

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

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.
- h. To be eligible for Low Rent and Mutual Help, the applicant must be a tribal member.

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.
 - (d) Tribal membership certification is required.

- (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;
 - (7) Eligibility of the applicant as a tribal member.

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 another 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.

If it is found that a tenant does not have income and they have been given an opportunity to provide proof of income, a termination action shall be initiated.

Initial notification will be provided to tenant giving them 90 days to show proof of income. If a tenant does not provide proof of income within this timeframe, NCIHA shall initiate the termination process in-house.

Students: NCIHA does not use the income received for students (financial aid, loans, grants) as countable income. For a student to be exempt from this income requirement, the student must provide proof of their status as a student and must have no other income. If proof is not provided NCIHA shall initiate the termination process.

4.4 Occupancy With Respect to Duplicate Household Members

Dual household members (children or adults) will not be allowed. If parents share custody and both are receiving housing assistance, only one parent at a time can claim the dependent deduction for child(ren). NCIHA can rely on tax returns to determine which parent claimed the child(ren) for income tax purposes. The family that counts the dependent deduction also counts any unearned income received for the child. The other family (parent or guardian) neither claims the dependent deduction nor the unearned income or any other deductions or benefits intended for the child(ren).

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 leasee 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.

5.6 Conversion Between Mutual Help and Rental Programs

A home may be converted from one program to another by the NCIHA Board of Commissioners. The Tribe must agree to the conversion between programs and adopt criteria that addresses the use of the site and other program requirements as determined by NCIHA. A home may be converted between programs at the initiation of the resident, the Tribe or NCIHA. When the resident desires to convert between programs, the tenant must be current on all debts to NCIHA, an interim inspection will be performed by NCIHA to determine if there are any outstanding items to be corrected by the resident or NCIHA and a new lease or MHOA will be executed by the resident and NCIHA.

Before entering into a new contract (Lease/MHOA) and finalizing the conversion process, the resident must be current with all debts owed to NCIHA.

If a resident has a Monthly Equity Payment Account (MEPA) balance, those funds will be used to pay debts and make repairs before any refunds are made to the resident.

When a conversion is approved for an occupied home, an addendum to the MHOA or Lease signed by the resident and NCIHA will clarify any repairs that NCIHA agrees to make.

When a vacant home is converted, the tribe and NCIHA can agree to the conversion and upon approval of both parties, the next resident selected to occupy the home will enter into the appropriate agreement.

**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 removal of a family member 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 Re-Certification Documents 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. The re-certification documents must be submitted to the housing authority in a timely manner not to exceed a period of two (2) weeks.

Annual re-certification documents that are not received, or is received but deemed incomplete, shall warrant the housing authority to charge the ceiling rent for rental unit or the maximum house payment for the homebuyers beginning October 1.

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.

Verification process includes staff review, independent 3rd party verification and review by NCIHA Board of Commissioners and/or designated Tribal officials.

When residents are requested to provide additional information to complete the verification process, they are required to respond within a timely manner. The resident will be given a response time not to exceed two (2) weeks.

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/house 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.

6-11 If, upon the completion of an interim or annual re-examination of income, it is found that the household income is over the adopted income limits, the family will be allowed to remain in the home. The payment computation for the renter and for the homebuyer will reflect their total household income. The households will be charged the appropriate ceiling rent for the rental unit and the maximum house payment for the homebuyer program.

6-12 Action Required for Unsuccessful Reexamination

Annual Reexamination: The annual reexamination for residents will occur each year beginning in July. If the required reexamination documents have not been received by the specified deadline in July, a termination

action will occur. Once the termination action has been initiated, it will not be rescinded until all documentation has been received and all household income is verified.

All residents that have not complied with the reexamination process by October 1st will be charged the ceiling rent or maximum house payment. Once the charges go into effect, it will not change until the first day of the following month, provided that all of the required documentation was received during the month of October.

Annual and Interim Reexaminations: All residents will be given two (2) weeks to provide complete and accurate information and/or any other documentation requested, in order to complete any reexamination process. Failure to comply will result in a termination action.

CHAPTER 7 DEFINITION OF TERMS

7-1 Family

"Family" means (1) a group of two or more persons who have a stable family type relationship (including members temporarily absent) and whose income and resources are available for use in meeting the living expenses of the group, (2) a Single person, (3) a single Disabled person, (4) a single Handicapped person.

7-2 Elderly Family

"Elderly Family" means a family whose head or spouse or whose sole member is at least sixty-two (62) year of age, or Disabled as defined in this chapter, or Handicapped as defined in this chapter, and may include two or more Elderly, Disabled or Handicapped persons living together, or one or more such persons living with another person is determined to be essential to his or her care and well being.

