



**MANCHESTER-POINT ARENA
BAND OF POMO INDIANS
Housing Rehabilitation/ Replacement Policies & Procedures**

Manchester-Point Arena Rancheria, a federally recognized Tribe, wishes to establish effective, fair and consistent policies and procedures for its members who are in need of housing rehab/replacement assistance.

The Tribe will endeavor to assist members to rehabilitate those housing units that need this assistance and provide new houses for those families whose homes are economically unfeasible to rehabilitate.

The Tribe wishes to identify the following member families and/or individuals for priority consideration for housing assistance:

1. Income
2. Age
3. Handicapped
4. Living Conditions
5. Family Size

Additional criteria to be used to select recipients will include greatest need in relation to income, condition of dwelling, and non-eligibility for obtaining housing assistance from other sources. Those applicants who do not possess the appropriate skills to perform the necessary repairs themselves will be given priority consideration and a program to help them maintain their homes will be put into place.

Applicants whose homes have not received substantial assistance under a previously approved Indian Community Development Block Grant (ICDBG) rehabilitation program, the Bureau of Indian Affairs Housing Improvement Program (HIP), or whose homes have not been constructed under the federal Housing and Urban Development (HUD) Indian Housing Program within the ten years prior to the request for assistance (unless it can be demonstrated that these HUD/HIP assisted units are substandard due to circumstances other than maintenance) will be given priority consideration.

Applicants whose dwelling units have not been constructed within ten years prior to the request for assistance, or whose manufactured homes have not been built within five years of that time will be given priority consideration.

The Tribe assures that households that have been evicted from HUD assisted housing within the past *eight (8)* years will not be assisted by the Tribe's NAHASDA housing project.

The Tribe assures that its housing project proposed for the NAHASDA Program will be consistent with the Indian Housing Plan (IHP) submitted by it or on behalf of it under the provisions of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

The Tribal Council will *have final approval after recommendation by NCIHA* for approving recipients for housing assistance. Selection decisions will be based on the criteria and priorities identified by this document and by any other special circumstances involved with a specific housing program.

Construction Standards

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 and International Zoning Code.

~~HUD's standards for the rehabilitation of residential properties, the Uniform Building Code, the Uniform Plumbing Code, and the National Electrical Code, or the International Residential Code have been adopted for Tribal housing rehabilitation projects. The latest edition of the code adopted by the State of California will be used for housing construction and rehabilitation projects. Construction standards for housing assistance will comply with local building codes where applicable.~~

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 shall be lockable, exterior lighting at exit doors.
- 4. Energy conservation measures such as insulation, weather-stripping, double pane windows
- 5. Adequate space to prevent overcrowding, including for each unit:
 - a. living room,
 - b. kitchen area,
 - c. bathroom,
 - d. at least one bedroom of appropriate size for each two persons
 - e. persons of opposite sex, other than husband and wife or very young children shall not be required to occupy the same bedroom or living/sleeping room
- 6. Hot and cold running water

Housing Rehabilitation/Replacement

- 1. The Tribe's/TDHE's 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
- c. 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
- d. heating system defects
- e. entrance and exit defects
- f. removal of unsafe site materials or barriers which restrict or impair accessibility for elderly or handicapped persons, handicap accessibility and modifications
- g. installation of smoke detectors or other minor fire prevention equipment as necessary
- h. weatherization
 - (1) sealing
 - (2) insulation
 - (3) painting
- i. overcrowding

2. Assistance is limited to:

- a. Tribal Members whose total household income does not exceed NCIHA Income Limits.
- b. Dwellings must be owned by the tribe or tribal member and located on the Manchester-Point Arena Reservation.
- c. Houses to be rehabilitated must be the permanent non-seasonal residences of the tribal members. 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~~ \$50,000 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~~ \$50,000 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~~\$50,000.
- e. Houses designated for eventual replacement within the next 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 for more than 5 years in the future, repair costs should not exceed \$20,000.
- f. Houses that have received comprehensive rehabilitation assistance from any Tribal, State, or Federal grant program within the past *ten (10)* 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 rehabbed with NAHASDA funds will be included in the Tribe's AMERIND Risk Management inventory and covered under the Tribe's membership agreement.
- i. Maintenance: In general the tribe expects member households to perform routine and preventative maintenance on their homes. On occasion, due to extenuating circumstances, the tribe may approve small maintenance projects for a member household to be completed using NAHASDA funds. These projects must be limited to specific maintenance activities that are exempt or categorically excluded not subject to 58.5 under 24 CFR Part 58.35 (b) (3). The project cost may not exceed \$_____.

