

CHICO RANCHERIA HOUSING CORPORATION

Owner-Occupied Home Rehabilitation Policy

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| Subject: Chico Rancheria Housing Corporation | | Number: 6 |
| OWNER-OCCUPIED HOME REHABILITATION POLICY | | Effective Date: 06/01/2015 |
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1 **I. PURPOSE**

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3 The primary purpose of this policy is to establish the guidelines for administering the
4 housing rehabilitation grant program for owner-occupied, low-income properties
5 funded through the Native American Housing Assistance and Self Determination Act
6 (NAHASDA), Indian Community Development Block Grant (ICDBG), and various other
7 resources as they become available.

8
9 The purpose of the rehabilitation grant program is to encourage and enable Indian
10 homeowners to: (a) maintain and rehabilitate their property to preserve the useful
11 life of the housing stock; (b) provide for safe and healthy living environments; and
12 (c) promote self-sufficiency.

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14 In order to meet these objectives, the following sections outline policy to govern
15 administration of rehabilitation grants.

16 **II. POLICY**

17 A. General Policy

18 1. Use of Grant Funds

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20 The Chico Rancheria Housing Corporation (CRHC) shall seek to make the
21 best possible use of all grant funds available by:

- 22
23 a. Giving first priority to low-income Indian homeowners of the
24 Mechoopda Indian Tribe of Chico Rancheria, requiring the most
25 essential and urgent repairs.
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27 b. Considering such factors as age, income level, potential income,
28 and rehabilitation goals in the providing of grant assistance.
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30 c. Providing grants to meet individual applicant needs.
31
32 d. Conserving available grant funds wherever possible by making
33 maximum use of rehabilitation funds through utilization of public
34 agencies and non-profit groups or through combined funding in
35 order to reserve funds for the most critical rehabilitation needs
36 and the lowest income applicants wherever possible.
37
38 e. Maintaining rehabilitation grant agreements and procedures that
39 discourage and prevent speculation in housing.
40

41 B. Qualifications for Assistance

42 1. General Eligibility

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44 For the purpose of this policy, the terms “applicant” and “owner” shall
45 stand for all persons listed as owner on the title to the property. For this
46 purpose, *Owner* means applicant(s) having fee simple title, trust title,
47 99-year fee-simple leasehold interest, or 25-year automatic renewal
48 leasehold interest for trust land.
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General eligibility requirements are as follows:

- a. At least one applicant on the title to the property 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 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. CRHC's Indian Service Area is the jurisdiction authorized by the Mechoopda Indian Tribe for CRHC to operate affordable housing programs. Each program may have a different Indian Service Area as defined in the annual Indian Housing Plan. The service area for the Owner-Occupied Home Rehabilitation Program is defined as all counties north, east and west of Sacramento.
- c. Applicants must occupy the home as their sole residence.
- d. Projects funded with NAHASDA funds are subject to income limits as follows: The annual income of the applicant's household must not exceed eighty percent (80%) 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 eighty to one-hundred percent (80% to 100%) of median may receive a level of assistance under this program on the following conditions (24 CFR § 1000.110): (i) CRHC 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) CRHC may use no more than ten percent (10%) of its annual Indian Housing Block Grant amount for families whose income falls within eighty to one-hundred percent (80% to 100%) of the median income without HUD approval. (iii) Finally, non low-income Indian families cannot receive the same benefits provided to 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 eighty percent (80%) of median income/Income of non low-income family) x (Present value of the assistance provided to family at eighty percent (80%) of median income). CRHC does not assist families over on-hundred percent (100%) of the median income. Projects funded with other federal sources, including ICDBG funds are subject to income limits as follows: The annual income of the applicant's household must not exceed eighty percent (80%) of the area median income.
- e. Applicants must have adequate homeowners insurance to indemnify against loss from fire, weather, and liability claims. This requirement is in addition to applicable flood insurance

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requirements reference in Section II. Paragraph E of this policy. Homeowner insurance claims must be filed for rehab requests that include damages. A denial letter from the Insurance Company must be provided prior to CRHC providing assistance to repair such damages.