7-3 Near Elderly

"Near Elderly" means a person who is at least 55 years of age and less than 62 years of age.

7-4 Disabled Person

"Disabled Person" means a person who:

1. has a disability as defined in section 223 of the Social Security Act;
2. has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act;
3. has a physical, mental or emotional impairment which is expected to be of long-continued and indefinite duration; substantially impedes his or her ability to live independently; and
4. is of such a nature that such ability could be improved by more suitable housing condition.

7-5 Displaced Family

"Displaced Family" means a person or a family displaced by governmental action, private action, or whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws. Also included in this

definition is a family displaced by fire damage, or other damage to the home through no fault of the resident.

7-6 Head of Household

"Head of Household" means the family member who is the enrolled tribal member. If there is more than 1 adult tribal member in the household then the "Head of Household" shall be the tribal member approved for occupancy by NCIHA and using tribal selection criteria.

7-7 Spouse

"Spouse" means the husband, wife, or significant other of head of household.

7-8 Minor

"Minor" means a person less than 21 years of age, except that a family head or spouse shall not be considered a minor.

7-9 Full-Time Student

"Full-Time Student" means a person who is carrying a subject load that is considered "full time" under the standards and practices of the educational institution attended.

7-10 Military or Navel Service of the United States

"Military or Navel Service of the United States" means only the Army, Navy, Air Force, Marine Corps and Coast Guard. Such service does not include Merchant, Marine, Red Cross, or any other organization not actually part of the Military or Navel Service of the United States.

7-11 Veteran

"Veteran" means a person who has served in the active military or navel service of the United States at any time other than dishonorable.

7-12 Serviceman

"Serviceman" means a person in the active military or navel service of the United States.

7-13 Family of Veteran Serviceman

A family is a "Family of a Veteran or Serviceman" when:

- a. The veteran or serviceman (1) is either the head of household or is related to the head of household or (2) is deceased and was related to the head of household (provided the spouse has not remarried) or (3) is deceased and was related, to the head of household, and was family member at the time of death.

The Veteran or Serviceman, unless deceased, is living with the family or is only temporarily absent unless he as (1) formerly the head of household and is permanently absent because of hospitalization, separation, or desertion, or is divorced; provided, the family contains one or more persons for whose support he is legally responsible and the spouse has not remarried; or (2) not the head of household but is permanently hospitalized; provided that he was a family member at the time of hospitalization and there remain in the family at least two related persons.

7-14 Actually Without Housing Due to Causes Other Than the Fault of the Applicant

Families who, through no fault of their own have not housing accommodations in the locality or within the normal commuting distance, or who are living in automobiles, motels, hotels, or rooming houses, shall be considered as without housing.

A homeless family includes any individual or family who:

- lacks a fixed, regular, and adequate nighttime residence; and
- has a primary nighttime residence that is:
 - a. a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelter, and transitional housing for the mentally ill)
 - b. an institution that provides a temporary residency for individual intended to be institutionalized, or
 - c. a public or private place not designated for, or ordinarily used as a regular sleeping accommodation for human beings.

A homeless family does not include any individual imprisoned or otherwise detained.

7-15 About to Be Without Housing Due to Causes Other Than the Fault of the Applicant

Families who, through not fault of their own, are requested to vacate the premises currently occupied shall be considered as about to be without housing. The vacate request may be in the form of a notice from the landlord, notice of displacement, or a notice of foreclosure.

Note: Will or deliberate failure to pay rent or to carry out other normal obligations to tenancy is not to be interpreted as due to causes other than the fault of the family and therefore does not qualify the an applicant. If a substantial reduction in a family's income, or an increase in rent beyond its reasonable ability to pay have occurred, these will be considered as causes other than the fault of the applicant.

7-16 Substandard Housing

A unit is substandard if it:

- is dilapidated;
- does not have operable indoor plumbing;
- does not have a usable flush toilet inside the unit for the exclusive use of a family;
- does not have a usable bathtub or shower inside the unit for the exclusive use of a family;
- does not have electricity, or has inadequate or unsafe electrical service;
- does not have a save or adequate source of heat;
- should, but does not, have a kitchen;
- has been declared unfit for habitation by an agency or unit of government

7-17 Utilities

"Utilities" means water, electricity, gas, other heating, refrigeration and cooking fuels, trash collection and sewage services. Telephone service is not included as a utility.

