

YUROK INDIAN HOUSING AUTHORITY



HOUSING REHABILITATION/**REPLACEMENT** POLICY & PROCEDURES

The Yurok Indian Housing Authority (YIHA), a Tribal Designated Housing Entity, wishes to establish effective, fair and consistent policies and procedures for **Federally Recognized Native American** who are in need of housing rehabilitation/**replacement** assistance.

YIHA wishes to identify the following member families and/or individuals for priority consideration for housing assistance: **Refer to Addendum B: Selection Criteria Rating.**

YIHA assures that its housing project proposed for the rehabilitation program will be consistent with the Indian Housing Plan (IHP) submitted under the provisions of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

YIHA will be ultimately responsible for approving recipients for housing assistance. Selection decisions will be based on the criteria and priorities identified by this document and by any other special circumstances involved with a specific housing program.

Construction Standards

Standard housing conditions mean that the homes to be repaired and brought to this condition will, at minimum, provide and include the following, and will conform to Section 8 of 24 CFR 882.109 Quality Housing Standards. A "standard condition" housing unit is a home in the following condition:

1. A safe home in physically sound condition with all plumbing, heating, electrical, sanitation systems and satisfactorily performing their intended design functions.
2. Adequate security, such as exterior doors and windows with locks and exterior lighting.
3. Energy conservation measures such as insulation, weather-stripping, and double pane windows.
4. Adequate space to prevent overcrowding, including for each unit:
 - living room
 - kitchen area
 - bathroom
 - at least one bedroom of appropriate size for each two persons
 - persons of opposite sex, other than husband and wife or very young children, shall not be required to occupy the same bedroom or living/sleeping room

Housing Rehabilitation

1. YIHA's standard approach to housing rehabilitation is to improve housing conditions by removing or repairing defects in substandard housing in the following order of priority:

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- a. Structural defects:
 - i) foundation
 - ii) roof supports
 - iii) ceilings
 - iv) wall supports
 - v) roofs
 - vi) walls or partitions
 - vii) dry rot
 - viii) termite damage
 - ix) fumigation
 - b. plumbing defects
 - c. electrical defects
 - d. heating system defects
 - e. entrance and exit defects
 - f. removal of unsafe site materials or barriers, which restrict or impair accessibility for elderly or handicapped person, handicap accessibility and modifications
 - g. installation of smoke detectors or other minor fire prevention equipment as necessary
 - h. weatherization:
 - (i) sealing
 - (ii) insulation
 - (iii) painting
 - i. overcrowding
2. Assistance is limited to: **See Addendum B: Selection Rating Criteria**
- a. **Native American** members whose anticipated total household annual income does not exceed **YIHA's** established income limits as defined on "Addendum A".
Annual Income is defined for the purpose of this policy as reported under the Census long-form for the most recent available decennial Census.
Annual Income includes, but is not limited to:
 - (a) wages, salaries, tips, commissions;
 - (b) self-employment income;
 - (c) farm self-employment income;
 - (d) interest, dividends, net rental income, or income from estates or trust;
 - (e) Social security or railroad retirement;
 - (f) supplemental security income, aid to families with dependent children/**TANF**, 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

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- b. Dwellings must be owned by a **Native American** and located in Del Norte or Humboldt Counties, California. Owners agree in writing that the property. Requirements for real property owned by more than one person. If an applicant seeks housing rehabilitation assistance for a house owned by more than one person, the following requirements must be satisfied in order for the application to be approved, will not be sold during the five years immediately following rehabilitation to the unit.
- c. **If an applicant seeks housing rehabilitation assistance for a house owned by one or more than one person, the following requirements must be satisfied in order for the application to be approved.**
 1. **If the property is owned by an applicant and his or her spouse, the spouse must provide written approval of the application, and agree to be bound by the terms of the housing rehabilitation agreement with the applicant.**
 2. **If the property is fee land owned by more than one person (other than the applicant's spouse), in addition to the rehabilitation agreement with the applicant, the applicant and the other owners must sign an enforceable agreement that authorizes the rehabilitation work on the house, authorizes the applicant to reside in the house, and requires the housing receiving rehabilitation assistance to remain affordable as required by NAHASDA for the useful life of the house, as determined by YIHA under HUD's Program Guidance 2007-07.**
 3. **If the property is owned in trust by the United States for the applicant and other persons (other than the applicant's spouse) or has been assigned by the Tribe to the applicant and other persons (other than the applicant's spouse):**
 - a. **The applicant must be the principal occupant of the house and must either get the other owners to agree in a writing approved by YIHA as provided in subsection 3.b., below, or demonstrate that (1) he or she is not able to obtain that agreement from the other beneficial owners and (2) the applicant has been the principal occupant of the house for a period of not less than 5 years prior to the date of application and the other beneficial owners or assignees have not objected to the applicant's use of the home during his or her occupancy through verbal or written contacts with the applicant, the BIA or the Tribe;**
 - b. **In addition to the program agreement with the applicant, the applicant and the Tribe (if the property has been assigned to the applicant and other**

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persons by the Tribe) must agree in a writing or writings approved by YIHA that the applicant shall be the principal occupant of the house, the rehabilitation work may be performed on the house, and the house shall remain affordable as required by NAHASDA for the useful life of the house, as determined by YIHA under HUD's Program Guidance 2007-07.