- f. Applications for rehabilitation grants will be accepted year-round until the goals of the program have been met and/or all budgeted and available funds have been obligated. 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 rehabilitation needs of the Tribe.
- g. Lease-to-Own Program homes are owned by the Mechoopda Indian Tribe and administered by CRHC. According to the terms of the program, Lessees are responsible for the maintenance and repair of the homes. Therefore, Lessees of the Lease-to-Own Program are not eligible for rehabilitation assistance under this policy with the exception specified in paragraph i. below.
- h. Low-Income Rental Program homes are owned by the Mechoopda Indian Tribe and administered by CRHC. Tenants within the Low-Income Rental Program are not eligible for rehabilitation assistance under this policy with the exception specified in paragraph i. below.
- i. Elders with special needs, such as disabled access needs, living in the Lease-to-Own Program homes or Low-Income Rental Program homes may be eligible for assistance under this policy *limited to those special needs*. Prior to assisting Elders in the Low-Income Rental Program, other alternatives may be practiced, such as transferring the Elder to an open unit that is already equipped as an accessible unit. Relocation assistance may be provided under these circumstances in accordance with the CRHC Tenant Assistance, Relocation, and Real Property Acquisition Policy. Elders applying for the Rehabilitation Program or the Relocation Program must meet all eligibility requirements for the specific program, including income eligibility.
- j. CRHC, at its discretion, may also utilize rehabilitation funds allocated for this program for multi-unit projects within Tribally Owned housing. Such projects may include, but are not limited to, re-roofing neighborhoods, painting the exterior of several homes at once, or fencing projects within a neighborhood.

2. Eligible and Priority Rehabilitation Improvements

- a. Eligible activities include moderate or substantial rehabilitation of affordable housing or reconstruction of affordable housing including but not limited to: Lead-based paint hazards elimination or reduction, improvements to provide physical accessibility for disabled persons, energy-related improvements, removal of code deficiencies, and removal of incipient code deficiencies,

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improvements to extend the useful life of the house, demolition costs when part of a rehabilitation, site improvements or utility connections, and depending on funding availability, assistance may also be used to improve function and modernization of affordable housing of moderate design (e.g. remodeled bathrooms and kitchens, including permanently installed appliances, i.e. built in range and/or oven, range hood, microwave, dishwasher). When basic improvements are involved, the following costs can be included: new free standing range, refrigerator, washer and dryer, trash compactor and other accessories. Please see the Waiting List below for preference ranking and selection criteria.

- b. Eligible soft costs are reasonable and necessary costs (paid to a third party), including but not limited to:
 - (1) 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, and other customary fees.
 - (2) Construction Related Costs: Architectural fees, engineering fees, inspections, preparation of work write-ups and cost estimates, and site surveys.

- c. Eligible rehabilitation projects will be addressed giving preference to Mechoopda Tribal Members and Elders according to the following targeted priorities:
 - (1) *Mechoopda Tribal Preference* - Those members of the Mechoopda Indian Tribe shall receive preference in priority when selecting applicants for the rehabilitation assistance program.
 - (2) *Elder Preference* - Those whom are sixty-two (62) years an older with rehabilitation needs shall receive preference and priority over the general population.
 - (3) *Emergency Health & Safety Repairs* - Rehabilitation need must demonstrate family's safety and/or the integrity of the home or property would be jeopardized if not addressed. Examples include but are not limited to: fire destruction which displaces the family or creates an unhealthy living environment; flood damage which displaces the family or creates an unhealthy living environment; sole source heating repairs occurring in the winter; mold; major plumbing, sewer, electrical, structural, mechanical and roof deficiencies which if not repaired in a timely manner will further deteriorate the integrity of the property, especially if the condition creates an unhealthy or unsanitary living condition.
 - (4) *Disabled Access* - Providing access to the home and its amenities for those disabled persons who reside within the home, such ramps, handrails, bathroom safety grab bars, and special permanent fixtures.

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- (5) *Code violations & Incipient code violations* - Code violations are considered to be any structural deficiencies that fail to meet the Uniform Housing Code pursuant to the area in which the house is located. Incipient code violations are structural components that appear to be near failure or might soon become a code violation.
- (6) *Energy Conservation Repairs* - Repairs not covered under code or incipient code violations that would improve the energy efficiency of the home and lower its costs of operation.
- (7) *Overcrowded Conditions* - Room addition rehabilitation projects to alleviate an overcrowded condition as defined by the household exceeding two persons per bedroom.
- (8) *Extension of useful life* - Repairs not covered under code or incipient code violations. Examples include repairing siding and sheetrock, interior and exterior painting, replacement of worn flooring, cabinets, interior doors, gutters, foundation upgrades, retaining walls, and other repairs that can extend the useful life of the property.
- (9) *Improved function/modernization* - Example is a remodeled bathroom or kitchen of moderate design.
- (10) Applicants shall be ranked and selected for such priorities identified above according to the following waiting list and points criteria:

| Priority / Preference | Example | Points |
|---|--------------------------------------|--------|
| Mechoopda Preference | Non-Mechoopda vs. Mechoopda | 100 |
| Elder Preference | Over 62 | 25 |
| Emergency Health & Safety Need | Water Supply | 25 |
| Disabled Access | Bathroom Accessibility | 20 |
| Code Violations / Incipient Code Violations | Excessive dry rot of structure | 10 |
| Energy Conservation | Dual pane windows | 10 |
| Overcrowded Conditions | 6 people living in a 2 bedroom house | 10 |
| Extension of Useful Life | Replacement of worn flooring | 5 |
| Improved Function / Modernization | Remodeling Kitchen | 5 |