7-18 Rent

"Rent" means NCIHA's estimate of the cost to the tenant of reasonable quantities of utilities determined in accordance with the Authority's schedule of allowances for such utilities, where such utilities are purchased by the tenant and not included in the contract rent.

7-19 Contract Rent

"Contract Rent" means the rent charged to a tenant for the use of the dwelling accommodations and equipment (such as ranges and refrigerators but not including furniture), services, and reasonable amounts of utilities determined in accordance with NCIHA's schedule of allowances for utilities supplied by the project. Contract rent does not include charges

for utility consumption in excess of the NCIHA's schedule of allowances for utility consumption, or other miscellaneous charges.

7-20 Total Family Income

"Total Family Income" means income before deductions from all sources of (1) head of household and spouse; and (2) each additional member of the family residing in the household who is at least eighteen years of age, anticipated to be received during the twelve months following admission or reexamination of family income excluding income which is temporary, non-recurring or sporadic as defined in Paragraph 7-21. Total Family Income include that portion of the income of the head of household or spouse temporarily absent which, in the determination of the Northern Circle Indian Housing Authority, is (or should be) available to meet the family's need.

- a. Total Family Income includes, but is not limited to, the following:
- (1) The full amount, before any payroll deductions, of wages and salaries, including compensation for overtime and other compensation for personal services (such as commission, fees, tips and bonuses).
 - (2) Net Income from operation of a business or profession. (Expenditures for business expansion or amortization of capital indebtedness shall not be deducted to determine net income from business).
 - (3) Per Capita - Recurring payments from Tribe or Tribal Business Enterprise
 - (4) Payments in lieu of earnings, such as unemployment and disability compensation, social security benefits, workmen's compensation and dismissal wages.
 - (5) Temporary Aide to Needy Families (TANF)
 - (6) All regular pay, special payments and allowances (such as longevity, overseas duty, rental allowances, allowances for dependents, etc.) received by a member of the armed forces.
 - (7) Payments to the head of household for support of a minor, or payments nominally to a minor, for his support but controlled for his benefit by the head of the household or a resident family member other than the head, who is responsible for his support.

- (8) Note: Income of persons who "live in" to provide care for sick or incapacitated family member shall be included if his or her income is available to the family and if the person is expected to contribute towards the family's support. In such cases, only the part of the income, which is over and above the wages paid by the family, shall be included. If these wages are deducted by the family as an unusual medical expense then the entire amount of income of the "live in" caretaker shall be included. Conversely, if the person is not expected to and does not, therefore, contribute to the family's support his or her income should not be counted. However, the head of household must then submit a doctor's certificate or such other certification as may be deemed necessary stating that this employment is necessary to the care and well being of the sick or incapacitated family member, or to enable another family member to seek or obtain employment outside the home. If the family pays out of pocket for the care provided, such payment may be deducted as unusual medical expenses.

7-21 Temporary, Non-recurring or Sporadic Income

"Temporary, Non-recurring or Sporadic Income" includes the following:

- (1) Casual, sporadic and irregular gifts and amounts, which are specifically received for, or are a reimbursement of, the cost of illness or medical care.
- (2) Lump-sum additions to family assets, such as but not necessarily limited to, inheritances, insurance payments, including payments under health and accident insurance and workmen's compensation, capital gains, and settlements for personal or property losses.
- (3) Amounts of educational scholarships paid directly to the student or to the educational institution and amounts paid by the United States Government to a veteran for use in meeting the cost of tuition, fees and books, to the extent that such amounts are so used, (any of such amounts not so used and any amount available for subsistence are to be included in Total Family Income). This exclusion is applicable to all part-time students and to a full-time student who is a family head or spouse. Income from student loans-regardless of what such income is used for-is excluded in the computation of Total Family Income.
- (4) Relocation payments made pursuant to Title II of the uniform Relocation Assistance and Real Property Acquisition Policies Act of

1970. The value of the coupon allotments for the purchase of food in excess of the amount actually charged an eligible household pursuant to the Food Stamp Act of 1964.

- (5) Payments received by participants or volunteers in programs pursuant to the Domestic Volunteer Service Act of 1973.
- (6) Payments received by participants in other publicly assisted programs as reimbursements for out-of-pocket expenses incurred (special equipment, clothing, transportation, reimbursement for child care and so forth) which are made solely to allow participants in a specific program and cannot be used for other purposes.

7-22 Family Income

"Family Income" means a "Total Family Income" less deductions and exemptions specified below and anticipated during the twelve-month period for which Total Family Income is estimated.

Elderly Deduction:

A deduction for extraordinary medical expenses defined for this purpose to mean medical expense in excess of three percent by insurance, elderly families only.