any other housing assistance*, must be covered by the equivalent of homeowners insurance, which shall include replacement costs in the event of an incident.

3. Recipient Selection Criteria:

- ✓ Income
- ✓ Age
- ✓ Handicapped
- ✓ Living Conditions
- ✓ Family Size

Recipients will be rated on each of the criteria listed above. In addition, applications for rehabilitation assistance will be rated and ranked in accordance with the number of points received - the higher the points, the higher the ranking. The Tribe or TDHE will evaluate and rank all applications and forward the results to the Selection Committee.

4. Selection Committee:

The Tribal Council may act, or designate the TDHE to act, as the Selection Committee. The Selection Committee will establish a priority list of recipients to receive housing rehabilitation assistance relying on each applicant's ranking.

5. Northern Circle Indian Housing Authority (NCIHA), the Tribe's TDHE, has policies, procedures and staff in place to oversee the administration and implementation of the housing rehabilitation program, pursuant to HUD guidelines which include regulations and procedures relating to the following:

- a. Environmental assessment and determination of adverse impacts under the provisions of the National Environmental Protection Act (NEPA).

- b. Standard accounting principles and practices associated with the requisition and disbursement of funds.
 - c. Indian preference policies relating to the hiring of personnel when applicable.
 - d. Responsible and accepted legal guidelines concerning advertisement and solicitation of bids from contractors.
 - e. Indian preference requirements in bidding procedures.
 - f. Income verification.
 - g. The repayment provisions shall be consistent with the Useful Life provisions under Tribal Policy on Housing Rehabilitation & Replacement, Section 2(b).
6. Relocation requirements, policies and procedures.

Relocation Assistance – When the repair of a dwelling is so substantial that a family must vacate the premises to allow rehabilitation work to be done, the Tribe shall provide financial assistance to those families forced to temporarily relocate following required and established relocation procedures.

The Tribe/TDHE is required by HUD regulation 24 CFR 571.602(c)2(iii) (quoted below) to use NAHASDA funds to pay relocation payments to these families:

"(iii) In any case in which the occupant of a dwelling is required to relocate for a temporary period in order to permit rehabilitation or demolition, the temporary relocation shall not exceed 12 months in duration, a safe and habitable dwelling shall be available to the person for the period of the temporary relocation, and the grantee shall pay actual reasonable out-of-pocket expenses, including any moving costs or increases in monthly housing costs, incurred by the person in connection with the temporary relocation."

The amount of payment to families who must temporarily relocate will be based on: (1) amount of relocation money available, (2) number of families qualifying for assistance, and (3) length of time relocation is necessary.

The Tribe shall, at all times, endeavor to make use of all available Tribal housing resources in meeting the housing assistance needs of Tribal members. This effort shall include the solicitation of available housing assistance funds and resources of other appropriate government agencies and community based organizations.

In order to address the housing needs of Tribal members, the Tribe shall periodically conduct surveys of housing conditions of Tribal members on Reservation.

In all cases where housing assistance may be needed and the subject family is qualified for such assistance, the Tribe and/or the TDHE shall procure the services of a qualified housing inspector

or contractor to develop a scope of work for each unit, for the purpose of including such unit in future plans for housing assistance.

Households to be assisted will be consulted regarding repairs to be completed to their housing units. They shall be provided a copy of final work write-ups and of any amendments to the write-ups. They shall also sign all inspector forms showing work successfully completed.

If a dispute shall arise between the households to be assisted and the contractors, the Tribe's/TDHE's project staff shall try to resolve the dispute to the satisfaction of the households. If the dispute cannot be resolved at this level, the dispute shall be taken before the Tribal Council for appropriate action. If the Tribe is involved in the dispute, a qualified dispute resolution mediator shall be used to resolve the dispute.

All housing units slated for rehabilitation shall receive regular on-site inspections during repair by a qualified inspector chosen by the Tribe and/or the TDHE. Furthermore, all units receiving housing assistance of any form will be required to complete an annual inspection for preventative maintenance purposes.

7. The deferred maintenance and long term impact policy:

Owners of the units repaired with NAHASDA, or any other housing funds, to a standard condition will be required to maintain the units adequately; agree to forego any future claim on NAHASDA funds to repair items of deferred maintenance; and agree that they will not be eligible for additional HUD housing construction, financing or rehabilitation assistance according to the policies of this program.

To implement this policy, the Tribe will require the benefiting owners to sign an agreement agreeing to the policy's terms.

8. Housing Rehabilitation and Replacement standards:

California Building Code including the requirements established by the California Code of Regulations, Title 25, Division I, Chapter 2, which covers the installation of manufactured homes.

9. Inspections:

Housing rehabilitation work will be inspected by a certified building inspector staffed by TDHE. The inspector must be able to perform inspection work including: inspections of multiple attached or detached housing projects or of community buildings; conducting housing surveys and writing contract work specifications, preparing cost estimates on single unit dwellings/community buildings, and monitoring contractor's progress (quality control inspections). The inspector will provide quality control inspections during construction/rehabilitation and when a contractor requests payment of work completed.

10. Homeowner costs or fees:

Due to the high unemployment rate, the lack of employment opportunities on or near the Tribe's proposed housing sites, and the low levels of income received by Tribal members, the Tribe has elected not to charge any costs or fees to members who receive rehabilitation assistance. The tribe/TDHE may enter into a third party contractual relationship to complete any housing rehabilitation assistance to be completed under the NAHASDA Program.

11. Insurance:

NAHASDA requires that any unit assisted with NHASDA funds be insured. The length of time insurance is required to be verified is the same length of time as the useful life period noted in Section 2. b. of this policy. In order to assist member households to meet this requirement, the Tribe has determined that they will pay the first year of coverage for income eligible households receiving NAHASDA assistance from program funds. Subsequent year's insurance will be the responsibility of the household. The household must provide proof of insurance to the Tribe yearly.

12. Households Between 80% to 100% of Income Limits:

NAHASDA allows 10% of the grant funds to be used for households between 80% and 100% of income limits. The family at 80% to 100% of income limits may not receive the same services as a family at 80% of income limits. The Tribe may approve services for an elderly family (62 years of age or older) who is otherwise eligible using the required formula and calculations to determine benefits. In no case will the total spent on families in this income category for all NAHASDA programs and services exceed the 10% limit.



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Appendix A

RATING SHEETS