

# YUROK INDIAN HOUSING AUTHORITY



## Collections and Evictions Policy

### **PURPOSE**

By adopting this "Collection and Eviction Policy", the Board is directing the YIHA to assure prompt payment from residents. We want to avoid residents getting so far behind that they lose their housing by being unable to catch up. We recognize that a disciplined collection and eviction policy helps low income residents retain affordable housing in our Tribal community. We also recognize the importance of providing Lease-To-Own Resident/Resident training. This training will include financial planning and referring families to other supportive services, when needed.

Maintaining financial soundness of the Yurok Indian Housing Authority Programs is a high priority. Payments must be paid according to the Lease-To-Own Occupancy Agreement/Resident Occupancy Agreement. Required monthly payments stay with the housing authority where they are used to buy fire and extended coverage insurance and to operate, maintain and expand our housing program for current and future residents. No funds are sent to HUD.

Living in YIHA homes has both benefits and obligations, which go hand in hand as a "package deal". HUD's deep subsidies make Indian housing one of the best housing deals in America because required monthly payments are based only on household income. In return for not having to pay for the full cost of a house, residents are to be held fully accountable for those smaller payments they are required to make. If a family's income changes, federal law requires that their required monthly payment be adjusted up or down annually to assure that their monthly payments do not exceed 30% of their Monthly Adjusted Gross Income. If there are changes in their income, residents are required to notify the YIHA so that adjustments can be made to reflect the 30% income rule.

Residents are expected to take full responsibility for their personal financial situation to the extent of being able to make their required monthly payments in full and on time, every month. In addition, YIHA houses are a Tribal resource so residents are expected to care for them in such a way that they will remain fully useable by future generations. Residents will be required to pay for costs of repairing damage to homes.

### **POSTING**

A copy of this policy will be posted prominently in the YIHA office and will be provided to residents at move-in and upon request. The provisions of this policy will be incorporated into the YIHA's Lease-To-Own Occupancy Agreements /Resident Occupancy Agreements.

### **DUE DATES FOR MONTHLY PAYMENTS OR OTHER CHARGES**

All monthly payments are due and payable in full by the first (1st) day of each month without a reminder notice from the YIHA. If the 1<sup>st</sup> day of the month falls on a holiday or weekend, payment will be due on the next business day.

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**\*HOMEOWNERS-SEE INDIVIDUAL HOMEOWNERSHIP AGREEMENTS.**

### NOTICES AND HEARINGS

#### A. "30 DAY PAY OR VACATE" NOTICE

If the required payment is not received by close of business on the **fifth (5<sup>th</sup>)** working day of the month, excluding weekends or holidays, YIHA will issue a "30 Day Pay or Vacate" notice on the next business day, delivered in person to any adult resident or posted on the residence and also sent by certified mail with return receipt requested, reminding the residents that:

- (1) they have an obligation to make required payments on the first (1<sup>st</sup>) of the month;
- (2) they are in default of their payment;
- (3) prompt payment is a requirement for continued occupancy and a \$30 late fee has been levied to pay for the costs of preparing and mailing the notice; (if the resident pays rent within 5 working days from the date of notice the \$30 late fee will be forgiven.)
- (4) they are required to either make their payment or surrender possession of the premises;
- (5) the resident may request in writing for a grievance hearing based upon the Grievance Policy.

#### B. EVICTION:

If at the end of the 30 day notice period, the resident has not paid in full, including the \$30 late fee or vacated, the housing authority will immediately terminate the Resident Occupancy Agreement or Lease-To-Own Occupancy Agreement and file an unlawful detainer action in the appropriate jurisdictional court to obtain a Writ of Restitution to the housing authority. All court costs, legal fees and all other expenses will be charged to the resident's account.

The court papers will be served by a YIHA server, and/or any Law Enforcement Agency by delivering the papers personally to any adult resident of the home or by posting them on the residence and sending a copy by certified mail, return receipt requested.

**\*HOMEOWNERS SEE INDIVIDUAL HOMEOWNERSHIP AGREEMENTS\***

### LEAVING WITH A DELINQUENCY

Residents with terminated Occupancy Agreements or Lease-To-Own Occupancy Agreements or applicants that have debt balances with the YIHA will not be placed on the waiting list for future housing assistance from the YIHA until after those debts have been paid in full.

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### **CHARGES TO RESIDENTS FOR DAMAGE AND REPAIRS**

Refer to: "Occupancy Policy, Section 11: Homebuyer Repair Standards/ **Low Rent Maintenance Policy, "Section II"**.

### **VACANCY WITHOUT NOTICE**

Refer to: "Occupancy Policy, Section 18: Voluntary and Involuntary Terminations"

### **COURT ACTION TO COLLECT AMOUNTS OWED**

Refer to: "Resident Occupancy Agreement/Lease-To-Own Occupancy Agreement"

### **AUTOMATIC PAYMENTS / PAYMENTS IN ADVANCE**

The Housing Authority will request, encourage and accept payroll deductions, direct deposits and other forms of automatic payments on behalf of residents. Payments in advance will be accepted and credited to the residents' accounts.

### **EVICCTIONS FOR OTHER LEASE VIOLATIONS**

Refer to: "Occupancy Policy, Section 19: Program Violations"

### **C\*E\*R\*T\*F\*I\*C\*A\*T\*I\*O\*N**

This is to certify the Collections and Evictions Policy of the Yurok Indian Housing Authority was approved at a duly called meeting of the Board of Commissioners on April 13, 2009 at which a quorum was present and the Collections and Evictions Policy was adopted by a vote of 6 For, 0 Apposed, and 0 Abstentions.

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Wanda Green, Chairperson  
Yurok Indian Housing Authority Board of Commissioners

ATTEST:

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Sherri Reece, Secretary  
Yurok Indian Housing Authority Board of Commissioners