

JAN 15 2002

The Guidiville Indian Rancheria, a federally recognized Tribe, wishes to establish effective, fair and consistent policies and procedures for its members who are in need of housing rehabilitation/modernization/replacement assistance.

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

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.

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 (I-HP), 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 five (5) years will not be assisted by the Tribe's NAHASDA housing project except in emergency situations.

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 V.S.C. 4101 et seq.).

*The Tribal Council will be ultimately responsible 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. (Make sure this is what you want to do!)*

## Construction Standards

Construction standards for housing assistance will comply with local building codes where applicable, and will meet, but not significantly exceed Housing Quality Standards set forth under 24 CFR 882.109 (a) - (i).

### Standard Housing Condition

Standard housing conditions means that the homes to be repaired and brought to this condition will, at minimal, provide and include the following, and will conform to Section 8 of 24 CFR 882.109 Quality Housing Standards. 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 locked, exterior lighting
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 of opposite sex, other than husband and wife or very young children.

### Housing Rehabilitation

The Tribe's/TDHE's standard approach to housing rehabilitation is to improve housing conditions by removing or repairing defects in substandard housing, assistance for rehabilitation will include but not be limited to the following:

Plumbing and electrical defects; structural defects including, foundations, roof supports, ceilings, wall supports, roofs, walls or partitions, dry rot, termite damage, fumigation; heating/cooling system defects; entrance and exit defects; removal of unsafe site materials or barriers which restrict or impair accessibility for elderly or handicapped persons; installation of smoke detectors or other minor fire equipment as necessary; weatherization assistance for reducing energy consumption; and any other necessary improvements deemed necessary by the NCIHA on a case-by-case basis.

Assistance is limited to:

- a. Tribal Members whose total household income does not exceed NCIHA Income Limits
- b. Dwellings owned by tribal members and located in the Tribes area of operation as designated by Tribal Ordinance. Owners who agree in writing that the property will not be sold during the five years immediately following rehabilitation to the unit.
- c. Dwellings 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 \$25,000 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 \$25,000 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 \$25,000.
- e. Houses designated for eventual replacement 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.
- f. Houses that have received comprehensive rehabilitation assistance from any Tribal, State, or Federal grant program within the past ten (10) years (five (5) for modular homes) will not be assisted with NAHASDA funds to make the same repairs if the repairs are needed as a result of abuse or neglect.
- 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 reservation through an Indian housing authority or other Tribal Designated Housing Entity; however, such homes could receive interim assistance.
- h. The homeowner must provide proof of insurance on the dwelling.

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

**2. Age**

65+  
50-64  
35-49  
24-34  
18-23

<u>Priority</u>	<u>Points</u>
First	5
Second	4
Third	3
Fourth	2
Fifth	1

**3. Handicapped**

Handicapped Head of Household  
Not Handicapped

<u>Priority</u>	<u>Points</u>
First	5
Second	0

**4. Living Conditions**

Living in a substandard dwelling that is not economically feasible to rehabilitate (replacement)

<u>Priority</u>	<u>Points</u>
First	4

Living in a substandard dwelling that can be rehabilitated but that is overcrowded

Second	3
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Living in a substandard unit that can be Rehabilitated

Third	2
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Living in a unit that needs minor rehabilitation

Fourth	1
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**5. Family Size**

Families with five or more members

<u>Priority</u>	<u>Points</u>
First	4

Families with three to four members

Second	3
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Married couples with no children, or single parent

Third	2
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Single person with no dependents

Fourth	1
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Selection Committee:

The Tribal Council will make the selection of the recipients for NAHASDA housing rehabilitation assistance in accordance with these priorities. (Ask Council).

5. Policies, procedures and staff are currently 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 5 years after the rehabilitation work has been completed.

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.

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 and off the Reservation.

In all cases where housing assistance may be needed, and the subject family is qualified for such assistance, the Tribe and/or the ~~THE~~ 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 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 third party inspector chosen by the Tribe and/or the ~~THE~~.

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    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:

The Tribe has adopted housing rehabilitation standards that meet, but do not significantly exceed, the Housing Quality Standards set forth under 24 CFR 882. 1 09(a)-(i).