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- d. Luxury items and improvements that do not become a permanent part of the real property are not eligible as a cost of rehabilitation. These items (not limited to this list) are not eligible under this policy, including the repair of any of the following: barbeque pit; bathhouse; dumbwaiter; hot tub; sauna, spa, and

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whirlpool bath; outdoor fireplace or hearth; photo mural; installation of swimming pool; gazebo; television antenna; security systems; satellite dish; tennis court; Additions or alterations to provide for commercial use are not eligible under this program.

- e. The maximum cost of rehabilitation expended on a housing unit during its useful life, cannot exceed the cost of replacement of a similar type of dwelling 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. CRHC shall comply with the Total Development Cost (TDC) limits, published periodically by HUD, to establish the maximum amount of funds (from all sources) that may be used to rehabilitate affordable housing.
- f. The maximum cost in the aggregate of all construction contracts per housing unit for each rehabilitation project is not to exceed \$45,000, subject to paragraph h.
- g. Homeowners can apply for an additional project ten (10) years after completion of the first project with the exception stipulated in paragraph h. Approval of one grant does not necessarily constitute approval of a new grant. The application process must be completed in its entirety for each request. The new grant application will not take priority over other homeowners who have not accessed the program.
- h. Homeowners assisted with Rehabilitation Assistance in the previous ten (10) years prior to the 2011 amendment are eligible to apply for additional assistance two (2) years after completion of the previous project. However, the maximum construction cost for such applicants shall be reduced by the amount in the aggregate of assistance provided within the previous ten (10) years from the date of the application acceptance. In example, a previous recipient that has received an accumulation of assistance in the amount of \$24,000 in construction contracts is now eligible for maximum construction contract(s) cost of \$21,000 in assistance ($\$45,000 - \$24,000 = \$21,000$).
- i. Homeowners assisted with Down-payment Assistance through CRHC's Homebuyer Assistance program may apply for Rehabilitation Assistance ten (10) years after such assistance was provided. Homeowners assisted with Refinancing Assistance may apply for Rehabilitation Assistance two (2) years, three (3) months after receiving such assistance.
- j. A Land Restriction Agreement shall be recorded on the property after project completion. The purpose of this Agreement is to ensure the federal funds expended on the project are used in accordance with their purpose during an established period of time according to the corresponding regulations of the federal funding source. Therefore, each Recipient shall be required to execute a Land Restriction Agreement that shall be recorded at the applicable county recorder office at the earliest convenience

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upon project completion. The Agreement shall stipulate that the property shall be used only for residential purposes and that residential occupancy shall only be by individuals or families who are either (i) members of, or are headed by a member of, a Federally recognized tribe or an eligible State recognized tribe who are low-income at the time assistance was received, or (ii) a surviving non-tribal domestic partner(s) or child(ren) of such a person who shared in the occupancy of that property at the time of the death of such a person. The Agreement shall be binding and enforceable for current buyer/owners as well as any subsequent buyer/owners. The term of the Agreement shall be ten (10) years. The Agreement shall stipulate that the Recipient shall carry active homeowners insurance on the property during the term of the Agreement. The Agreement shall stipulate that CRHC shall be entitled to recover amounts for any violation of the Agreement during the term of the Agreement in accordance with the schedule below. Projects funded with ICDBG funds in excess of \$25,000 shall have specified within the Agreement the right for CRHC to recover the entire amount of assistance provided within five (5) years after the date of the grant closure.

Land Restriction Agreement Recovery Schedule

| Months During the Agreement Term | Percentage of Recovery Amount |
|----------------------------------|-------------------------------|
| 0 - 72 | 100% |
| 73 - 84 | 80% |
| 85 - 96 | 60% |
| 97 - 108 | 40% |
| 109 - 120 | 20% |

C. Construction Management Methods and Contracting Requirements

CRHC shall assume all construction management responsibility for completion of eligible rehabilitation projects.

1. Construction Management Procedure

- a. In consultation with the homeowner, a Scope of Work shall be developed by CRHC that will address the highest priority needs of the home that can be met with available funding.
- b. Environmental review shall be conducted in accordance with Section D of this policy by CRHC or its agent. Under normal circumstances, this can be initiated during the time as in the development of the Scope of Work.
- c. Once an approved Scope of Work and the necessary funding is allocated for the project, CRHC will solicit for construction labor services or a general contractor to supply labor and materials.
- d. CRHC will be responsible for evaluating multiple written quotes and will award and enter into contracts with the responsible bidder according to CRHC's Procurement Policy, which is applicable to federal procurement and contracting requirements.

