

CHICO RANCHERIA HOUSING CORPORATION

Homebuyer Assistance Policy

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Homebuyer Assistance Policy

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<u>HOMEBUYER ASSISTANCE POLICY</u>		Effective Date: 05-04-2020
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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 homebuyer's assistance goals in the providing of grant assistance.
- c. Providing grants to meet individual applicant needs.
- d. Maintaining 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 a prospective applicant to prepare the 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 his/her understanding of the terms and conditions of receiving such assistance, including but not limited to the applicant certifying under penalty of perjury or fraud, that the home purchased shall be his/her principal residence and that the home is not being 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 Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975. Members of a state-recognized tribe may

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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 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) 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 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 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).

- 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.

WAITLIST POINT PREFERENCE	# OF POINTS:
Mechoopda Tribal Family	100
Disabled Family	5
Each Elderly Person	5
Dependent Minor (each)	1
Involuntarily Displaced	5
Displaced by a Natural Disaster	15

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2 e. Lessees of the tribally owned homes under the *Lease to Own*
3 *Program* are eligible for assistance under this policy for the
4 purchase of non-tribally owned homes only.
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9 **2. Eligible Property**

- 10 a. Eligible property must be within the *Indian Service Area*. CRHC's
11 Indian Service Area is the jurisdiction authorized by the Mechoopda
12 Indian Tribe for CRHC to operate affordable housing programs.
13 Each program may have a different Indian Service Area as defined
14 in the annual Indian Housing Plan. The service area for the
15 Homebuyer Assistance Program is defined as all areas of the United
16 States.
17

- 18 b. Eligible property types include any property that will serve as the
19 purchaser's principal residence, including:
20

21 (1) A single-family property that is here defined as a single-
22 unit family residence, detached or attached to other housing
23 structures. Multifamily properties (buildings containing two or
24 more individual units) are not eligible.

25 (2) A condominium unit; or

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

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

- 48 1. Must meet the minimum unit sizes for the
49 Program (see section d.4 below).

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2. The home must be constructed in conformance with the Federal Manufactured Home Construction and Safety Standards as 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

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that meets or exceeds applicable requirements in the Permanent Foundations Guide for Manufactured Housing issued September 1996 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, one-hundred and fifty percent (150%) 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 sixty-five degrees (65°) 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.

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- 1 (2) Plumbing System. The plumbing system must:
- 2 (a) Use a properly installed system of piping.
- 3 (b) Include a kitchen sink and a separate bathroom with
- 4 lavatory, toilet, and bath or shower.
- 5 (c) Use water supply, plumbing, and sewage disposal systems
- 6 that conform to any applicable Tribal code. If there is no
- 7 applicable Tribal code, the plumbing must comply with the
- 8 minimum standards established by the applicable county
- 9 or state. If water and sewer systems cannot be connected
- 10 to public systems, the water well and/or septic system
- 11 must meet the requirements of the local health authority
- 12 with jurisdiction.
- 13 (3) Electrical System. The electrical system must use wiring
- 14 and equipment that is properly installed and safely
- 15 supplies electrical energy for lighting and operation of
- 16 appliances and that conforms to any applicable Tribal
- 17 code. If there is no applicable Tribal code, the electrical
- 18 system must comply with an appropriate county, state, or
- 19 national code.
- 20 (4) Unit Size. The Section 184 statute specifies minimum unit
- 21 sizes for the Program. The statute does not specify a
- 22 maximum unit size, although all units must be modest in
- 23 size and design (see paragraph c of this section).
- 24 Borrowers should select homes that are within their
- 25 budget and meet the needs of their family.
- 26 The size of the unit may be no smaller than:
- 27 (a) 570 square feet in size, if the unit is designed for a family
- 28 of one to four persons.
- 29 (b) 850 square feet in size, if the unit is designed for a family
- 30 of between five and seven persons.
- 31 (c) 1,020 square feet in size if the unit is designed for a family
- 32 of eight or more persons.
- 33 In extenuating cases, with relevant justification, the Board
- 34 of Directors may waive the above-stated unit size
- 35 requirements based upon a request from the applicant. If
- 36 the action involves the Section 184 program, the waiver
- 37 will be requested from the HUD ONAP Office.
- 38 (5) Energy Efficiency. For new construction or substantial
- 39 rehabilitation (rehabilitation costing \$25,000 or more), the
- 40 dwelling unit must comply with the energy performance
- 41 standards for new construction established by the
- 42 Department under section 526(a) of the National Housing
- 43 Act.

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(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 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 Down Payment and Closing Cost Assistance

- a. Funding will be provided by means of payment directly to the Title Company selected to handle the applicant's escrow. The loan on the home purchase must pass all federal government qualified mortgage rules effective January 10th, 2014. 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 one-hundred percent (100%) 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.
- b. 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 (10) 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.
- c. For down payment assistance, the grantee shall retain a qualified, licensed housing inspector. A copy of the written inspection report

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1 shall be submitted to the Housing Corporation, prior to release of
2 funds. Should the home be found to be ineligible for funding, based on
3 failure to pass the inspection, a grant will not be made on a unit that
4 fails. Payment for the home inspection can be a portion of the grant;
5 however, where the unit fails to pass the inspection, the CRHC will not
6 pay for the inspection. Grantees are advised to make it a condition of
7 the purchase that the unit passes a home inspection and that upon
8 passing, the Grantee will reimburse the Seller for the inspection cost in
9 escrow.

