

CHICO RANCHERIA HOUSING CORPORATION

Elders' Owner-Occupied Minor Rehabilitation Policy

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Table of Contents

SECTION I. PURPOSE	1
SECTION II. POLICY	1
A. Definitions	1
1. Annual Income	1
2. All Areas of the United States.....	1
3. Children.....	2
4. Disabled Family	2
5. Elderly Family	2
6. Elderly Person.....	2
7. Extended Family.....	2
8. Family.....	2
9. Head of Household.....	3
10. HUD.....	3
11. Indian	3
12. Indian Service Area	3
13. Indian Tribe.....	3
14. Low Income Family	4
15. Mechoopda Tribal Family.....	4
16. Median Income Limits.....	4
17. NAHASDA.....	4
18. Persons with Disabilities	4
19. Waiting List	6
B. Program Information	6
1. Use of Grant Funds.....	6
2. General Eligibility	6
3. Environmental Eligibility.....	8
4. Eligible Minor Rehabilitation Activities	8
C. Procedures	11
1. Developing a Retention Pool	11
2. Developing the Waiting List / Work Order Priority.....	12
3. Processing Work Orders / Program Implementation.....	13
D. Policies, Statues, and Regulations	15
1. Labor Provisions	15
2. Non-Discrimination.....	16
3. Indian Preference Provisions.....	16
4. Conflict Of Interest.....	16
5. Severability/Interpretation	16

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

SECTION I. PURPOSE

The purpose of this policy is for administering Chico Rancheria Housing Corporation's (CRHC's) Elders' Owner-Occupied Minor Rehabilitation Program funded through the Native American Housing Assistance and Self Determination Act (NAHASDA), and other funding sources when available.

The purpose of the Elders' Owner-Occupied Minor Rehabilitation Program is to provide assistance to low-income elder homeowners whom have a minor rehabilitation need when there is no other source of funding to meet their need. The Elders' Owner-Occupied Minor Rehabilitation Program shall NOT be confused with CRHC's general Owner-Occupied Rehabilitation Program, although the Elders' Rehabilitation Program functions under the authority of the Native American Housing Assistance and Self Determination Act (NAHASDA) as a sub-program of the general Rehabilitation Program. In order to simplify the both programs, each has its own separate policy. . The specifics identifying "Minor Rehabilitation" are defined in Section II, B., 4.

SECTION II. POLICY

A. Definitions

See CRHC's Eligibility & Admissions Policy to review a more comprehensive list of definitions.

1. Annual Income

Annual income is the anticipated total income from all sources received by the family head of household and spouse (even if temporarily absent) and by each additional adult member of the family during the coming 12-month period, as defined for HUD's Section 8 programs in 24 CFR part 5, subpart. Annual income includes Tribal Revenue Share Disbursements.

2. All Areas of the United States

All areas of the United States includes all continental states, Alaska, Hawaii, and any and all lands held in Trust by the U.S. Department of Interior including Indian Reservations within the continental states and Alaska and Hawaii.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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3. Children

Persons under 18 years of age or under 24 years of age if living at home and attending school full time.

4. Disabled Family

Family in which the Head of Household is a disabled person as defined in this section.

5. Elderly Family

The terms '*elderly family*' means a family whose head (or his or her spouse), or whose sole member, is an elderly person. Such term includes two or more elderly persons living together, and one or more such persons living with one or more persons determined by CRHC to be essential to their care or well being. An elderly family is NOT a family in which the head of household or spouse is NOT an elderly person but an elder does resides in the home (i.e., grandparent living with family).

6. Elderly Person

The term '*elderly person*' means a person who is at least 62 years of age.

7. Extended Family

Family lineage, which may include: aunts, uncles, siblings, grandparents, nieces, nephews, cousins, etc...as determined by the family

8. Family

Family consists of one of the following scenarios (all other scenarios are considered Extended Family as defined in this section):

- (a) a single adult or emancipated minor;
- (b) a single adult with child/children;
- (c) a CRHC recognized domesticated partnership (i.e., marriage);
- (d) a CRHC recognized domesticated partnership with children;
- (e) a parent or parents (i.e., grandparents) of a single person or a parent or parents of one partner in a tribally

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

1 recognized domesticated partnership with or without
2 children.