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1 However, the environmental review shall be completed prior to
2 the initiation of any construction.
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- 4 e. Any unforeseen damages during construction that effect the
5 performance of the contract or the contractor’s ability to
6 complete the project within the timeframe as specified in the
7 construction contract/s shall be dealt with on a case-by-case
8 basis. CRHC shall strive to repair any incurred unforeseen
9 damages under the construction contract, which may require an
10 amendment to modify the original Scope of Work. However, if
11 such damages cannot be repaired under the construction
12 contract/s or the costs of such repairs exceed that allowable
13 amount specified in Section 2.f. of this policy for the entire
14 project, CRHC shall select the best method to rehab the home
15 with the available resources. In any case where the allowable
16 amount is met, all additional repairs shall be at the owner’s
17 expense. CRHC shall closely consult with the owner and the
18 contractor to insure all required unforeseen damage repairs are
19 conducted in a timely manner in order for the contractor to
20 complete the project, and that in the event the owner opts to
21 make additional repairs at the owner’s expense, such repairs will
22 not interfere with the performance of CRHC’s construction
23 contract or timeframe.
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25 **D. Environmental Review**
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27 The environmental effects of each activity carried out with assistance under
28 this part must be evaluated in accordance with the provisions of the
29 National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the
30 related authorities listed in HUD’s implementing regulations at 24 CFR
31 1000.18 and 24 CFR parts 50 and 58. No funds may be committed to a grant
32 activity or project before the completion of the environmental review and
33 approval of the request for release of funds and related certification
34 required by sections 105(b) and 105(c) of NAHASDA, except as authorized by
35 24 CFR part 58 such as for the costs of environmental reviews and other
36 planning and administrative expenses.
37

38 **E. Flood Insurance**
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40 Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C.
41 4001-4128), a recipient may not permit the use of Federal financial
42 assistance for acquisition and construction purposes (including
43 rehabilitation) in an area identified by the Federal Emergency Management
44 Agency (FEMA) as having special flood hazards, unless the following
45 conditions are met: (a) The community in which the area is situated is
46 participating in the National Flood Insurance Program in accord with section
47 202(a) of the Flood Disaster Protection of 1973 (42 U.S.C. 4106(a)), or less
48 than a year has Act passed since FEMA notification regarding such flood
49 hazards. For this purpose, the “community” is the governmental entity,
50 such as an Indian tribe or authorized tribal organization, an Alaska Native
51 village, or authorized Native organization, or a municipality or county, that
52 has authority to adopt and enforce flood plain management regulations for
53 the area; and (b) Where the community is participating in the National Flood
54 Insurance Program, flood insurance on the building is obtained in compliance
55 with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C.

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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.

F. Appeals Procedure

Should the Executive Director disapprove any application, the applicant may appeal the decision by filing a Grievance Request Form 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.

G. Relocation Assistance Policy

In the implementation of housing development activities under this policy, CRHC will comply with, and follow, CRHC's Tenant Assistance, Relocation, and Real Property Acquisition Policy as well as the applicable provisions of the Uniform Relocation Act of 1970 (URA), 24 CFR 1000.14, 24 CFR 1003.602, and any other applicable laws and regulations as required to minimize displacement of applicants and provide reimbursement for temporary relocation of displaced persons receiving assistance under this program.

H. 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 CRHC agrees to hire only certified inspectors, contractors and risk assessors to work with and assess lead-based paint/hazards. Any work that must be completed to address lead-based paint hazards will be considered a "code deficiency" and will be given priority over non-code items. 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).

I. 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.

J. Labor Provisions

1. Statutory and Regulatory Requirements

NAHASDA requires CRHC, as the Recipient of Indian Housing Block Grant funding and any contractors or subcontractors hired by CRHC to abide by certain labor standards requirements, found in 24 CFR §

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1000.16. If CRHC as the IHBG Recipient acts as prime or general contractor, it is responsible for the full compliance of all employers (contractor, subcontractors, and any lower-tier relationships) with the labor standards provisions applicable to the project.

2. 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 homebuyers to rehab owner-occupied housing, TDWR wage rates apply to the construction of the housing.

3. Contract Work Hours and Safety Standards 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 eight (8) hours and a standard workweek of forty (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 one and a half (1 ½) times the basic rate of pay for all hours worked in excess of eight (8) hours in any calendar day or forty (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.

4. 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.

5. 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).

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K. Non-Discrimination

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

L. 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.

M. 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

N. 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 to the applicable definitions of Section 4 of NAHASDA (25 USC 4103).2