HUD's standards for the rehabilitation of residential properties, the Uniform Building Code, the Uniform Plumbing Code, and the National Electrical Code have been adopted for Tribal housing rehabilitation projects. The latest edition of all adopted codes will be used for housing construction and rehabilitation projects.

8. Inspections:

Housing rehabilitation work will be inspected by a qualified independent inspector under a contractual arrangement with the Tribe and/or the ~~THE~~.

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 when a contractor requests payment of work completed. After each inspection, the inspector will provide the tribe with a written inspection report with payment recommendations.

9. Counseling and Training:

Counseling and training in the areas of basic home maintenance, family budgeting and finance, and community resources will be available to participant households.

Households unable to do their own maintenance (e.g., elderly and persons with disabilities) will be provided special counseling and training, and will be visited by a tribal staff person as agreed upon to identify special maintenance needs of the households.

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 will enter into a third party contractual relationship to complete any housing rehabilitation assistance to be completed under the NAHASDA Program.

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# GUIDIVILLE Indian Rancheria

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## RESOLUTION OF THE GUIDIVILLE INDIAN RANCHERIA DETERMINING THEIR HOUSING REHABILITATION/REPLACEMENT PROGRAM TO BE CATEGORICALLY EXCLUDED

### RESOLUTION # 01-21

**WHEREAS:** The Guidiville Indian Rancheria is a federally recognized tribe as a result of the *Scotts Valley et. al. V. The United States of America* case of September 6, 1991 (NO. C-86-3660-VRW); and,

**WHEREAS:** The Tribal Council is the duly authorized body of the tribe, to exercise full governmental responsibilities, and empowered to make tribal policy and carry out tribal business; and,

**WHEREAS:** Northern Circle Indian Housing Authority ("NCIHA") is undertaking a project for the Guidiville Indian Rancheria, consisting of Rehabilitation or Replacement of Existing Non-HUD Housing; and,

**WHEREAS:** NCIHA proposes to rehabilitate or improve the housing with funds provided by the U.S. Department of Housing and Urban Development ("HUD") under the Native American Housing Assistance and Self-Determination Act ("NAHASDA"); and,

**WHEREAS:** Guidiville Indian Rancheria is the responsible agency for assuring compliance with the National Environmental Policy Act ("NEPA") prior to NCIHA's draw down of funds for the project; and,

**WHEREAS:** The project has been designated the O1IH0603260 Housing Rehabilitation/Replacement Project; and,

**WHEREAS:** The amount of funds allocated to the Project is approximately \$45,000; and,

**WHEREAS:** The Project consists of the following activities: Rehabilitation or Replacement of Existing Non-HUD dwellings located on the Guidiville Rancheria and within the Tribe's designated service area; and,



**WHEREAS:** This project is categorically excluded under 24 CFR 58.35(a)(3) and 24 CFR 58.35(a)(4), and converted to exempt pursuant to 24 CFR 58.34(a)(12) if it involves:

- A. Facilities and improvements that replace or upgrade existing facilities or improvements with only a minimal change in use, size, capacity or character; or
- B. In case of residential buildings:
  - (1) unit density is not increased more than 20 percent;
  - (2) no change in land use will occur (e.g., single family detached to multiple dwelling); and,
  - (3) estimated cost is less than 75% of total estimated cost of replacement after rehabilitation; and,

**WHEREAS:** The rehabilitation of homes is categorically excluded, but the replacement or construction of homes may not be; and,

**WHEREAS:** NCIHA does not have to submit to HUD a Request for Release of Funds or a certification of compliance with NEPA, if a project is categorically excluded; and,

**NOW THEREFORE BE IT RESOLVED THAT:** Guidiville Indian Rancheria hereby determines that the Project is categorically excluded and meets the conditions for converting to exempt pursuant to 24 CFR 58.34(a)(12).

**CERTIFICATION**

The Guidiville Indian Rancheria Tribal Council does hereby certify that a meeting was duly called, noticed and convened on the 21<sup>st</sup> of November, 2001 where a quorum was present and this resolution was adopted by a vote of 4 Ayes, 0 Nays, 0 Abstaining.

*Merlene Sanchez*  
Merlene Sanchez  
Chairperson

*11-21-01*  
Date

**ATTEST:**

*Frances Gonzalez*  
Frances Gonzalez  
Secretary

*Nov 21-01*  
Date