

CHICO RANCHERIA HOUSING CORPORATION

Eligibility and Admission Policy

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I. Purpose

This policy is designed to clearly outline eligibility and admission requirements for programs administered by the Chico Rancheria Housing Corporation, specifically programs funded from Indian Housing Block Grants (IHBG) under the Native American Housing Assistance and Self Determination Act (NAHASDA) of 1996, as amended (Public Law 104-330) and the regulations set forth in CFR Title 24 §1000.

II. Policy

A. Definitions

1. Annual Income.

Annual income is the anticipated total income from all sources received by the family head 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.

(a) *Annual income* means all amounts, monetary or not, which:

- (1) Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member over the age of 18; or
- (2) Are anticipated to be received from a source outside the family during the 12-month period following admission or annual reexamination effective date; and
- (3) Are not specifically excluded in paragraph (c) of this section.
- (4) Annual income also means amounts derived (during the 12-month period) from assets to which any member of the family has access.

(b) Annual income includes, but is not limited to:

- (1) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
- (2) The net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
- (3) Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in paragraph (b)(2) of this section. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the

withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;

- (4) The full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount (except as provided in paragraph (c)(14) of this section);
- (5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in paragraph (c)(3) of this section);
- (6) *Welfare assistance payments.*
 - (i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
 - (A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and
 - (B) Are not otherwise excluded under paragraph (c) of this section.
 - (ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:
 - (A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus
 - (B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.
- (7) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling;
- (8) All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in paragraph (c)(7) of this section).
- (9) Any financial assistance, in excess of amounts received for tuition, that

an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 *et seq.*), from private sources, or from an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except that financial assistance described in this paragraph is not considered annual income for persons over the age of 23 with dependent children. For purposes of this paragraph, "financial assistance" does not include loan proceeds for the purpose of determining income.

(c) Annual income does not include the following:

- (1) Income from employment of children (including foster children) under the age of 18 years;
- (2) Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone);
- (3) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in paragraph (b)(5) of this section);
- (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (5) Income of a live-in aide, as defined in 24 CFR § 5.403;
- (6) Subject to paragraph (b)(9) of this section, the full amount of student financial assistance paid directly to the student or to the educational institution;
- (7) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (8) Additional Amounts Not Included:
 - (i) Amounts received under training programs funded by HUD;
 - (ii) Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - (iii) Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
 - (iv) Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the

Housing Corporation or property owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, lawn maintenance, resident initiatives coordination, and serving as a member of the Housing Corporation's governing board. No resident may receive more than one such stipend during the same period of time;

(v) Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;

(9) Temporary, nonrecurring or sporadic income (including gifts);

(10) Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;

(11) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);

(12) Adoption assistance payments in excess of \$480 per adopted child;

(13) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts.

(14) Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

(15) Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(16) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 CFR 5.609(c) apply.

(d) *Annualization of income.* If it is not feasible to anticipate a level of income over a 12-month period (*i.e.*, seasonal or cyclic income), or CRHC believes that past income is the best available indicator of expected future income, CRHC may annualize the income anticipated for a shorter period, subject to a re-determination at the end of the shorter period.

2. Adjusted Income

The term 'adjusted income' means the annual income that remains after excluding the following amounts:

- (a) YOUTHS, STUDENTS, AND PERSONS WITH DISABILITIES- \$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)-
 - (1) who is under 18 years of age; or
 - (2) who is 18 years of age or older and a person with disabilities or a full-time student.
- (b) ELDERLY AND DISABLED FAMILIES- \$400 for an elderly or disabled family.
- (c) MEDICAL AND ATTENDANT EXPENSES- The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of-
 - (1) medical expenses, in the case of an elderly or disabled family; and
 - (2) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.
- (d) CHILD CARE EXPENSES- Child care expenses for the care of children under the age of 13 to the extent necessary to enable another member of the family to be employed or to further his or her education.
- (e) EARNED INCOME OF MINORS- The amount of any earned income of any member of the family who is less than 18 years of age.
- (f) TRAVEL EXPENSES- Excessive travel expenses, not to exceed \$25 per family per week for employment or education related travel.

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. Drug Related Criminal Activity

The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

6. Elderly and Near-elderly Families

The terms '*elderly family*' and '*near elderly families*' means a family whose head (or his or her spouse), or whose sole member, is an elderly or near-elderly person, respectively. Such terms include two or more elderly persons or near 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.

7. Elderly Person

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

8. Extended Family

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

9. 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 a child/children;
- (c) a domesticated partnership (i.e., marriage) recognized by the Housing Corporation;
- (d) a domesticated partnership with children recognized by the Housing Corporation;
- (e) a parent or parents (i.e., grandparents) of a single person or a parent or parents of one partner in a recognized domesticated partnership with or without children (i.e., grandparents, parents, and children in one household).

10. Full Time Student

A person who is enrolled in a certified educational institution, such as a vocational school with a certificate or diploma program or an institution offering a college degree, and is carrying a subject load that is considered full-time for students under the standards and practices of the institution attended. Typically, full time in regular quarter or semester based programs is 12 or more units of study, while full time during special inter sessions, such as summer sessions, are typically 6 units. Graduate study programs typically consider 9 units of study as full time. In all such cases, full-time will be based on the standards and practices of the institution attended.