3 **9. Head of Household**

4 The term "*Head of Household*" means, the adult member of the
5 Family who is actually accountable for the Family. The "*Head of*
6 *Household*" also assumes legal and moral responsibility for the
7 household. Furthermore, the "*Head of Household*" must be
8 eighteen (18) years of age or legally emancipated by the State.

9 **10. HUD**

10 The U.S. Department of Housing and Urban Development.

11 **11. Indian**

12 Any person recognized as being an Indian or Alaska Native by an
13 Indian Tribe, the Federal government or any state.

14 **12. Indian Service Area**

15 CRHC's Indian area is the jurisdiction authorized by the
16 Mechoopda Indian Tribe for CRHC to operate affordable housing
17 programs. Each program may have different Indian Service Area
18 defined in the annual Indian Housing Plan. The service area for
19 the Elder's Owner-Occupied Minor Rehabilitation Assistance
20 Program is defined as all areas of the United States.

21 **13. Indian Tribe**

22
23 (a) The term '*Indian tribe*' means a tribe that is a federally
24 recognized tribe or a State recognized tribe.

25
26 (b) The term '*federally recognized tribe*' means any Indian
27 tribe, band, nation, or other organized group or community
28 of Indians, including any Alaska Native village or regional or
29 village corporation as defined in or established pursuant to
30 the Alaska Native Claims Settlement Act, that is recognized
31 as eligible for the special programs and services provided
32 by the United States to Indians because of their status as
33 Indians pursuant to the Indian Self-Determination and
34 Education Assistance Act of 1975.

35
36 (c) The term '*State recognized tribe*' means any tribe, band,
37 nation, pueblo, village, or community that has been
38 recognized as an Indian tribe by any State and for which an
39 Indian Housing has, before the effective date under section
40 705 of NAHASDA, entered into a contract with HUD

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

1 pursuant to the United States Housing Act of 1937 for
2 housing for Indian families and has received funding
3 pursuant to such contract within the 5-year period ending
4 upon such effective date.

5 **14. Low Income Family**

6 The term '*low-income family*' means a family whose income
7 does not exceed 80 percent of the median income for the area,
8 as determined by HUD with adjustments for smaller and larger
9 families.

10 **15. Mechoopda Tribal Family**

11 A family, as defined within this section, in which at least one
12 family member, adult or child, is an enrolled Tribal Member of
13 the Mechoopda Indian Tribe of Chico Rancheria, California.
14

15 **16. Median Income Limits**

16 Median Income Limits shall be updated annually based on HUD's
17 published Annual Income Limits and shall be the greater of:

- 18
- 19 (a) The median income limits for the county, or
- 20
- 21 (b) The US median income limit

22 **17. NAHASDA**

23 The Native American Housing Assistance and Self-Determination
24 Act passed by the U.S. Congress in 1996.

25 **18. Persons with Disabilities**

26 *Person with Disabilities* means a person who—

- 27 (a) Has a disability as defined in section 223 of the Social
28 Security Act;
- 29 (b) Has a developmental disability as defined in section 102
30 of the Developmental Disabilities Assistance and Bill of
31 Rights Act;
- 32 (c) Has a physical, mental, or emotional impairment which-
33 (1) Is expected to be of long-continued and indefinite
34 duration;

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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- (2) Substantially impedes his or her ability to live independently; and
- (3) Is of such a nature that such ability could be improved by more suitable housing conditions.
- (d) The term "person with disabilities" includes persons who have the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome.
- (e) Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this part, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with Indian tribes and appropriate Federal agencies to implement this paragraph.
- (f) For purposes of this definition, the term "*physical, mental or emotional impairment*" includes, but is not limited to:
 - (1) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
 - (2) Any mental or psychological condition, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
 - (3) The term "*physical, mental, or emotional impairment*" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, and emotional illness.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