3. Recipient Selection Criteria and Priorities:

- a. Income
- b. Age
- c. Handicapped
- d. Living Conditions
- d. Family Size
- e. Additional Criteria

Recipients must meet each of the criteria listed in "2." above. In addition, applications for rehabilitation assistance will be rated against the following priority groupings and will be ranked in accordance with the number of points received - the higher the points, the higher the ranking.

Criteria for points:

<u>1. Income</u>	<u>Priority</u>	<u>Points</u>
Poverty (50% of median)	First	3
Low-to-Moderate (80% of median)	Second	2
High Income (100% of median)	Third	0

<u>2. Age</u>	<u>Priority</u>	<u>Points</u>
65+	First	5
50-64	Second	4
35-49	Third	3
24-34	Fourth	2
18-23	Fifth	1

<u>3. Handicapped</u>	<u>Priority</u>	<u>Points</u>
Disabled Head of Household (Tribal Member)*	First	5
Not Handicapped	Second	0

Points based on % of disability:

100-80	5
80-60	4
60-40	3
40-20	2
20-1	1

Disabled Person – is a person receiving SSI or has a physical, mental or emotional impairment which,

1) is long term with indefinite duration; 2) substantially impedes the ability to live independently; 3) and their lives could be improved by more suitable housing conditions; or has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

<u>4. Living Conditions</u>	<u>Priority</u>	<u>Points</u>
Living in a substandard dwelling that is not economically feasible to rehabilitate (replacement)	First	4
Living in a substandard dwelling that can be rehabilitated but that is overcrowded	Second	3
Living in a substandard unit that can be rehabilitated	Third	2
Living in a unit that needs minor rehabilitation	Fourth	1
<u>5. Family Size</u>	<u>Priority</u>	<u>Points</u>
Families with five or more members	First	4
Families with three to four members	Second	3
Married couples with no children, or single parent	Third	2
Single person with no dependents	Fourth	1
<u>6. Additional Criteria</u>		
Need vs. Income, condition of dwelling, non-eligibility for additional housing assistance.		?
Lack of ability to maintain their homes		?
Community Service (<i>attending meetings, work days, etc.</i>)		
Active		2
Semi-Active		1
No Service		0
Maintenance History		
Above Average		2

Average	1
Below Average	0

4. Selection Committee:

Once the application has been reviewed by NCIHA and recommended to the Tribal Council, the Tribal Council will make the selection of the recipients for NAHASDA housing rehabilitation assistance in accordance with these priorities.

5. NCIHA, the Tribe's TDHE, has policies, procedures and staff in place to guide 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.
- b. Standard accounting principles associated with the requisition and disbursement of funds.
- c. Indian preference 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 which will be required if sale of the assisted house occurs prior to expiration of the useful life period applicable to the home after the rehabilitation work has been completed. 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:

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	20 years
Newly constructed stick built housing	30 years

1 – "Useful Life" designations are required by NAHASDA

- h. 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/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.

- i. 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 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 and recommending payment for such work.

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. ***The decision of the Tribal Council shall be final.***

- j. 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.
6. The deferred maintenance and long term impact policy:

Owners of the units repaired with NAHASDA 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 for a period of 8 years.

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

7. Housing rehabilitation standards:

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 and International Zoning Code.

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8. Inspections:

Housing rehabilitation work will be inspected by a certified building inspector staffed by NCIHA.

A qualified housing construction and rehabilitation inspector is a journeyman level person who performs difficult and responsible work involving the inspection of new construction and housing rehabilitation projects. 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.

9. 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.

10. 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.

11. **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.

