

**POLICIES GOVERNING ADMISSION TO
AND CONTINUED OCCUPANCY OF THE HUD-AIDED
RENTAL
HOUSING AND MUTUAL HELP UNITS OPERATED
BY THE NORTHERN CIRCLE
INDIAN HOUSING AUTHORITY**

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**POLICIES GOVERNING ADMISSION TO
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OF THE HUD-AIDED RENTAL AND MUTUAL HELP HOUSING
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CHAPTER 1: CONDITIONS OF ELIGIBILITY

1-1 Eligibility for Admission

To be eligible for admission to the HUD-aided Rental and Mutual Help housing units operated by this Authority only those applicants:

- a. Who qualify as a Family (See Paragraph 7-1)
- b. Whose Family Income does not exceed the applicable income limit for admission;
- c. Who conform to the Occupancy Standards set forth in Chapter 4;
- d. Whose conduct would not prove detrimental to the project or its residents;
- e. No applicant shall be eligible for admission to Northern Circle Indian Housing Authority if that applicant, or any member of the applicant's designated household, has previously been evicted from Northern Circle Indian Housing Authority, unless all outstanding balances owed by said prior tenant are paid in full and the applicant demonstrates to Northern Circle Indian Housing Authority that the applicant will be a satisfactory tenant.
- f. No prior tenant shall be eligible to apply for admission to Northern Circle Indian Housing Authority for a period of one year from the date of eviction from Northern Circle Indian Housing Authority property.
- g. To be eligible for Low Rent and Mutual Help at least one household member must be employed or be receiving income that includes, but not limited to: case grant for public assistance, Social Security, Unemployment Benefits, Tribal Per Capita, Revenue Sharing Trust Fund, etc.

CHAPTER 2: RECEIPT OF APPLICATIONS AND DETERMINATION OF ELIGIBILITY

This chapter sets forth the basic steps which are to be taken in obtaining and verifying information from applicant families for the purpose (1) determining whether they meet the conditions of eligibility for admission set forth in Chapter 1; (2) applying the tenant selection criteria contained in Chapter 3; (3) determining the size of dwelling required in accordance with Chapter 4. (4) determining the rent to be charged in accordance with Chapter 6; and

2-1 Establishing an Application Pool

- a. To assure compliance with the tenant selection criteria contained in Chapter 3, applications are to be accepted from all families apparently eligible seeking admission to the HUD-aided Rental and Mutual help units. This rule is to hold, regardless of the number of eligible applications on hand.

- b. The pool of active applications shall be kept current by requesting each applicant to inform the NCIHA at least annually of continued interest. Notations of dates of contacts and of applicant's continued interest are to be made a part of the application record.

2-2 Procedure for Receipt of Applications

- a. The application constitutes the basic record of each family applying for admission. Each applicant, therefore, will be required to supply information as called for on the application for admission form and sign the application, attesting to the accuracy of the information provided. Each application shall reflect the date received. The application and all other materials relating to the family's eligibility are to be maintained in an active file for each applicant not classified as ineligible or withdrawn.

- b. If during the application interview it appears that the applicant is definitely not eligible, the applicant is to be so informed and the application classified as ineligible. In such instances, sufficient information is to be entered on the application form to establish ineligibility.

2-3 Verification and Documentation of Application Data

- a. To assure that the data upon which determinations of eligibility, preferences status, rent to be paid and size of dwelling required are to be based are full, true and complete, the information submitted by each applicant is to be verified.
- b. Complete and accurate verification records consisting of, but not limited to, the following are to be maintained:
 - (1) Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income;
 - (2) Copies of documents in the applicant's possession which substantiate his statements, or a brief summary of the pertinent contents of such documents signed and dated by the staff member who viewed them;
 - (3) Certified statements, or summary data from books of account, from self-employed persons;
 - (4) Documentation of verification data obtained by personal interview, telephone, or other means, with source, date reviewed, and the person receiving the information clearly indicated;
 - (5) The record of the physical inspection of the applicant's housing accommodations or other documentary evidence that the dwelling is substandard, and that the applicant is actually living in such dwelling, if residence in substandard housing is a condition of eligibility for admission (See Paragraph 1-1. c.)
 - (6) Proof that an applicant is, if claimed:
 - (a) Actually without housing or about to be without housing;
 - (b) Paying a disproportionate amount of income for rent;
or

