

# YUROK INDIAN HOUSING AUTHORITY



## HOMEBUYER ADMISSION POLICIES

### Introduction

All policies adopted by the YIHA are intended for the benefit and well being of its communities and Homebuyer Residents. These admission policies are hereby incorporated into all Homebuyer Resident agreements by reference. They are also to be posted prominently in the YIHA Office and be made available to applicants and Homebuyer Residents upon request.

### A. Eligibility for Admission to YIHA's Homebuyer Program

To qualify for admission, an applicant must submit a complete and signed application and must meet all of the following conditions:

1. The applicant must be a **Native American** and be either the sole head of his/her family or be one of the two heads of his/her family who is legally and financially responsible for the family.
2. At admission, his/her gross household income, before deductions, cannot exceed the national Income Limits as published annually by HUD and adopted by the YIHA Board of Commissioners.
3. As an applicant he/she is able to fulfill all of the obligations of a Homebuyer Resident as outlined in the Homebuyer Resident agreement, including paying the required damage, security deposit, making the required monthly payments on time, paying all utility costs on time including paying the required Homebuyer Resident's contribution or down payment, if required **and** promptly performing all of the maintenance and damage repair on the property.
4. **The applicant will be required to attend a Homebuyer Education Class.**
5. The proposed land site must be Tribal trust land, allotted trust land or be individually owned fee land that is free of financial liens, unless imposed by the YIHA. It must meet the environmental, archaeological, flood plain, soils and other housing construction requirements of the IHS, BIA and HUD.
6. A Homebuyer Resident applicant's family's income must be high enough so the combined total costs of the current administrative charge and the projected costs for maintenance (\$50/mo.) do not exceed 30% of adjusted family income.
7. **The Homebuyer's income must be at such a level that the above expenses would be within 30% of the Homebuyer's income and is likely to remain at such a level, evidenced by the homebuyer's prior three years work history.**
8. The relevant information regarding habits or practices to be considered in determining the eligibility of applicants includes:
  - a) An applicant's record of disturbing neighbors, destroying property or having living or

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housekeeping habits at prior residences which may adversely affect the health, safety or welfare of other Homebuyer Residents will disqualify them from the YIHA housing program.

b) A Homebuyer Resident applicant must provide in writing, a good rent payment history for the past 36 months.

If the YIHA receives unfavorable information through Background and/or Credit Report about an applicant, consideration will be given to the time, nature and extent of the applicant's conduct and to factors, which indicate the likelihood of favorable future, conduct, such as:

- 1) Evidence of payment of debts and rents owed;
- 2) Evidence of the offender's successful participation in rehabilitation or other appropriate counseling programs, including no relapses during the previous 5 years.

All information obtained from and about an applicant household will be held in strictest confidence, respecting each individual's right to privacy.

Applicants will be informed that they have the right to appeal YIHA actions or its failure to act through the formal grievance procedure, as noted in the grievance policy.

### **B. Receipt of Applications and Determination of Eligibility**

1. All applications will be date stamped when accepted by the YIHA.
2. A preliminary determination of eligibility will be made based solely on the information in the application. Verification of household income and background checks will be made just prior to the offer of a home and prior to the signing of any Homebuyer Resident agreement. A final determination of eligibility will be made at that time.
3. A waiting list will be established for eligible Homebuyer Resident applicants according to Addendum "B": Selection Rating.
4. A family on any other waiting list, or a tenant in a rental project of the YIHA, must also submit a written request to be considered for a Homebuyer Resident home. YIHA tenants will be allowed to use the date of their original Rental application as their Homeownership application date.
5. Applications from families already on a waiting list for any YIHA housing will have the same date when applying for other YIHA housing. The filing of an application for Homebuyer Resident housing by a family which is an applicant for other YIHA housing, or is a tenant in such housing, will in no way affect its status with regard to such other housing. The applicant will not lose its place on another YIHA housing waiting list until it has been selected as a Homebuyer Resident and the Homebuyer Resident Agreement has been signed.

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6. If an applicant is found to be ineligible for admission, the YIHA will give him/her a written notice, which will state the reason for the ineligibility. The Housing Authority staff shall make every effort to respond to **the applicant's concerns resulting in their ineligibility. If the ineligibility remains unresolved, the applicant has a right to the grievance procedure.** All applications from families determined to be ineligible will be retained by the YIHA for at least three years from the date of application.
7. To be selected, an applicant must agree to participate in our Homebuyer **Education Class.**

### **C. Documentation and Verification of Information Provided by Applicants**

All written statements made by the family in the application that may affect the determination of eligibility or the level of payments will be independently verified by the YIHA before any agreements are signed and before move-in. The YIHA will assure accurate determination of eligibility and payments while at the same time respecting the privacy of applicants **as cited in the YIHA Occupancy Policy regarding Documentation and Verification of Information.**

### **D. Selection of Homebuyer Residents**

**Selection of Homebuyer Residents shall be made in according to Addendum "B": Selection Rating.**

### **E. Homebuyer Resident Selection Requirements**

Selection of a Homebuyer Resident will be made only after the site for the Homebuyer Resident has received final site approval or the home has been purchased by the Housing Authority. The YIHA will include the following statements in the Homebuyer Resident's written Notice of Selection:

- a. That the family has been selected for a home and that the site for the family has been approved;
- b. That the applicant must sign and return an enclosed statement of willingness to execute a Homebuyer Resident Agreement;
- c. That the family will be advised at a later date of:
  - 1) the time and place to execute the Homebuyer Resident Agreement; and
  - 2) the name of the person or persons who must execute it on behalf of the family;
- d. That after execution of the construction contract and/or Homebuyer Agreement, the family will receive a Notice of Confirmation which will state the estimated date of completion of the home designated for the Homebuyer Resident, insofar as such date can be reasonably determined; and
- e. **That the issuance of the Notice of Selection does not constitute or give rise to any contractual obligation on the part of the YIHA or HUD.**

### **F. Occupancy Standards**

**Refer to Occupancy Policy ADDENDUM "C": Selection Criteria for Bedroom Size Home.**

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### G. Obligations of Homebuyer Residents

The obligation of Homebuyer Residents is contained in the Homebuyer Resident Agreement and the Occupancy Policy. The home will be conveyed when the final payment is made.