4. Houses to be rehabilitated must be the permanent non-seasonal residences of the **Native American**. Permanent non-seasonal is defined as living in the residence for not less than nine (9) months out of a calendar year.
5. The cost of rehabilitating a house to standard condition should not exceed **\$150,000**. It is the policy of **the** YIHA that a housing unit is "not economically feasible to rehabilitate" if it will cost more than **\$150,000** to bring the unit up to standard condition. A housing unit is "suitable for rehabilitation" if it can be brought up to standard condition for a cost of less than **\$150,000**.
 - **Native American** whose home is not livable, or the cost of the rehabilitation (supplies, material, and labor) is above the **\$150,000** rehabilitation maximum and mobile homes built prior to 1985 will have their home replaced with a two (2) or three (3) bedroom modular/manufactured, **stick built** home. Replacement **shall** include the removal of the existing structure and site preparation. The cost of the replacement cannot exceed **\$150,000** per unit with delivery, set-up and site costs. **Removal costs of the existing structure will be born by the YIHA. The participant shall agree in writing to have the structure removed.**
 - **For participants of the program prior to this policy amendment, the structures that were not removed shall not be eligible for any future funding in any program.**
6. Housing units which are deemed "not suitable for rehabilitation", and mobile homes built prior to 1985, and the **homeowner** chooses not to replace their home, will only receive repairs, which are essential for the health and safety of the occupants. Such repairs should not cost more than \$5,000.
7. If replacement needs require a structure larger than two or three bedrooms, and/or if cost exceeds **\$150,000** then approval by the Board of Commissioners is required.

Houses that have received comprehensive rehabilitation assistance from any Tribal, State or Federal grant program within the past ten (10) years will not be assisted with NAHASDA funds to make the same repairs if the repairs are needed as a result of abuse

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or neglect. Applicants who have received assistance through the YIHA Rehabilitation and Replacement Program will not be eligible for future services under this program.

8. Recipient Selection Criteria and Priorities: As provided by "ADDENDUM B"
SELECTION RATING

Administration and Implementation:

Policies, procedures and staff are currently in place to guide the administration and implementation of the housing rehabilitation/**replacement** program pursuant to HUD guidelines, which include regulations and procedures relating to the following:

- a. Environmental assessment and determination of adverse impacts.
- b. Standard accounting principles associated with the requisition and disbursement of funds.
- c. Indian preference relating to the hiring of personnel when applicable.
- d. Responsible and accepted legal guidance concerning advertisement and solicitation of bids from contractors.
- e. Indian preference requirements in bidding procedures.
- f. Income verification.
- g. The repayment provisions which will be required if sale of the assisted house occurs prior to five (5) years after the rehabilitation work has been completed.
- h. There will be no modifications to the structure prior to the five (5) years after the rehabilitation work has been completed.

When the repair of a dwelling is so substantial that a family must vacate the premises to allow rehabilitation work to be completed, YIHA shall provide financial assistance to those families forced to temporarily relocate.

YIHA is required by HUD regulation 24 CFR 571.602(c) 2(iii) (quoted below) to use NAHASDA funds to pay relocation payments to these families:

"(iii) In any case in which the occupant of a dwelling is required to relocate for a temporary period in order to permit rehabilitation or demolition, the temporary relocation shall not exceed 12 months in duration, a safe and habitable dwelling shall be available to the person for the period of the temporary relocation, and the grantee shall pay actual reasonable out-of-pocket expenses, including any moving costs or increases in monthly housing costs, incurred by the person in connection with the temporary relocation."

Residents being temporarily relocated shall not be relocated in advance of no more than 30 days of the start of their project.

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The amount of payment to families who must temporarily relocate will be based on:

- 1) amount of relocation money available;
- 2) number of families qualifying for assistance, and
- 3) length of time relocation is necessary.

YIHA shall, at all times, endeavor to make use of all available resources in meeting the housing assistance needs of **Native Americans**. This effort shall include the solicitation of available housing assistance funds and resources of the Yurok Indian Housing Authority, Yurok Tribe and other government agencies and community-based organizations.

In order to address the housing needs of **Native Americans**, YIHA or the Tribe shall periodically conduct surveys of housing conditions of all Tribal members, within the Yurok Indian Housing Authority's designated Indian Area of Del Norte and Humboldt Counties and also of all **Native Americans** outside the designated Indian Area.

