

**HABEMATOLEL
POMO OF UPPER LAKE**

375 E HWY 20, STE I, P O BOX 516, UPPER LAKE CA 95485
WEBSITE: www.upperlakepomoindians.com
707/275-0737 – FAX: 707/275-0757

Housing Rehabilitation Program

Policies and Procedures

For

HABEMATOLEL Housing Services Department

JUNE 2002

**ITC approved draft
May 28, 2002**

**Rehabilitation Pol/Proc
Revised: March 2005**

HABEMATOLEL POMO OF UPPER LAKE

NAHASDA HOUSING REHABILITATION

POLICIES AND PROCEDURES

PURPOSE

The Habematolel Pomo of Upper Lake Rancheria, a federally recognized Tribe, will establish effective, fair and consistent policies and procedures for its' members who are in need of housing rehabilitation assistance.

Rehabilitation assistance is available to tribal members living within the Tribe's service area. The Habematolel Pomo of Upper Lake will rehabilitate existing housing units based on results of applicant's eligibility criteria, needs assessment and within reasonable cost limitations.

DEFINITION OF A MEMBER

Persons who are a member (**those names that appear on the Revocation of Termination Proclamation and Restoration of Federal Status Notice for the Upper Lake Rancheria, the partial summary judgment, Upper Lake Pomo Association et al., vs. Cecil Andrus et al., No. C-75-00181 SW**) or a member of a lineal descendant listed on this base roll regardless of whether the ancestor through whom eligibility is claimed is living or deceased.

SERVICE AREA

The HABEMATOLEL Indian Housing service area is Upper Lake Rancheria, THEN, the counties of: *Lake, Mendocino, Sacramento, Sonoma, Butte, Yolo, Contra Costa, Alameda, San Francisco, Humboldt, Los Angeles County in general, and the remainder of the State of California.*

DEFINITION OF LOW INCOME

Low income is 80% of the United States median income limits for the given year. The Income Limits under the NAHASDA of 1996 is based on the updated HUD Guidelines (FY) 2005.

UNITED STATES MEDIAN INCOME LIMITS – FY 2005

1	2	3	4	5	6	7	8
\$32,500	\$37,100	\$41,800	\$46,400	\$50,100	\$53,800	\$57,550	\$61,250

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NOTE!

Please refer to the chart for Adjusted Income Limits on page 8 of the Rehabilitation Application for the 2005 Income Limits by County. If your County is not listed, please call Housing Services at the Tribal Office.

ELIGIBILITY CRITERIA

The Habematolet Housing Commission will identify the member families and/or individuals with the greatest need and be given priority consideration based on the following:

- **Income**
- **Age**
- **Handicapped**
- **Living Conditions**
- **Size of Family**

Additional criteria will be considered to select recipients as follows:

1. Those in greatest need in relation to **income, condition of dwelling and non-eligibility for obtaining housing assistance from other sources.**
2. Applicants whose homes have not received substantial assistance under a previously approved **IHBG rehabilitation program** or the Bureau of Indian Affairs Housing Improvement Program (**HIP**) within ten (10) years prior to the request for assistance (**unless** it can be demonstrated that the unit is substandard due to circumstances other than maintenance will be given priority consideration.
3. The Habematolet Housing Commission assures that its rehabilitation program will be consistent with the approved Indian Housing Plan (IHP) submitted under the provisions of the Native American Housing and Self-Determination Act of 1996.
4. The Habematolet Housing Commission 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.

CONSTRUCTION STANDARDS

Construction standards for housing assistance will comply with local building codes where applicable and will meet 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 its intended design functions
2. A livable home environment
3. Have adequate security, such as exterior doors and windows accessible from the outside the unit shall be lockable and have exterior lighting
4. Energy conservation measures such as insulation, weather-stripping and double-pane windows
5. Each unit to have adequate space to prevent overcrowding, including
 - **Living room**
 - **Kitchen area**
 - **Bathroom**
 - **At least one bedroom of appropriate size for each two persons**
 - **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**

- E. 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.
- F. The families whose homes are to be rehabilitated to a standard condition are not to be slated to receive a new HUD house under any existing or available housing programs.
- G. The homeowner must provide proof of insurance on the dwelling.

III. Recipient Selection Criteria and Priorities

Recipients must meet each of the criteria listed in (II.) 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. **Tie breaker:** In the event that multiple applications receive the same number of points, the **first completed and dated application** received will take precedence.

CRITERIA FOR POINTS

INCOME	PRIORITY	POINTS
POVERTY (50% OF MEDIAN)	1st	3
LOW-TO-MODERATE	2nd	2
HIGH INCOME (100% OF MEDIAN)	3rd	0

AGE	PRIORITY	POINTS
65 PLUS	1st	5
50 – 64	2nd	4
35 – 49	3rd	3
24 – 34	4th	2
18 – 23	5th	1

HANDICAPPED	PRIORITY	POINTS
HANDICAPPED HEAD OF HOUSEHOLD	1st	5
NOT HANDICAPPED	2nd	0

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LIVING CONDITIONS	PRIORITY	POINTS
LIVING in a substandard dwelling that is not economically feasible to rehabilitate	1st	4
LIVING in a substandard dwelling that can be rehabilitated and is overcrowded	2nd	3
LIVING in a substandard unit that can be rehabilitated	3rd	2
LIVING in a unit that needs minor rehabilitation	4th	1

FAMILY SIZE	PRIORITY	POINTS
FAMILIES with <i>five</i> or more members	1st	4
FAMILIES with <i>three to four</i> members	2nd	3
MARRIED couples with <i>no</i> children or single parent	3rd	2
SINGLE person with <i>no</i> dependents	4th	1

IV. Selection Committee:

The Habematolel Housing Commission will make the selection of the recipients for NAHASDA Housing Rehabilitation assistance in accordance with these priorities.

V. 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. Indian preference requirements in bidding procedures.
- C. Income verification
- D. The repayment provisions which will be required if sale of the assisted house occurs prior to 10 years after the rehabilitation work has been completed.

_____ Please Initial

When the repair of a dwelling is 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 is required by HUD regulation 24 CFR 571.602©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." **Applicable to applicant and dependents ONLY.**

The amount of payment to families who must temporarily relocate will be based on:

- Amount of relocation money available
- Number of families qualifying for assistance
- 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 Housing Commission and/or Housing Services 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.

If a dispute shall arise between the households to be assisted and the contractors, the Housing Commission and Housing Services 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 Executive Council for appropriate action. If the Executive Council 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 Housing Department.

VI. 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 ten (10) years.

Signature

VII. Housing Rehabilitation Standards

The Housing Department has adopted housing rehabilitation standards that meet, but do not significantly exceed, the Housing Quality Standards set forth under 24 CFR 882.109(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.

VIII. Inspections:

A qualified independent inspector will inspect housing rehabilitation work under a contractual arrangement with Habematolel's Housing Department.

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; 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.

The Housing Department will enter into a third party contractual relationship to complete any housing rehabilitation assistance under the NAHASDA Program.