11. Head of Household

Head of household id defined as the lessee or spouse of the lessee.

12. HUD

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

13. Indian

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

14. Indian Area

CRHC's Indian area is the jurisdiction authorized by the Mechoopda Indian Tribe for CRHC to operate affordable housing programs. This includes the California counties of Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Sierra, Lake, Colusa, Sutter, Yuba, Nevada, Placer, Napa, Yolo, Solano, Sacramento, Amador and El Dorado.

15. Indian Tribe

- (a) The term '*Indian tribe*' means a tribe that is a federally recognized tribe or a State recognized tribe.
- (b) The term '*federally recognized tribe*' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.
- (c) The term '*State recognized tribe*' means any tribe, band, nation, pueblo, village, or community that has been recognized as an Indian tribe by any State and for which an Indian Housing Authority has, before the effective date under section 705 of NAHASDA, entered into a contract with HUD pursuant to the United States Housing Act of 1937 for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.

16. Low Income Family

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

17. Median Income Limits

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

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

18. Moderate Income Family

The term '*moderate-income family*' means a family whose income is between 80 and 100 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families.

19. NAHASDA

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

20. Persons with Disabilities

Person with Disabilities means a person who—

- (a) Has a disability as defined in section 223 of the Social Security Act;
- (b) Has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act;
- (c) Has a physical, mental, or emotional impairment which-

- (1) Is expected to be of long-continued and indefinite duration;
 - (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; genitourinary; 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.

21. Self-Sufficiency Plan

A plan that a participant develops in consultation with the Chico Rancheria Housing Corporation outlining specific goals and achievements that will prepare the family to sustain without further assistance. Specifically, the plan will increase the family's income so the family can afford shelter on their own without paying over 30% of their adjusted income on housing over a realistic time frame.

22. Waiting List

A list used to rank need based on a points scoring system when funding is minimal or unavailable and/or when housing is unavailable. 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 preliminary application was received by the Chico Rancheria Housing Corporation will have priority for assistance.

- (a) A separate waiting list is maintained for each program offered by the Housing

Corporation, and an applicant can be on multiple waiting lists.

- (b) Generally, waiting lists are consistently scored with the same points scheme, although in cases where individual program policies conflict with the general points system, the individual program policy system supersedes the general system, as depicted below:

WAITING LIST SELECTION PREFERENCE:	# OF POINTS:
Mechoopda Tribal Member	100
Involuntarily Displaced	10
Substandard Housing	10
Paying more than 50% of income for rent	10
Elderly Family	5
Disabled Family	1
Each dependent	1

B. General Information

1. Eligibility & Admission

In order to be eligible for admission to any program available through Chico Rancheria Housing Corporation, the following criteria shall apply:

- (a) Applicant/s must be an enrolled member of an Indian Tribe (Tribal preference shall be given to members of the Mechoopda Indian Tribe).
- (b) Applicant must be least 18 years of age or an emancipated minor.
- (c) Applicant must reside in or be moving within the CRHC Indian Area.
- (d) Applicant must be a member of a Low-income Family or Moderate-income Family for some programs.
- (e) Applicants who owe the Chico Rancheria Housing Corporation or the Mechoopda Indian Tribe money are not eligible to receive assistance.
- (f) Applicants who have been previously terminated or evicted from any program administered by the Chico Rancheria Housing Corporation or Mechoopda Indian Tribe are not eligible to receive assistance unless all outstanding balances owed by the applicant are paid in full and the applicant demonstrates to Chico Rancheria Housing Corporation that the applicant will be a satisfactory tenant.
- (g) Applicant must follow any additional stipulations and requirements in each individual Program Policy.

2. Housing Standards

- (a) Minimum Housing Quality Standards (HQS): The Chico Rancheria Housing Corporation will utilize HUD's Housing Quality Standards (HQS).
- (b) Inspections: The Chico Rancheria Housing Corporation will conduct, or arrange to have conducted, pre-occupancy inspections utilizing the adopted HQS and inspection form to insure any unit is a healthy, safe, and decent

place to reside prior to approval of residency and/or assistance.

3. Obligations.

- (a) **Participant Obligations:** Participant must adhere to all rules set forth in the individual program policy in which they apply or participate in.

- (B) **Chico Rancheria Housing Corporation Obligations:** The Chico Rancheria Housing Corporation is responsible for conducting the initial income verification to determine eligibility and conducting re-certifications for continued eligibility of participants at least annually. Additional Corporation obligations are specified in each individual program policy.

4. Terminations

Assistance may be terminated at the discretion of the Chico Rancheria Housing Corporation for any of the following reasons:

- (1) Any violation of family obligations set forth in each individual program policy.
- (2) Suspicion of illegal drug activity or criminal activity, which may include a police report documenting such activity.
- (3) Failure of family to sign and submit verification documents for re-certification.
- (4) If the family moves out of the unit without formal notification and correspondence with the Housing Corporation.
- (5) If the family breaks up.
- (6) If program funding is insufficient to support continued assistance for the family.