In all cases where housing assistance may be needed and the subject family is qualified for such assistance, YIHA shall procure the services of qualified contractors (i.e. architectural & engineering firm or housing inspector) to develop a Scope of Work for each unit for the purpose of developing cost estimates and including such unit in plans for housing assistance.

Households to be assisted **shall** be consulted regarding repairs to be completed **on their project**. They shall be provided a copy of final work write-ups and change orders to the work write-ups. They shall also sign all YIHA and/or contractor forms showing work successfully completed and recommending payment for such work. If a dispute arises between the assisted households and the contractors, YIHA's **Executive Director** shall try to resolve the dispute to the satisfaction of the households. If the dispute cannot be resolved at this level, the dispute shall be taken to the YIHA Board of Commissioners. If the Board of Commissioners is involved in the dispute, a qualified dispute resolution mediator shall be used to resolve the dispute.

All housing units slated for rehabilitation shall receive regular on-site inspections during repair by a qualified contractor/**inspector** chosen by YIHA.

The Deferred Maintenance and Long Term Impact Policy:

Owners of the units repaired with NAHASDA funds to standard condition will be required to maintain the units adequately; agree to forego any future claim on NAHASDA funds to repair items of deferred maintenance; and agree that they will not be eligible for additional **YIHA** housing services **under this program**. To implement this policy, YIHA will require the benefiting owners to sign an agreement agreeing to the policy's terms.

Housing Rehabilitation Standards:

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YIHA Resolution 99-04 adopted by the Board of Commissioners on May 17, 1999 resolves that the Humboldt County and Del Norte County Building Codes, or the Federal Uniform Building Codes, or the more stringent of the two, will be adhered to in the **YIHA** construction and rehabilitation projects both on and off the Yurok Reservation. It was further resolved that as such time that the Yurok Tribe adopts Yurok Tribal Building Codes more stringent, these codes will be adhered to in the **YIHA** construction and rehabilitation projects both on and off the Yurok Reservation.

Inspections:

Housing rehabilitation/**replacement** work will be inspected by a qualified inspector. A qualified housing construction and rehabilitation inspector is a journey level person who performs difficult and responsible work involving the inspection of new construction and housing rehabilitation projects. The inspector must be able to perform inspection work including: inspections of multiple attached or detached housing projects; conducting housing surveys and writing contract work specifications, preparing cost estimates on single unit dwellings and monitoring contractor's progress (quality control inspections).

The inspector will provide quality control inspections when a contractor requests payment of work completed. After each inspection, the inspector will provide **YIHA** a written inspection report with payment recommendations.

Counseling and Training:

Counseling and training in the areas of basic home maintenance, family budgeting and finances, and community resources will be available to participant households. Households unable to do their own maintenance (i.e. elderly and person with disabilities) will be provided special counseling and training and will be visited by **the Housing Services Manager and the Maintenance Manager** as agreed upon to identify special maintenance needs of the household.

Homeowner Costs or Fees:

Due to the high unemployment rate, the lack of employment opportunities, and the low levels of income received by **Native Americans** within the Yurok Indian Housing Authority's designated Indian Area, **YIHA** has elected not to charge any costs or fees to members who receive rehabilitation assistance, unless an approved applicant has not adhered to the policy and procedures of the **YIHA Elder Housing Rehabilitation/Replacement** Program. If a person has received **YIHA Housing Rehabilitation/Replacement** funding, and is found in violation of their signed agreement, they will be required to reimburse the Housing Authority the full amount of the amount funded less a prorated percentage of 20% for each year for a maximum of five (5) years.

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YIHA will enter into a third party contractual relationship to complete any housing rehabilitation/**replacement** assistance to be completed under the NAHASDA program.

Selection of Residents

Among eligible families of the size and composition appropriate to available unit, tenants shall be selected from a waiting list prioritized according to the foregoing preference and point system.

The preceding preference shall be followed. In the event of two or more eligible applicants for the same unit size with identical preference status, the Elder status and Household Annual Income of applications shall govern selection.

If the applicant is willing to accept the unit offered but is unable to move at the time of the offer and presents clear evidence of his or her inability to move, the applicant shall retain his or her place on the eligible applicant list and be offered the next succeeding vacancy of appropriate size.

When the YIHA determines that an application meets the admission requirements, but cannot be selected at the time, staff will promptly so notify the applicant in writing, stating the reasons why. The notice will also state that the applicant will remain on the YIHA's waiting list(s) for consideration for admission when a home becomes available.

C*E*R*T*I*C*A*T*I*O*N

This is to certify the Housing and Rehabilitation 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 Housing and Rehabilitation Policy was adopted by a vote of 5 For, 0 Opposed, and 0 Abstentions.

Wanda Green, Chairperson
Yurok Indian Housing Authority Board of Commissioners

ATTEST:

Kerri Malloy, Secretary
Yurok Indian Housing Authority Board of Commissioners