

# CHICO RANCHERIA HOUSING CORPORATION

## *Homebuyer Assistance Policy*



**CHICO RANCHERIA HOUSING CORPORATION**  
**Homebuyer Assistance Policy**

Subject: CHICO RANCHERIA HOUSING CORPORATION <u>HOMEBUYER ASSISTANCE POLICY</u>	Number: 3
	Effective Date: 08-02-2010
Statute: Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA) (25 U.S.C. 4163 et seq.); Regulations 24 CFR §1000;	Supersedes: 03/03/2008 & 10/25/2004 Versions
Authority: Resolution 04-16, 10-12 MIT Ordinance for the Charter: Article VI (e)	File Reference: Approved: 08-02-2010

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**I. PURPOSE**

To establish the policies for administering the *HOMEBUYER ASSISTANCE PROGRAM* to assist eligible applicants to overcome barriers to purchasing and/or retaining their own home and to assist them in qualifying for affordable long term financing from the lender of their choice. The funding for this program is provided through the Native American Housing Assistance and Self Determination Act (NAHASDA), Indian Community Development Block Grant (ICDBG), and various other resources as they become available.

In order to meet these objectives, the following sections outline policy to govern administration of homebuyer assistance grants.

**II. POLICY**

The Policy of the Homebuyer Assistance program is:

**A. General Policy**

**1. Use of Grant Funds**

The Housing Corporation shall seek to make the best possible use of all grant funds available by:

- a. Giving first priority to low income Indian applicants of the Mechoopda Indian Tribe of Chico Rancheria, CA (as authorized by Section 201 (b) (5) & (6) of NAHASDA), defined annually by the U.S. Department of Housing and Urban Development-Office of Native American Programs (HUD-ONAP) according to the relevant statutes for annual income by household size.
- b. Considering such factors as age, income level, potential income, and homebuyers assistance goals in the providing of grant assistance
- c. Providing grants to meet individual applicant needs.
- d. Maintain grant terms and agreements that discourage and prevent speculation in housing.

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**2. Home Inspections**

The Corporation shall require that all homes assisted under this program be inspected prior to release of grant funds to ensure the home meets the minimal health and safety criteria of the HUD Section 184 Program and to ensure the best interest of applicant homebuyer is adequately protected, as well as to ensure the efficient and prudent use of federal and/or tribal funds,

**3. Homebuyer Counseling**

The Corporation shall strongly encourage all applicants under this program to attend a homeownership education course by a HUD-approved housing counseling agency as part of, or prior to, the application for assistance under this policy. The Corporation shall, to the greatest extent feasible, provide resources and/or personal homebuyer counseling to the prospective applicant to prepare applicant for homeownership.

**4. Recipient Agreement**

Prior to commitment or obligation of funding under this policy, the recipient of such assistance must sign an agreement with the Corporation which certifies their understanding of the terms and conditions of receiving such assistance including but not limited to the applicants certification under penalty of perjury or fraud, that the home purchased shall be their principal residence and that the home is not purchased for purposes of speculation or rental income.

**B. Qualifications for Assistance**

**1. General Eligibility**

For the purpose of this policy, the terms "applicant" and "owner" shall stand for all persons who will be recorded on the title to the property as owner.

General eligibility requirements are as follows:

- a. At least one applicant must be member of a federally-recognized Indian Tribe. The term 'federally recognized Indian 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

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Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975. Members of a state-recognized tribe may meet this requirement if the tribe meets the criteria for a 'state recognized tribe' in Section 4 (12) (C) of NAHASDA.

- b. Applicant must be a "first-time" homebuyer, which is here defined as an applicant who has not owned a home within the last three (3) years. Applicants applying for refinancing assistance are exempt from this eligibility requirement.
- c. 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. Annual household income which falls within 80% to 100% of median may receive a level of assistance under this program on the following conditions (24 CFR § 1000.110): (i) The Corporation must determine and document that there is a need for housing assistance for each Indian family which cannot reasonably be met without such assistance; (ii) The Corporation may use no more than 10 percent of *its* annual Indian Housing Block Grant amount for families whose income falls within 80 to 100 percent of the median income without HUD approval. (iii) Finally, non low-income Indian families cannot receive the same benefits provided low-income Indian families. The amount of assistance non low-income Indian families may receive will be determined as follows and cannot exceed: (Income of family at 80 percent of median income/Income of non low-income family) x (Present value of the assistance provided to family at 80 percent of median income).
- d. Applications for homebuyer assistance grants will be accepted year-round until the goals of the program have been met and/or all available funds have been obligated. Generally, applications will be processed on first-come, first-serve basis; however, the Corporation may elect to publicize open application periods with a specific filing date as a method for identifying and serving applicants according to section II.A.1 of this policy. This process will also allow the Corporation 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 the event there is a period when applications are closed, the Corporation will establish and implement a waiting list from which to receive new applicants upon the reopening of applications.
- e. Lessees of the tribally owned homes under the *Lease to Own Homeownership Program* (AKA Mutual Help) are eligible for assistance under this policy for the purchase of non-tribally owned homes only.