19. Waiting List

A list used to rank need based on a points scoring system when funding is minimal or unavailable. Before an applicant is placed on the waiting list, the application, including all third party verification must be complete. If there is a tied score, the applicant that has been on the waiting list for the longest period of time based on the date and time the completed application was received by the Chico Rancheria Housing Corporation will have priority for assistance. The waiting list will be scored as follows:

WAITING LIST SELECTION PREFERENCE:	# OF POINTS:
Mechoopda Tribal Family	100
Heating Rehabilitation Need During *Winter Months	10
Cooling Rehabilitation Need During *Summer Months	10
Elderly Disabled Family	1

*Winter and Summer Months vary in different areas of the United States, and shall be subjective to the logical circumstances of each claim.

B. Program Information

1. Use of Grant Funds

The Chico Rancheria Housing Corporation (CRHC) shall seek to make the best possible use of all grant funds available by conserving available grant funds wherever possible and making maximum use of other assistance funds through utilization of public agencies and non-profit groups or through combined funding in order to reserve funds for needs that cannot otherwise be met.

2. General Eligibility

For the purpose of this policy, the terms "applicant" and "owner" shall stand for all persons listed as owner on the title to the property. For this purpose, *Owner* means applicant(s) having fee simple title, trust title, 99-year fee-simple leasehold interest, or 25-year automatic renewal leasehold interest for trust land. The owner on the title must also be an elder as defined below.

General eligibility requirements are as follows:

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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- a. **Title holder must be an Elder:** At least one applicant on the title to the property must be an elder member of an Indian Tribe as defined in Section II. A. 10.

- b. **Indian Service Area:** Eligible property must be within the *Area of the United States*, which CRHC operates the Elder's Minor Rehabilitation Program.

- c. **Exclusive Residence:** Applicant must occupy the home as their sole residence.

- d. **Income Limits:** The annual income (as defined in NAHASDA) from all sources of each member of the applicant's household must not exceed 80 percent of the median income. *Median income* is here defined as the greater of: (1) The median income for the counties, previous counties, or their equivalent in which the Indian area is located; or (2) The median income for the United States.

- e. **Homeowner's Insurance:** Applicant must have adequate homeowners insurance to indemnify against loss from fire, weather, and liability claims. This requirement is in addition to applicable flood insurance requirements reference in Section II. B. 3. a. of this policy.

- f. **Open Application Period:** Applications will be accepted year-round. Generally, applications will be processed on first-come, first-serve basis; however, CRHC may elect to publicize open application periods with a specific filing date as a method for identifying and serving the most urgent Health & Safety needs of Elder Families. This process will allow CRHC to do the necessary planning and budgeting needed for completion of the Indian Housing Plan (IHP) submitted annually to HUD for funding under NAHASDA. In this instance, CRHC will rank all applications received during the open period and rank them according to the waiting list as defined in Section II. A. 20.

- g. **Mutual Help Units:** *Mutual Help Homeownership Program* units are owned by the Mechoopda Indian Tribe and administered by CRHC. According to the terms of the leasing instrument used by the Tribe, Lessees are responsible for the maintenance and repair

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

of the tribally owned homes. Therefore, Lessees of the Mutual Help Homeownership Program are not eligible for the Elder's Minor Rehabilitation Assistance Program.

3. Environmental Eligibility

Only projects Categorically Excluded Not Subject to 24 CFR § 58.5 are eligible for assistance under this policy.

- a. **Flood Zones:** If the property is located in a FEMA designated Special Flood Hazard Area, the community in which the property is located must be participating in the National Flood Insurance Program (or less than one year has passed since FEMA notification of Special Flood Hazards); and Flood Insurance under the National Flood Insurance Program must be obtained and maintained for the economic life of the project, in the amount of the total project cost.
- b. **Coastal Barrier Resource Systems:** Properties located in a Coastal Barrier Resource System are **NOT** eligible for assistance.
- c. **Runway Clear Zones:** All eligible projects under the program will not involve HUD assistance, subsidy, or insurance for the purchase or sale of existing property. Therefore, Runway clear zone review and acknowledgement is not a requirement under this program.