- (c) To be displaced or has been displaced under one of the circumstances cited in Paragraph 7-5.
- (7) In order to determine the effect an applicant's conduct would be likely to have on a project or its residents, documentation is to include letters and reports of interviews or telephone conversations with reliable sources (including the applicant during a home visit), such as current and previous landlords, employer, social worker, parole officer, court records, drug treatment centers, clinics, physicians and police departments. These reports shall include the date, source of information, name and title of person contacted and a resume of the information shall include, but not be limited to the following:
- (a) Time, nature and extent of the applicant's habits and practices in regards to:
 - past performance in meeting financial obligations, especially rent;
 - disturbance of neighbors;
 - destruction of property;
 - living or housekeeping habits;
 - history of criminal activity involving crimes of physical violence to persons or property; and
 - other acts which would adversely affect the health, safety or welfare of other residents.
 - (b) Factors which indicate a probability of favorable future conduct or financial prospects, such as:
 - evidence of rehabilitation;
 - evidence of willingness to participate in appropriate counseling service programs, and availability thereof;

2-4 Summary of Verification Data

- a. Verification data are to be received and evaluated and received for completeness, accuracy, and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If during the verification process it becomes evident that for one or more reasons an applicant is ineligible, the investigation is to be discontinued and the applicant notified of his ineligibility and the reasons therefore.
- b. As verification of all necessary items for each application are completed, a summary of the verified information is to be prepared. The summary is to cover the following determinations and the bases for such:
 - (1) Eligibility of the applicant as a family;
 - (2) Eligibility of the family with respect to income limits for admission;
 - (3) Eligibility of the family with respect to housing need;
 - (4) Eligibility of the family with respect to conduct;
 - (5) Preference status, if any, of the family;
 - (6) Applicants shall provide social security numbers for all family members.

2-5 Notification to Applicants

- a. Each applicant shall be notified as promptly as possible in regard to his eligibility status. If determined to be ineligible for admission, the applicant is to be informed in writing of the determination and of his right, upon his request within 120 days after the determination is made, to an informal hearing in order to make such a reply or explanation as he may wish. The reasons for the determination shall be included in the written notification or discussed in private conference depending upon the circumstances. For each such case, a record shall be maintained including a notation of the circumstances involved, final action taken and the dates.
- b. Each applicant determined to be eligible for admission shall be notified of their placement on the appropriate waiting list.

2-6 Notification to Selected MH Families:

- (a) Selection of homebuyers shall be made from the MH waiting list of applicants approved by the Participant Selection Committee/Tribe.
- (b) The notification shall be in writing and include the following information:
 - (i) a statement that the family has been selected for the MH Project
 - (ii) a statement that the family will be advised at a later date of the time and place for execution of the MHOA and the name(s) of the person(s) who must execute it on behalf of the family.

2-7 Notification to Families Not Meeting Admission Requirements

When NCIHA determines that a family does not meet the admission requirements NCIHA shall give the family prompt written notice of this determination.

The notice shall state the basis for the determination and shall state the family is entitled to an informal hearing by the HA if request for such hearing is made within a reasonable time as specified in the notice.

2-8 Notification to Families Not Selected for A Project

If NCIHA determines that an applicant meets the admission requirements but is not to be selected for a certain MH project, NCIHA shall so notify the applicant in writing. The notice shall also state that the applicant will remain on the waiting list for consideration in the event of vacancies or additional MH housing.

2-9 Rechecking Verified Findings Prior to Admission

If there is a delay of any consequence between the determination of a family's eligibility and the time it can be admitted to a unit, the family will be questioned before admission in regard to any change in status. If changes are reported they will be verified to determine their effect on eligibility, preference rating, rent, and unit size required.

CHAPTER 3. PARTICIPANT SELECTION CRITERIA

3-1 Objectives

Selection of Homebuyers

Participants shall be selected for Mutual Help from those applicant families determined to be eligible under 1-1, and who are able and willing to meet all the obligations of a participant as set forth in the Mutual Help and Occupancy Agreement, including the obligations to provide the required Mutual Help Contribution and its own utilities, and pay the Admission Charge.

It is the policy of the HA to attain at initial occupancy, families with a broad range of income which is generally representative of the range of incomes of low income families within the reservation area.