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2. Eligible Property

a. Eligible property must be within the *Indian Area* of the Mechoopda Indian Tribe. *Indian Area* means the area within which the Chico Rancheria Housing Corporation operates affordable housing programs as authorized by the Mechoopda Indian Tribe of Chico Rancheria.

b. Eligible property types include any property that will serve as the purchaser's principal residence, including:

(1) A single-family property that is here defined as a single structure containing one to four family dwelling units. Multifamily properties (buildings containing more than four units) are not eligible. In order to be considered a single structure, multiple units must share a common roof and at least one wall that are connected to another unit. A site with four separate, non-connected structures is not considered to a single-family unit.

(2) A condominium unit; or

(3) A manufactured home. HUD's terminology for mobile home is "manufactured home" but does not include modular construction which is also a factory built home but is treated the same as stick-built housing. Manufactured and modular homes are built in the same factory and come off of the same assembly line, but it is important to know the difference. A modular home is brought to the building site on a trailer and the home is removed from the trailer and set on the foundation. The trailer is then returned to the factory (where practical). A manufactured home is brought to the building site and set on a foundation system. Only the truck pulling the home returns to the factory. On a manufactured home the trailer is a structural part of the house. A second method of separating the two involves how a house is set on the foundation system. On a manufactured home the weight of the unit rests on the "I" beams that run the length of the house. The weight of a modular home is supported by the exterior walls of the house in the same manner as a stick built home.

(a) General Eligibility Criteria for Manufactured Housing. Appraisers selected to do appraisals on manufactured housing should be knowledgeable of the requirements.

1. Must meet the minimum unit sizes for the Program (see section d.4 below).
2. The home must be constructed in conformance with the Federal Manufactured Home Construction and Safety Standards as

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evidenced by the affixed certification label. This is the RED TAG that is on the rear of each section of the manufactured home. If the RED TAG is missing the house is not eligible. Only manufactured homes built after June 15, 1976 will bear that seal. Manufactured homes built before that date are ineligible.

3. The home must be classified and taxed as real estate (as applicable).
3. The mortgage must cover both the manufactured unit and its site or the appropriate lease documents must be in place. The mortgage must have a term of no more than 30 years from the date amortization begins.
5. The manufactured home must not have been installed or occupied previously at any other site or location.
6. The finished grade elevation beneath the manufactured home or, if a basement is used, the lowest exterior grade adjacent to the perimeter enclosure, must be at or above the 100-year return frequency flood elevation.
7. The house must be permanently attached to the foundation system. Existing homes must be attached to the foundation system by either cable or rebar welded to the frame rail or similar fashion. The unit must be anchored to the footing (or pier).
8. The axles and tongue must be removed from the unit. The chassis must stay in place.
9. The house must have adequate skirting and insulation around the perimeter to prevent the crawl space area from freezing and allow proper ventilation of the crawl space. If the skirting is wood, the wood must be properly treated to prevent decay.

(b) New Construction Manufactured Homes. In addition to the general eligibility criteria:

1. Proposed homes must have, with or without a basement, a site-built permanent foundation that meets or exceeds applicable requirements in the Permanent Foundations Guide for Manufactured Housing issued September 1996

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or local Rural Housing Services, USDA requirements. A licensed builder or the manufactured home dealer must sign a Warranty of Substantial Completion, HUD 92544, for the foundation, whether the lender carries the interim construction loan or the loan is done as a single close construction loan. A Warranty of Substantial Completion will also be required for the manufactured home.