4. Eligible Minor Rehabilitation Activities

- a. Eligible Minor Rehabilitation activities include work that will provide a remedy to physical deficiencies and bring the house to meet housing quality standards. In order to conserve grant funds, rehabilitation of existing accessories shall be first priority followed by the replacement of items based on feasibility. In the event of replacement, only comparable items shall be eligible. *In example, the new replacement unit shall be of equivalent quality as the unit being replaced. ONLY MINOR REHABILITATION ACTIVITIES LISTED BELOW ARE ELIGIBLE UNDER THIS PROGRAM:*

**(1) Heating, Ventilation, and Cooling (HVAC)
Rehabilitation:**

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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- (a) Rehabilitating or replacing existing heating systems;
- (b) Rehabilitating or replacing existing cooling systems;
- (c) Rehabilitating or replacing other ventilation systems, such as central fan motors that are necessary for proper ventilation;

(2) Appliance Replacement:

- (a) Replacing stoves, ovens, & ranges;
- (b) Replacing refrigerators and freezers;
- (c) Replacing dish washing machines and garbage disposals;
- (d) Replacing laundry appliances including washing machines and drying machines;
- (e) Replacing other appliances necessary for residents to maintain the Health & Safety of the home.

NOTE: All replacement appliances shall be "energy efficient."

(3) Minor Plumbing Rehabilitation THAT DOES NOT INVOLVE CONSTRUCTION OR GROUND BREAKING ACTIVITIES, such as replacing faucets and sinks which serve as primary fixtures (i.e., kitchen sink, bathroom sink), replacing broken toilets, and other minor rehabilitation that secures the welfare of the elderly home owner.

(4) Minor Electrical Rehabilitation THAT DOES NOT INVOLVE CONSTRUCTION OR GROUND BREAKING ACTIVITIES, such as fuse box replacement and other minor rehabilitation that secures the welfare of the elderly home owner.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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(5) **Other Minor Rehabilitation Projects** may also be eligible under this program based on the nature of the project and the environmental clearance necessary to implement the project. Such proposed projects will be determined eligible by CRHC upon evaluation of the request.

b. Specific minor rehabilitation activities that are **NOT** eligible under this program include but are not limited to:

(1) Window Replacement is **NOT** and eligible activity under this program. **Rational:** Quite often widow replacement involves construction activities that are not eligible under this program.

(2) Television antennas and Digital Television Boxes and or repairs, satellite dishes, internet connections, computers, or similar electronic devices. **Rational:** The program's purpose is to serve the households with the greatest needs.

(3) Rehabilitating or replacing existing electronic medical alert devices. **Rational:** This repair work could constitute a liability and should be funded from another source, such as medical, etc...

(4) Painting. **Rational:** This type of maintenance constitutes environmental requirements beyond the scope of this policy, thus cannot be administered by CRHC.

(5) Any other repairs not listed in Section II. B. 4. a.

c. **Maximum Allocation:** The maximum cost of Minor Rehabilitation activities expended on a housing unit within any 24 month time period shall not exceed \$5,000.00. However, each individual rehabilitation project must be less than \$2,000.00. *In example, an elderly family may have a need to replace their heater and rehabilitate a plumbing system. The heater replacement may cost \$1,800.00 and minor plumbing*

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

rehabilitation may cost \$1500. This sums to over \$2000.00 (\$1800 + \$1500 = \$3300) but consists of two different projects that are less than \$5,000.00.

- d. **Useful Life:** The Useful Life period for projects funded through this program is defined as two (2) years. CRHC shall be given notice by the Recipient of any sale of the Property occurring prior to the end of the Useful Life Period, which shall be two (2) years from the date of the completion of the assistance project.
- e. **Recapturing Provisions on the Sale of the Property:** If the Property is sold within two (2) years of the date of the Recipient Agreement, the parties agree that CRHC shall recapture all of the assistance funds provided. Revenue share disbursements, if applicable, shall be one method of recapture. Such language shall be included in the Recipient Agreement.