3-2 Tenant Selection

Among eligible families of the size and composition appropriate to available dwelling units and within the established ranges of income the tenants shall be selected on the basis of the preferences as established by NCIHA/Tribe.

3-3 NCIHA Preferences

NCIHA shall give preference to applicants for admission who are otherwise eligible for assistance and who, at the time they are seeking housing assistance are one or more of the following:

1. Involuntarily displaced;
2. Living in Substandard housing;
3. Rent Burden - paying more than 50% of household income for rent and utilities.

The foregoing preference shall be followed and in the event of two or more eligible applicants for the same unit size in the same rent range with identical preference status the date and time sequence of applications shall govern selection with the applicant who filed the earliest being offered the first available vacancy of appropriate size.

- a. If the applicant is willing to accept the unit offered but is

unable to move at the time of the offer and presents clear evidence of his or her inability to move, the applicant shall retain his or her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.

- b. If an applicant presents to the satisfaction of NCIHA, clear evidence that acceptance of a given offer of a suitable vacancy will result in undue hardship or handicap, such as inaccessibility to source of employment, children's day care and the like, the applicant shall retain his or her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.

3-4 Local Preferences

NCIHA shall utilize Tribal Selection Preferences adopted by the tribal government of the respective Rancheria/Reservation.

3-5 Transfer of Tenants

Transfer of a family from one HUD-aided Rental/Mutual Help housing unit to another operated by this Authority, when such family is eligible for continued occupancy in the dwelling to which it is transferred shall not be subject to the preferences or other selection criteria contained in this chapter.

Tenants requesting to transfer to a nother unit must have a need for an alternative unit based on increased family size or handicap accessibility.

Transfers will be considered on a case-by-case basis. Factors affecting decisions regarding transfers are the condition of the unit, the status of the individual tenant requesting transfer and waiting list needs.

The NCIHA staff will determine if the unit is in acceptable condition to be considered for transfer. If the tenant has caused damages that are indicative habitual abuse of the home, the tenant will be notified that they are not eligible for transfer, based on the condition of the current home.

Families may voluntarily transfer to a smaller unit when their family size decreases.

CHAPTER 4: OCCUPANCY STANDARDS

4-1 To avoid overcrowding and prevent waste of space, dwellings are to be assigned in accordance with the occupancy standards set forth below. When it is found that the size of the dwelling is no longer suitable for the family, in accordance with these standards, the family is to be required to move to a dwelling of appropriate size. These minimum and maximum standards may be waived when necessary to make temporary use of available vacant units or to house families in urgent need.

The number, age, sex and relationship of person permitted to occupy a bedroom should meet reasonable standards of health and privacy and allow flexibility to accommodate changes in family composition and stay within the following limits as feasible.

<u>Number of Bedrooms</u>	<u>Number of Persons</u>	
	<u>Minimum</u>	<u>Maximum</u>
0	1	2
1	1	3
2	2	5
3	4	7
4	6	9
5	8	11

4-2 Occupancy with Respect to Persons of Opposite Sex

Dwellings are to be assigned so that it will not be necessary for persons of opposite sex, other than husband and wife, to occupy the same bedroom, except that if necessary at the time of admission, two children of opposite sex under two years of age may occupy the same bedroom; and, if necessary, for continued occupancy, two children of opposite sex under four years of age may occupy the same bedroom. At admission one child under 1 year of age may be permitted to occupy the parents' bedroom; and if necessary for continued occupancy, one child under two years of age may be permitted to occupy the parents' bedroom.

Dwellings will be assigned so as not to require use of the living room for sleeping purposes.

Every family member regardless of age is to be counted as a person. An unborn child will not be counted as a person.

4-3 Occupancy With Respect to Income Requirements

To remain eligible for the Low Rent and Mutual Help Program, at least one household member must be employed or be receiving income to include, but not limited to: cash grant for public assistance, Social Security, Unemployment Benefits, Tribal Per Capita, Revenue Sharing Trust Fund, etc.

CHAPTER 5: LEASING OF DWELLING UNITS TO ELIGIBLE FAMILIES INCLUDING RENTAL LEASE AND MHOA FOR HOMEBUYERS.

A dwelling Rental Lease or MHOA is to be entered into between NCIHA and each of its tenant families.