2. The unit must be braced and stiffened before it leaves the factory to eliminate racking and potential damage during transportation.
  3. Minimum inspections required include an inspection of the permanent foundation and a final inspection of the entire property.
  4. All other requirements for new construction must be met.
- c. Maximum Property Value -- NAHASDA statute requires that all housing acquired under this program be of *moderate design*. For these purposes, *moderate design* is defined as housing that is of a size and with amenities consistent with unassisted housing offered for sale in the Indian tribe's general geographic area to buyers who are at or below the area median income. To document this, the Corporation will use as a criteria, 150 Percent of the maximum Federal Housing Administration (FHA) mortgage limit for the area.
- d. Property Standards - this policy here incorporates the minimum property standards of the Section 184 Loan Guarantee Program. The following property standards represent a minimum level of housing quality:
- (1) Heating System. The heating system must:
    - (a) Have the capacity to maintain a minimum temperature of 65 degrees Fahrenheit during the coldest weather in the area.
    - (b) Be safe to operate and maintain.
    - (c) Deliver a uniform distribution of heat.
    - (d) Conform to any applicable Tribal heating code. If there is no applicable Tribal code, the system must conform to the applicable county, state, or national code.
  - (2) Plumbing System. The plumbing system must:
    - (a) Use a properly installed system of piping.

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- (b) Include a kitchen sink and a separate bathroom with lavatory, toilet, and bath or shower.
  - (c) Use water supply, plumbing, and sewage disposal systems that conform to any applicable Tribal code. If there is no applicable Tribal code, the plumbing must comply with the minimum standards established by the applicable county or state. If water and sewer systems cannot be connected to public systems, the water well and/or septic system must meet the requirements of the local health authority with jurisdiction.
- (3) Electrical System. The electrical system must use wiring and equipment that is properly installed and safely supplies electrical energy for lighting and operation of appliances and that conforms to any applicable Tribal code. If there is no applicable Tribal code, the electrical system must comply with an appropriate county, state, or national code.
- (4) Unit Size. The Section 184 statute specifies minimum unit sizes for the Program. The statute does not specify a maximum unit size, although all units must be modest in size and design (see paragraph c of this section). Borrowers should select homes that are within their budget and meet the needs of their family.

The size of the unit may be no smaller than:

- (a) 570 square feet in size, if the unit is designed for a family of one to four persons.
- (b) 850 square feet in size, if the unit is designed for a family of between five and seven persons.
- (c) 1,020 square feet in size if the unit is designed for a family of eight or more persons.

In extenuating cases, with relevant justification, the Board of Directors may waive the above-stated unit size requirements based upon a request from the applicant. If the action involves the Section 184 program, the waiver will be requested from the HUD ONAP Office.

- (5) Energy Efficiency. For new construction or substantial rehabilitation (rehabilitation costing \$25,000 or more), the dwelling unit must comply with the energy performance standards for new construction established by the Department under section 526(a) of the National Housing Act.
- (6) Lead-Based Paint. The dwelling unit must comply with lead-based paint rules at 24 CFR Part 35 (i.e., no cracking, peeling, scaling paint). The Environmental Protection Agency's (EPA) lead-based paint pamphlet must be given to borrowers purchasing pre-1978 units before execution of the sales

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contract and include an acknowledgement signed by the borrower. The EPA Pamphlet, Protecting Your Family From Lead In Your Home, may be ordered through the Government Printing Office by calling: (202) 512-1800, stock number 055-000-00507-9. If the home is otherwise safe and sanitary depending on funding availability the Corporation may allocate additional funds for contracting with a trained contractor to stabilize the paint using safe work practices in order to obtain a clearance and meet the federal requirements, if the seller will negotiate the cost out in the purchase price.

Units must substantially meet all of the above-listed standards before borrowers will be allowed to move in. It is possible that a few minor "punch list" items may remain incomplete at the time that the borrower takes possession of the property. If that is the case, the applicant must ensure that these final improvements are completed.

### 3. Eligible Assistance

1. *Down payment and closing costs assistance.* Funding will be provided by means of payment directly to the Title Company selected to handle the applicant's escrow. The interest rate on the home purchase cannot exceed the greater of the rate authorized by the Veterans Administration or the current "Fannie Mae" 30-day yield rate. In the event a loan cannot be obtained at this rate, a margin of 0.25% may be allowable at the discretion of the Executive Director. Any customary fee may be included in the loan and applied toward the down-payment assistance including, title cost, escrow cost, inspections and loan fees (not to exceed two points). Financing loan packages shall not exceed 100 percent of the present fair market value of the dwelling unit, including the site acquisition. All loans to be assisted through down payment shall be made through lenders approved by FHA, Fannie Mae, Freddie Mac; a farm credit system institution with direct lending authority or any lender participating in other federal loan programs. The lender will be required to submit approval and loan information to the Chico Rancheria Housing Corporation for review and approval prior to funding. The Chico Rancheria Housing Corporation will review and respond to the lender and the applicant within ten working days of receipt of the loan proposal for eligibility determination of the loan for down payment assistance funding. The required documentation shall include: The home inspection reports, including copies of the termite inspection, septic inspection and/or lead based paint inspection as applicable, and any clearance required by law by seller to disclose whether the property was used as a site to manufacture illegal drugs. A copy of the appraisal and the good faith estimate, which includes the disclosure of all costs, related to the escrow, title and loan closing and a loan commitment letter contingent upon the provision of down-payment assistance. For down payment assistance, the grantee shall retain a qualified, licensed housing inspector. A copy of the written inspection report shall be submitted to the Housing Corporation, prior to release of funds. Should the home be found to be ineligible for funding, based on failure to pass the inspection, a grant will not be made on a unit that fails. Payment for the home inspection can be a portion of the grant; however, where the unit fails to pass the inspection, the CRHC will not