C. Procedures

1. Developing a Retention Pool

- a. **Elderly Families List Submission:** CRHC, through agreement with the Tribe, shall be issued a list of enrolled Elderly Families, and shall be submitted updates on a regular basis.
- b. **Solicitation from the Elderly Families List:** CRHC shall contact the Elderly Families from the list and explain the Elders' Owner-occupied Minor Rehabilitation Program. If the family is interested in being on in the retention pool, CRHC shall inquire the necessary information to determine if the family may be eligible for assistance, such as if they own the home and the family's annual income.
- c. **Initiating the Application Process:** If it is determined that the elderly family appears eligible based on the inquiry (i.e., owns their home, and is low-income or marginal), CRHC shall initiate the application process.
- d. **Notifying the Family of Income Eligibility Status:** Once the family is determined eligible or ineligible based on

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

income, written notice shall sent explaining the income eligibility status to the family.

- e. **Environmental Review:** CRHC or its agent shall conduct the environmental review in accordance with Section II. B. 3. If flood insurance is required, a copy of the policy declaration must be kept in the Environmental Review Record.
- f. **Contingent Recipient Agreement:** Prior to being placed in the Retention Pool, the applicant shall executed a contingent recipient agreement that will outline the assistance provided should an eligible (Section II. B. 4.) need occur.
- g. **Adding Eligible Families to the Retention Pool:** Upon the execution of the contingent recipient agreement, the family shall be placed in the retention pool.
- h. **Updating the Retention Pool:** The Retention Pool must be updated in accordance with this policy as the Tribe submits updated lists of elderly families to CRHC. In order to streamline work orders for potential applicants, no less than annually, each family's income must be recertified, and an updated environmental review of the property for eligible items listed in Section II. B. 4. Must be conducted.

2. Developing the Waiting List / Work Order Priority

- a. **When funding is not available:** a waiting list shall be developed and maintained as information, need, and household composition change. This waiting list shall be developed with priority ranking as follows:

WAITING LIST SELECTION PREFERENCE:	# OF POINTS:
Mechoopda Tribal Family	100
Heating Rehabilitation Need During *Winter Months	10
Cooling Rehabilitation Need During *Summer Months	10
Disabled Family	1

*Winter and Summer Months vary in different areas of the United States, and shall be subjective to the logical circumstances of each claim.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

1 b. **When funding is available:** minor rehabilitation
2 requests will also be processed according to the waiting
3 list preference rank. *In example, if two families both*
4 *submit a minor rehabilitation request at the same*
5 *time, and one of the family's heater needs to be*
6 *replaced in winter, while the other family's need is to*
7 *replace a dysfunctional bathroom sink, the heating*
8 *unit replacement will be priority.*

9 **3. Processing Work Orders / Program Implementation**

10 Internet and fax machines are the most effective
11 communication method to expedite the implementation of
12 work orders. Elderly families, who do not have access to such
13 devices, are encouraged to obtain assistance from nearby
14 relatives who are familiar with or have access to the internet
15 or a fax machine. Local libraries are also an excellent source
16 for elders to obtain assistance in faxing or emailing required
17 documentation.

- 18
- 19 a. **Requesting Assistance:** Assistance may be requested
20 for the items listed in Section II. B. 4. only by the
21 elderly families in the Retention Pool. Such families
22 may call by telephone or email CRHC and explain the
23 circumstances of the need.
- 24
- 25 b. **Inspections:** Based on each individual need and
26 circumstances, an appropriate level of inspection may
27 be administered by CRHC.
- 28
- 29 c. **Procurement:** CRHC shall conduct procurement and
30 will be responsible for evaluating estimates and shall
31 order all work for repairs or replacement in accordance
32 with the CRHC Procurement Policy. Itemized projects
33 shall not exceed \$2,000.00. The Recipient shall not
34 solicit work orders under this program.
- 35
- 36 d. **Debarred & Suspended Contractors:** appropriate local
37 companies shall be (1) reviewed on the contractor's
38 state licensing board website to insure they are
39 licensed and bonded in an amount in excess of any
40 contract or work order and (2) reviewed at the Federal
41 government's excluded parties list system (epls)
42 website to insure the company is not debarred,
43 suspended, or ineligible.
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CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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- e. **Complaints:** If the Recipient is dissatisfied with the work, the Recipient must immediately contact CRHC by telephone or email within 3 working days from the completion date and immediately follow up with a written statement regarding the nature of the complaint that must be received by CRHC within 5 working days from the completion date. Using email or faxing such complaints is encouraged in order to meet the deadline. Such complaints need to be reasonable, such as the work was not completed, or it did not resolve the issue, etc... (i.e., *the new toilet leaks or the heating unit only blows cold air*). Upon receiving such complaint, CRHC shall contact the company that conducted the work and require the necessary follow up be conducted prior to issuing payment.