### H. Total Family Annual Income:

Yurok Tribal members whose total household annual income does not exceed HUD's established income limits. Annual income is defined for the purpose of this policy as the following: As reported under the Census long-form for the most recent available decennial Census.

Exclusive of certain types of income as provided in paragraph (2) of this definition.

#### Annual income includes, but is not limited to:

- (a) wages, salaries, tips, commissions, etc.;
- (b) self-employment income;
- (c) farm self-employment income;
- (d) interest, dividends, net rental income; or income from estates or trusts;
- (e) Social security or railroad retirement;
- (f) Supplemental security income, aid to families with dependent children, or other public assistance or public welfare program;
- (g) Retirement, survivor, or disability pensions; and
- (h) Any other sources of income received regularly, including Veterans' (VA) compensation, and alimony.

#### Annual income does not include the following:

- (i) Income from employment of children (including foster children) under the age of 18 years;
- (ii) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the tenant family, who are unable to live alone);
- (iii) Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains, and settlement for personal or property losses;
- (iv) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
- (v) Income of a live-in aide;
- (vi) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (vii) The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- (viii) (A) Amounts received under training programs funded by HUD;  
(B) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan for Achieving Self-Support (PASS);  
(C) Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special

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- equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program;
- (D) Amounts received under a student service stipend. A Homebuyer Resident service stipend is a modest amount (not to exceed \$200 per month) received by an Indian housing Homebuyer Resident for performing a service for The YIHA, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to fire patrol, hall monitoring, lawn maintenance and Homebuyer Resident initiatives coordination. No Homebuyer Resident may receive more than one such stipend during the same period of time.
- (E) Incremental earnings and benefits resulting to any family member from the participation in qualifying state or local employment training programs (including training programs not affiliated with local government) and training of a family member as Homebuyer Resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives and are excluded only for the period during which the family member participates in the employment training.
- (ix) Temporary, nonrecurring, or sporadic income (including gifts);
- (x) Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- (xi) Adoption assistance payments in excess of \$480 per adopted child;
- (xii) The earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Services Act of 1988, section 22 of the 1937 Act, or any comparable Federal, state, tribal, or local law during the exclusion period. For purposes of this paragraph (2) (xii) of this definition, the following definitions apply:
- (A) Comparable Federal, state, tribal, or local law means a program providing employment training and supportive services that--
- (1) Is authorized by Federal, state, tribal, or local law;
  - (2) Is funded by Federal, state, tribal, or local government;
  - (3) Is operated or administered by a public agency; and
  - (4) Has as its objective to assist participants in acquiring employment skills.
- (B) Exclusion period means the period during which the family member participates in a program described in this definition, plus 18 months from the date the family member begins the first job acquired by the family member after completion of such program that is not funded by public housing assistance under the 1937 Act. If the Homebuyer Resident is terminated from employment with good cause, the exclusion period shall end.
- (C) Earnings and Benefits mean the incremental earnings and benefits resulting from a qualifying employment-training program or subsequent job;
- (xiii) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
- (xiv) Amounts received by the family in the form of refunds or rebates under state or local law for property taxes on the home home;

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(xv) Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; or

(xvi) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the 1937 Act. A notice is published from time to time in the Federal Register and distributed to recipients identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.

(3) If it is not feasible to anticipate a level of income over a 12-month period, the income anticipated for a shorter period may be annualized subject to a redetermination at the end of the shorter period.

### **Adjusted Annual Income:**

To determine appropriate monthly payments, the following amounts will be deducted from a household's total anticipated annual income, as defined above:

1. \$480 for each dependent.
2. \$400 for a family with at least one member 62 years or older (elderly family).
3. (A) For any elderly family a medical deduction will be given for medical expenses, which exceed three percent (3%) of their gross household income. Medical expenses are those medical expenses, including medical insurance premiums that are anticipated during the period for which annual Income is computed and that are not covered by insurance.  
(b) Handicapped assistance expenses, which exceed three percent (3%) of annual income.  
(c) For and elderly family, combined handicapped assistance expenses and medical expenses that exceed three percent (3%) of annual income.
4. Child care expenses of children under 13 years of age where necessary to enable a family member to be gainfully employed or to further his or her education. The amount deducted will not exceed the amount of income derived from such employment. Where a competent adult is not working and not in school, no deduction is allowed.
5. A deduction for travel expenses in addition to the child care deduction, for excessive travel expenses. This deduction shall be used if travel expenses are greater than childcare expenses, but will not exceed \$25.00 per week (\$1,300/ yr.). This deduction will only be approved for employment or educational related travel. The YIHA will require that the Homebuyer Resident maintain a mileage log or provide receipts to verify this deduction.
6. Handicapped Assistance Expenses are reasonable expenses that are anticipated during the period for which Annual income is computed for attendant care and auxiliary apparatus for a Handicapped or disabled family member that are necessary to enable a family member (including the handicapped or disabled member) to be employed, provided that the expenses are neither paid to a member of the family nor reimbursed from outside sources.

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

This is to certify the Homebuyer Admissions 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 Homebuyer Admission Policy was adopted by a vote of 5 For, 0 Apposed, and 1 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