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pay for the inspection. Grantees are advised to make it a condition of the purchase that the unit passes a home inspection and that upon passing, the Grantee will reimburse the Seller for the inspection cost in escrow.

- a. *Interest rate buy-down assistance.* A form of gap financing used when applicants have a steady income that is insufficient to cover the total monthly payment. The Corporation can provide funds directly to the lender to reduce the interest rate on the applicant's loan to reduce the size of the monthly payment.
  - b. *Other eligible soft costs.* Reasonable and necessary costs (paid to a third party), including but not limited to: finance Related Costs-origination fees, credit reports, title reports and updates, recordation fees, preparation and filing of legal documents, appraisal, attorney's fees, loan-processing fees, insurance and other customary fees.
  - c. *Maximum assistance.* The level of assistance that can be provided to an applicant is contingent upon available funding and according to priority goals of the Corporation. However, the maximum amount of assistance that may be provided under this program is calculated as 25% of the loan amount up to a ceiling limit of \$45,000.
  - d. *Applicant's minimum contribution.* The applicant shall be required to contribute a minimum of 1 percent or \$1000.00 whichever is less towards the cost of the home purchase.
2. *Refinance Assistance.* Funding may also be used to pay for closing costs and other soft costs to refinance a borrower's primary home loan to either lower the mortgage payment, and/or interest rate.
- a. *No Cash Back.* The refinance must be a streamline or no-cash back into a fixed interest rate for the whole term. A no-cash back refinance is when the borrowers are not permitted to receive cash back at closing. A streamline is when the borrower already has a federal loan and would like to reduce their interest rate and mortgage payment. If the borrower's current loan is already a fixed interest rate loan, the reduction in mortgage payment must be at least five percent of the current mortgage payment. (FHA and Section 184 refinance guidelines).
  - b. *Lending Requirements.* All loans to be assisted through refinance assistance shall be made through lenders approved by FHA, Fannie Mae, Freddie Mac; a farm credit system institution with direct lending authority or any lender participating in other federal loan programs.
  - c. *Maximum Assistance.* The program will pay 100% of the closing costs up to the maximum amount of \$10,000. The total amount of savings due to refinancing over the life of the loan must exceed the amount of assistance: it must be feasible. See examples below.

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Example1

<u>Without Grant Assistance</u>	<u>With Grant Assistance (\$10,000)</u>
Remaining Loan Principle: \$200,000 Fixed Interest Rate: 6.00% Years Remaining: 25 Monthly Payment: \$1,289	Remaining Loan Principle: \$200,000 Fixed Interest Rate: 6.00% Years Remaining: 25 Monthly Payment: \$1,289
<u>W/O Assistance After Refinancing</u>	<u>With Assistance After Refinancing</u>
Remaining Loan Principle: \$200,000 Closing Cost: + \$10,000 Total Refinance Loan: \$210,000 Fixed Interest Rate: 5.00% Years Remaining: 25 Monthly Payment: \$1,228  \$1,289 - \$1,228 = \$61 per month savings	Remaining Loan Principle: \$200,000 Closing Cost: + \$10,000 Grant Assistance: - \$10,000 Total Refinance Loan: \$200,000 Fixed Interest Rate: 5.00% Years Remaining: 25 Monthly Payment: \$1,169  \$1,289 - \$1,169 = \$120 per month savings

\$120 - \$61 = 59; 59 x 300 months = \$17,700; \$17,700 > \$10,000: Feasible

Example2

<u>Without Grant Assistance</u>	<u>With Grant Assistance (\$8,000)</u>
Remaining Loan Principle: \$100,000 Fixed Interest Rate: 6.00% Years Remaining: 15 Monthly Payment: \$844	Remaining Loan Principle: \$100,000 Fixed Interest Rate: 6.00% Years Remaining: 15 Monthly Payment: \$844
<u>W/O Assistance After Refinancing</u>	<u>With Assistance After Refinancing</u>
Remaining Loan Principle: \$100,000 Est. Closing Cost: + \$8,000 Total Refinance Loan: \$108,000 Fixed Interest Rate: 5.00% Years Remaining: 15 Monthly Payment: \$854  \$844 - \$854 = \$10 per month extra	Remaining Loan Principle: \$100,000 Est. Closing Cost: + \$8,000 Grant Assistance: - \$8,000 Total Refinance Loan: \$100,000 Fixed Interest Rate: 5.00% Years Remaining: 15 Monthly Payment: \$791  \$844 - \$791 = \$53 per month savings