- f. **Statement of Satisfaction:** Once the work is complete and the Recipient is satisfied with the minor rehabilitation, the Recipient shall execute a Statement of Satisfaction and return it to CRHC within 10 calendar days. The Statement of Satisfaction may be faxed or emailed in order to expedite the deadline. If the Recipient does not submit a written complaint to CRHC within 5 working days from the completion date yet fails to return a Statement of Satisfaction to CRHC within 10 calendar days from the completion date of the work, the Recipient shall be removed from the Retention Pool indefinitely.

- g. **Invoices/Payments:** All work orders shall be invoiced to CRHC and CRHC shall make payment to the company that performs the work once the Statement of Satisfaction is received.

- h. **Grievance Hearing Requests:** Should CRHC reject any application without cause, the applicant may file a written grievance hearing request with the Board of Directors within ten (10) working days following the disapproval. If such grievance hearing request is granted and the applicant does NOT reside in the local area, the applicant may attend such hearing via conference telephone call. In accordance with CRHC's Grievance Policy, the decision of the Board of Directors shall be considered final.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

D. Policies, Statues, and Regulations

1. Labor Provisions

a. **Tribally Designated Wage Rates:** Contracts and agreements for assistance, sale, or lease under NAHASDA must require that prevailing wage rates be paid to laborers and mechanics employed in the development of affordable housing. An exception to this general rule is if prime contracts are less than \$2,000. Prevailing wage rates are determined by the Mechoopda Indian Tribe's Tribally Designated Wage Rates (TDWR) schedule, as amended and updated from time to time. When NAHASDA assistance is used to assist elder homeowners with minor repairs, TDWR wage rates shall apply in the event that the \$2,000.00 itemized work order limit is lifted in the future. Otherwise, TDWR are not applicable under this program.

b. **Contract Work Hours and Safety Standard Act:** Contractors shall remain in compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulation (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at a rate of not less than 1 1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

CHICO RANCHERIA HOUSING CORPORATION
Elders' Owner-occupied Minor Rehabilitation Policy

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- c. **Volunteers:** The requirements in 24 CFR part 70 concerning exemptions for the use of volunteers on projects subject to Davis-Bacon and HUD-determined wage rates are applicable.
- d. **Other laws and issuances:** CRHC as recipient of IHBG funds, contractors, subcontractors, and other participants must comply with regulations issued under the labor standards provisions of 24 CFR § 1000.16, other applicable Federal laws and regulations pertaining to labor standards, and HUD Handbook 1344.1 (Federal Labor Standards Compliance in Housing and Community Development Programs).

2. Non-Discrimination

In carrying out assistance under this policy, CRHC will comply with the provisions of 24 CFR § 1000.12

3. Indian Preference Provisions

In carrying out assistance under this policy, CRHC will comply with the provisions of 24 CFR § 1000.48 1000.50 and 1000.53.

4. Conflict Of Interest

In carrying out assistance under this policy, CRHC will comply with the provisions of 24 CFR § 1000.30; 1000.32; 1000.34; and 1000.36; 24 CFR Part 85

5. Severability/Interpretation

If in the implementation of this policy, it is determined any part of this policy is deemed to be in conflict with applicable requirements of NAHASDA and the implementing regulations, CRHC will comply with NAHASDA or other applicable federal regulations. For interpretation of this policy, all definitions will conform, unless otherwise specified, to the applicable definitions of Section 4 of NAHASDA (25 USC 4103).2