5-1 Execution of Rental Leases

- a. A responsible member of each family accepted as a tenant is required to execute a Dwelling Lease in duplicate prior to actual admission. The copy is to be given to the lessee and the original is to be filed in the permanent record folder established for the family.

- b. If, through any cause, the signer of the Dwelling Lease ceases to be a member of the tenant family, the Lease is to be voided and a new Dwelling Lease executed and signed by a responsible remaining member of the family provided the family is eligible for continued occupancy.

- c. If a tenant family transfers to a different HUD-aided Rental Housing Unit operated by NCIHA, the existing lease is to be canceled and a new lease executed by a responsible member of the family for the dwelling into which the family is to move.

- d. If, at any time during the life of the Dwelling Lease, any other change in the tenant's status results in the need to change or amend any provisions of the lease, or if this Authority desires to waive any provisions with respect to the tenant, (1) the existing lease is to be canceled and a new lease executed or (2) an appropriate rider is to be prepared and made a part of the existing lease.

- e. All copies of the lease revisions are to be dated and signed by the tenant and the authorized Authority staff member.

5-2 Execution of MHOA

MHOA shall be executed in duplicate original prior to actual admission of unit.

- (a) The MHOA shall be executed by the HA and by the homebuyer (and spouse) if applicable.

- (b) The homebuyer shall receive one of the original MHOA's and the other shall be retained in the HA's homebuyers file.

5-3 Purchase of Home

The purchase of a MH home shall be in accordance with the provisions contained in Article VII of the MHOA.

5-4 Indian Housing Authority Homeownership Financing

Indian Housing Authority Homeownership Financing shall be in accordance with the provisions contained in Article VII of the MHOA.

5-5 Cancellation of Dwelling Leases or Termination of Agreement

Termination of a tenant's Lease/MHOA is to be in accordance with the provisions contained in the Dwelling Lease or MHOA.

**CHAPTER 6: REEXAMINATION OF TENANT ELIGIBILITY AND
REDETERMINATION OF NET FAMILY INCOME**

6-1 Periodic Reexamination of Eligibility and Adjustment of Rent

To assure that tenancy in the HUD-aided housing units is restricted to families meeting the eligibility requirements for continued occupancy set forth in Paragraph 1-1 **and 4-3** and that such families are charged appropriate rents, the eligibility status and the Family Income of each tenant is to be periodically reexamined and re-determined annually.

After the tenant's eligibility status and family income have been determined, such action as may be necessary is to be taken. (See Paragraphs 6-4 and 6-5 for procedures and actions required)

6-2 Examination and Re-examination of Family Income

For the purpose of determining the Required Monthly Payment amount, making adjustments in the amount, so determined, and determining whether the Homebuyer is required to purchase the home in accordance with section 7.5 of the MHOA, the HA shall examine the homebuyer's family earnings and other income prior to initial occupancy and shall make periodic reexaminations thereafter once a year except as follows:

- (1) The date of the first reexamination may be extended to not more than 18 months after initial examination if necessary to fit the reexamination schedule established by the IHA.

6-3 Re-examination Schedule

Northern Circle Indian Housing Authority's Annual Re-certification process commences July 1st through September 30th, each calendar year.

Increases in rent that result from the Annual Re-examination of Eligibility and Adjustment of Rent will become effective October 1st, of each year (retroactively if necessary). Decreases in rent will follow the same procedures as Paragraph 6-5 (d) below.

6-4 Special Reexaminations

If at any time of Admission or Reexamination, a family is clearly of low income, but it is not possible to make an estimate of Family Income for the next twelve-month period with any degree of accuracy because:

- a. A tenant is unemployed and there are no anticipated prospects of employment; or
- b. The conditions of employment and/or receipt of income are so unstable as to invalidate usual and normal standards for determination, a special re-examination shall be scheduled for a specified time (either 30,60, 90, or 120 days) depending upon the staff member's estimate of time required for the family circumstances to stabilize.

If at the time of such special re-examination, it is still not possible to make a reasonable estimate of Family Income, special re-examinations shall continue to be scheduled and conducted until such time as a reasonable estimate of Family Income can be made for the next twelve months.