10
11 d. Other information regarding down payment assistance:

12
13 (1) *Interest rate buy-down assistance.* A form of gap
14 financing used when applicants have a steady income that is
15 insufficient to cover the total monthly payment. The Corporation
16 can provide funds directly to the lender to reduce the interest
17 rate on the applicant's loan to reduce the size of the monthly
18 payment.

19
20 (2) *Other eligible soft costs.* Reasonable and necessary costs (paid
21 to a third party), including but not limited to: finance Related
22 Costs- origination fees, credit reports, title reports and updates,
23 recordation fees, preparation and filing of legal documents,
24 appraisal, attorney's fees, loan-processing fees, insurance and
25 other customary fees.

26
27 (3) *Maximum assistance.* The level of assistance that can be
28 provided to an applicant is contingent upon available funding and
29 according to priority goals of the Corporation. However, the
30 maximum amount of assistance that may be provided under this
31 program is calculated as twenty-five percent (25%) **of the loan**
32 **amount** up to a ceiling limit of \$45,000.

33
34 (4) *Applicant's minimum contribution.* The applicant shall
35 be required to contribute a minimum of one percent (1%), or
36 \$1,000, whichever is less towards the cost of the home purchase.

37
38 e. Refinance Assistance. Funding may also be used to pay for closing costs
39 and other soft costs to refinance a borrower's primary home loan to
40 either lower the mortgage payment and/or interest rate.

41
42 (1) *No Cash Back.* The refinance must be a streamline, or
43 no-cash back, with a fixed interest rate for the whole term. A no-
44 cash back refinance is when the borrower is not permitted to
45 receive cash back at closing. A streamline is when the borrower
46 already has a federal loan and would like to reduce his/her
47 interest rate and mortgage payment. If the borrower's current
48 loan is already a fixed interest rate loan, the reduction in
49 mortgage payment must be at least five percent (5%) of the
50 current mortgage payment. (FHA and Section 184 refinance
51 guidelines).

52
53 (2) *Lending Requirements.* All loans to be assisted through
54 refinance assistance shall be made through lenders approved by
55 FHA, Fannie Mae, Freddie Mac; a farm credit system institution

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with direct lending authority or any lender participating in other federal loan programs.

(3) Maximum Assistance. The program will pay one-hundred percent (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, in other words, the assistance must be feasible. See examples below.

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

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1 \$10 per month extra: Not Feasible; $\$53 \times 180 \text{ months} = \$9,540$; $\$9,540 > \$8,000$: Feasible

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5 **C. Environmental Review**

6 The environmental effects of each activity carried out with assistance under
7 this part must be evaluated in accordance with the provisions of the
8 National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321) and the
9 related authorities listed in HUD's implementing regulations at 24 CFR
10 1000.18 and 24 CFR parts 50 and 58. No funds may be committed to a grant
11 activity or project before the completion of the environmental review and
12 approval of the request for release of funds and related certification
13 required by sections 105(b) and 105(c) of NAHASDA, except as authorized by
14 24 CFR part 58 such as for the costs of environmental reviews and other
15 planning and administrative expenses.
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18 **D. Flood Insurance**

19 Under the Flood Disaster Protection Act of 1973, as amended (42 U.S.C.
20 4001-4128), a recipient may not permit the use of Federal financial
21 assistance for acquisition and construction purposes (including
22 rehabilitation) in an area identified by the Federal Emergency Management
23 Agency (FEMA) as having special flood hazards, unless the following
24 conditions are met: (a) The community in which the area is situated is
25 participating in the National Flood Insurance Program in accord with section
26 202(a) of the Flood Disaster Protection of 1973 (42 U.S.C. 4106(a)), or less
27 than a year has Act passed since FEMA notification regarding such flood
28 hazards. For this purpose, the "community" is the governmental entity,
29 such as an Indian tribe or authorized tribal organization, an Alaska Native
30 village, or authorized Native organization, or a municipality or county, that
31 has authority to adopt and enforce flood plain management regulations for
32 the area; and (b) Where the community is participating in the National Flood
33 Insurance Program, flood insurance on the building is obtained in compliance
34 with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C.
35 4012(a)); provided, that if the financial assistance is in the form of a loan or
36 an insurance or guaranty of a loan, the amount of flood insurance required
37 need not exceed the outstanding principal balance of the loan and need not
38 be required beyond the term of the loan.
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41 **E. Appeals Procedure**

42 Should the Executive Director disapprove any application, the applicant may
43 appeal the decision by filing a written notice with the Board of Directors
44 within ten (10) working days following the mailing of notice of disapproval.
45 The applicant shall be entitled to be present at a meeting of the Board of
46 Directors and shall have the right to present oral or written communication
47 with regard to the reconsideration. The decision of the Board of Directors
48 shall be considered final action of the Corporation.
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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.

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.

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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).