\$10 per month extra: Not Feasible; \$53 x 180 months = \$9,540; \$9,540 > \$8,000: Feasible

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**C. Environmental Review**

The environmental effects of each activity carried out with assistance under this part must be evaluated in accordance with the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the related authorities listed in HUD's implementing regulations at 24 CFR 1000.18 and 24 CFR parts 50 and 58. No funds may be committed to a grant activity or project before the completion of the environmental review and approval of the request for release of funds and related certification required by sections 105(b) and 105(c) of NAHASDA, except as authorized by 24 CFR part 58 such as for the costs of environmental reviews and other planning and administrative expenses.

**D. Flood Insurance**

Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001-4128), a recipient may not permit the use of Federal financial assistance for acquisition and construction purposes (including rehabilitation) in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless the following conditions are met: (a) The community in which the area is situated is participating in the National Flood Insurance Program in accord with section 202(a) of the Flood Disaster Protection of 1973 (42 U.S.C. 4106(a)), or less than a year has Act passed since FEMA notification regarding such flood hazards. For this purpose, the "community" is the governmental entity, such as an Indian tribe or authorized tribal organization, an Alaska Native village, or authorized Native organization, or a municipality or county, that has authority to adopt and enforce flood plain management regulations for the area; and (b) Where the community is participating in the National Flood Insurance Program, flood insurance on the building is obtained in compliance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012(a)); provided, that if the financial assistance is in the form of a loan or an insurance or guaranty of a loan, the amount of flood insurance required need not exceed the outstanding principal balance of the loan and need not be required beyond the term of the loan.

**E. Appeals Procedure**

Should the Executive Director disapprove any application, the applicant may appeal the decision by filing a written notice with the Board of Directors within ten (10) working days following the mailing of notice of disapproval. The applicant shall be entitled to be present at a meeting of the Board of Directors and shall have the right to present oral or written communication with regard to the reconsideration. The decision of the Board of Directors shall be considered final action of the Corporation. If the Applicant is not satisfied with the decision of the Board of Directors, within the applicable legal enforcement provisions of the law or tribal ordinances, applicant may request a review of the decision of the Corporation by Tribal Council of the Mechoopda Indian Tribe and/or the Southwest Office of Native American Programs.

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**F. Relocation Assistance Policy**

In the implementation of housing development activities under this policy, the Corporation will comply with and follow the applicable provisions of 24 CFR § 1000.14 as required to minimize displacement of applicants and provide reimbursement for temporary relocation of displaced persons receiving assistance under this program.

**G. Lead Based Paint Poisoning Prevention**

Lead-based paint requirements apply to housing activities assisted under this program as required under NAHASDA and regulations at 24 CFR § 1000.40. The Corporation agrees to hire only certified inspectors, contractors and risk assessors to work with and assess lead-based paint/hazards. All homes built prior to 1978 will be subject to a lead paint inspection and further lead paint testing, if determined to be necessary. Lead hazards that are identified must be corrected and the contractor completing the corrections must employ workers that are trained in safe work practices, relating to lead. The applicable requirements for NAHASDA are HUD's regulations at part 35, subparts A, B, H, J, K, M and R of this title, which implement the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822-4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851-4856).

**H. Debarred or Suspended Contractors**

The prohibitions in 24 CFR part 24 on the use of debarred, suspended or ineligible contractors apply to assistance provided under this policy.

**I. Labor Provisions**

When NAHASDA assistance is used to assist homebuyers to acquire single-family housing, Davis-Bacon Act (DBA) Prevailing Wage Rates apply to the construction of the housing only if there is a written agreement with the owner or developer of the housing that NAHASDA assistance will be used to assist homebuyers to buy the housing.

**J. Non-Discrimination**

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

**K. Indian Preference Provisions**

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

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**L. Conflict Of Interest**

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

**M. 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, the Corporation will comply with NAHASDA or other applicable federal regulations. For interpretation of this policy, all definitions will conform to the applicable definitions of Section 4 of NAHASDA (25 USC 4103).