Families whose past employment has been sporadic or who are on welfare, then work, then are unemployed, should not be given special re-examinations if such an income pattern is expected to continue – as a reasonable twelve months estimate of their income may be based upon past income and present rate of income.

When it is not possible to estimate Family Income with any reasonable degree of accuracy for the next twelve months and a special re-examination is scheduled, the family's rate of income, based on the income expected to be received by the family from the date of the current determination to the date of the special re-examination, is to be projected for a twelve month period for rent purposes even though it is known that income in such amount or from such sources will not continue for that period. Special re-examinations must be clearly set for a definite time and controls established to assure compliance.

6-5 Interim Re-determination of Family Income and Adjustment of Rent

No rent adjustments are to be offered between dates of periodic re-examinations or pre-scheduled re-examinations (as set forth in Paragraph 6-1 and 6-2 above), except as provided in subparagraphs a. and b. below.

- a. In addition to submitting such information as may be required at time of periodic re-examinations (or special re-examinations) of eligibility and re-determination of Family Income, tenants are to be required to report the loss of leasee through death, divorce, or other continuing circumstances, or addition of a family member (by marriage, remarriage, or otherwise) in accordance with HA policy.

- b. Any tenant who reports a change in family circumstances (such as decrease in income) shall be given an interim income re-determination and if, upon verification, it is determined the existing Gross Rent exceeds 30% of the tenant's Family Income, an appropriate adjustment shall be effected. In the event the rent is decreased in accordance with this provision, the tenant must report all changes in family circumstances which would result in an increased Gross Rent (such as an increase in income) which occurs prior to the next regular re-examination, the Gross Rent will be appropriately adjusted.
- c. Increases in rent are to be made effective on the first day of the second month following that in which the change is reported to NCIHA.
- d. Decreases in rental charges are to be made effective the first day of the month that in which the change was reported to NCIHA; however, no decreased monthly payment adjustments are to be processed until all the information has been verified.

6-6 Interim Re-determination of Family Income and Adjustment of Monthly Payment

No monthly payments are to be effected between dates of periodic reexamination (as set forth in 6-1 & 6-2) except as provided in paragraphs (a) and (b) below.

- (a) In addition to submitting such information as may be required at time of periodic reexaminations, homebuyers are required to report the loss of a family member through death, divorce or other continuing circumstance, and addition of a family member by marriage, birth or other circumstance.
- (b) Any homebuyer who reports a change in family circumstances (such as decrease in income) shall be given an interim income re-determination and upon verification, the existing monthly payment exceeds 15% of the homebuyer's family income an appropriate adjustment shall be effected. In the event that the monthly payment is decreased in accordance with this provision, the homebuyer must report all changes in family circumstances which would result in an increased monthly payment (such as increase in income) which occur prior to the next regular re-

examination and the Monthly payment will be appropriately adjusted.

6-7 Receipt of Application for Continued Occupancy

A responsible member of each tenant family is to be required, at the time of the re-examination, to submit information for completion of Resident Personal Declaration form and to sign the form.

6-8 Verification and Documentation of Re-examination Data

To assure that the data upon which the determination of eligibility for continued occupancy, rent to be paid, and size of dwelling required are to be based, are full, true and complete, the information submitted by each tenant is to be verified. Complete and accurate verification records are to be maintained in the tenant's folder.

6-9 Summary of Verified Data

Verification data are to be reviewed and evaluated as they are received for completeness, adequacy, and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion.

As verification of all necessary items for each application are completed, a summary of the verified information is to be prepared in the space provided.

The summary is to cover the following determinations and the basis for such determination:

- (1) Eligibility of the tenant group as a family or as the residuum of a family;
- (2) Eligibility of the tenant group as a low-income family;
- (3) Eligibility of the family with respect to conduct;
- (4) Size of dwelling required; and
- (5) Rent which family is to pay.

6-10 Action Required Following: Reexamination.

Within 30 days after the tenant has submitted all the information required of him or her, and called for on the Resident Personal Declaration form, he or she is to be informed concerning:

- a. Eligibility status and, if ineligible, the action to be taken;
- b. Any change to be made in the rent/lhouse payment or size of dwelling occupied; together with instructions for executing a new lease or amendment if required;
- c. Any instances of misrepresentation or non-compliance with the terms of the lease revealed through reexamination and any corrective or punitive action which is to be taken.