

SAMISH INDIAN NATION HOUSING PROGRAMS POLICY

Samish Tribal Code §13.200

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SAMISH INDIAN NATION HOUSING PROGRAMS POLICY

Samish Tribal Code §13.200

§ 13.200 GENERAL PROVISIONS

This Policy pertains to the following programs funded by the Indian Housing Block Grant (IHBG):

The Homeownership Program, by which the Homebuyer qualifies for a Mortgage with a lender;

The Rental Assistance Program, by which the qualified applicant receives Rental Assistance;

Rehabilitation / Repair Program, by which the qualified applicant receives Assistance.

(a) Adoption

The Admission Policy is adopted by Samish Tribal Council pursuant to Council Resolution and may only be amended by the Samish Tribal Council.

(b) Interpretation

(1) NAHSDA Regulations

Except as set for in Section 1.2.2, if any provision of these policies conflicts with the regulations adopted by the Department of Housing and Urban Development (HUD) to implement the Native American Housing and Self-Determination Act of 1996 (NAHSDA) (24 CFR§ 1000), the federal regulations shall prevail

(2) Definitions

The Housing Department relies upon definitions set forth in Appendix A of these policies in its interpretation and application of these Policies. In situations in which there is a difference between a definition contained in the Policies and Appendix A, the definition set forth in the Policies shall control.

(c) Housing Standards

The following standards will apply to all housing programs offered by the Samish Housing Department.

(1) Minimum Housing Quality Standards (HQS)

(A) The Samish Housing Department will utilize the housing quality standards adopted by the Tribe in determining if the unit is a decent, healthy and safe place to live or if the unit is safe, sanitary and in good repair.

(B) The Samish Housing Department will provide the participant with information to assist them in finding housing

that meets the minimum requirements for housing assistance through the Department

(2) Inspections

The Samish Housing Department will conduct or arrange to have conducted, a pre-occupancy inspections utilizing the adopted HQS and inspection form to insure the unit is a healthy, safe, and decent place (or safe, sanitary and in good repair) to reside prior to approval of assistance payments. If the unit does not pass the inspection, assistance can be approved if the owner/landlord is willing to make necessary repairs to bring the unit up to the minimum requirements. If the owner/ landlord is not willing to make the repairs required to bring the unit up to the minimum requirements, the Housing Department may not provide assistance to the applicant to acquire, rent or lease the housing unit.

§13.201 ELIGIBILITY

(a) Indian Families

(1) Eligibility

Except as specified below, to be eligible for assistance through the Tribe's Housing Program, at least one member of the family applying for assistance must be an enrolled member of a federally recognized Indian tribe.

(2) Non Indian Families

Non-Indian applicants may be eligible for housing assistance through the Housing Department provided that the Housing Department has determined that the presence of the non Indian family in the Samish community is essential to the well-being of the Samish community, and that the need for housing for the non Indian family cannot reasonably be met without assistance this program. The Housing Department must obtain the approval of the Samish Tribal Council on each non-Indian applicant prior to offering any services through the Tribe's Housing Program.

(b) Income Requirements for the Tribe's Homeownership, Rental Assistance and Rehab/repair Programs.

(1) Maximum Income

. Except as provided below, the family's annual income cannot exceed the applicable income limits for admission established by federal regulations. The annual income definition used shall be the definition, as defined by the regulations, which is most advantageous for the applicant family. The income guidelines are set forth in Appendix B of these Policies

(2) Exception to maximum income limit

An applicant family's income must fall within the maximum income limit at the time the applicant signs the housing agreement with the Housing Department. If the applicant family's income increases above the maximum income limit after they have entered into a agreement with the

Housing Department for housing, they will become ineligible for housing assistance through the Housing Program.

Each family must submit a change of circumstance to the Housing Program if their earned or fixed income changes, family size change and/or address change.

(3) Minimum Income for Homeownership Program

To be eligible for the Homeownership Program, the family must have sufficient earned income to qualify for private financing with the assistance provided through the Samish Housing Department's Down Payment Assistance Program. The family's income also must be reliable and ongoing and subject to verification by the Housing Department.

(4) Sporadic Income

Sporadic income is income earned outside of an individual's usual and accustomed source/sources of income. Sporadic income is exempt from the required calculation of an applicant's annual earned income.

Sporadic income includes but is not limited to income earned that is not permanent or reliable; income that is seasonal; and any other income that the individual does not rely upon to meet his /her basic needs. The Housing Department will evaluate an individual's circumstances to determine whether income may be considered "sporadic" as that term is used in these policies.

(c) Additional Criteria for Admission

(1) General Rule:

A family will not be eligible whose conduct in present or prior housing is likely to diminish the health, safety, welfare, or quiet enjoyment of the neighborhood, or adversely affect the neighborhood environment, the physical condition of the home or neighborhood. The Housing Department will review and assess an applicant family's past habits and practices with respect to housing occupancy as part of its determination of the applicant family's eligibility for assistance. Applicant must agree to and consent to a background check including but not limited to references from previous landlords, criminal history, credit history and employment history.

(2) Additional Factors:

The following factors are considered to disqualify an applicant family for housing assistance through the Housing Department. The factors listed here are not an exhaustive list and the Housing Department may consider all relevant factors in its decision on an applicant family's application for assistance.

(A) Outstanding Debts

A family who has an outstanding debt to the Samish Indian Nation and any of its departments and/or programs, any other Tribes, HUD, RSDA or any landlord, or financial institution, or any utility company that would prohibit the family from

obtaining utility services at the home or rental unit that would be obtained with the Housing Program assistance will not be eligible for assistance from the Housing Program. In the event an applicant family has an outstanding debt, the family must repay the debt if full to become eligible for assistance through the Housing Department.

(B) Fraud

An applicant for assistance or a head of household, or individual responsible for payment of rent or mortgage who has committed fraud as a participant or applicant in any tribal, federal or state program.

(C) Drug-related and Criminal Activity

(i) Except as specified in this Section, the Housing Department will not provide assistance to an applicant if any member of the family who will reside in the housing has been convicted, or was evicted from any assisted housing because of drug-related criminal activity during the three years prior to their application to the Housing Department for housing assistance. However, the applicant may receive housing assistance if the applicant provides documentation to the Housing Department that the individual with the history of drug related criminal activity has successfully completed a certified rehabilitation program, provides proof of their completion and ongoing sobriety; and that the individual no longer is involved in any drug related criminal activity. The Housing Department must verify the information submitted by the applicant .

(ii) The Housing Department may provide assistance to an applicant after the three-year period has run, if the applicant clearly establishes and the Housing Department determines, that in fact the person has successfully completed a certified rehabilitation program, provide proof of completion and can be verified by third party to the Housing Department that he/she has completed such treatment; and the person no longer participates in any drug-related criminal activity.

(D) History of Violence

No family will be admitted who has a member who would be residing in the housing unit that has a history of engaging in violent criminal activity, which is defined as any criminal activity has one of its elements the use, or threatened use of physical force against a person or the property of another. In its consideration of this factor, the Housing Department will take into consideration the length of time since the last evidence of such activity, and the record of rehabilitation efforts on behalf of

(1) Initial Determination

The Housing Department shall make an initial determination based on the application for housing assistance on an applicant's eligibility to receive housing assistance. The applications for all of the Housing Programs are attached as Appendix C to these Policies. Applicant shall be found to be "apparently eligible", based on the information provided on the application for housing assistance.

(2) Family Determined Apparently Eligible

If an applicant is determined apparently eligible, the family shall be placed on the appropriate waiting list and receive written notice of funding availability for assistance and the steps the family must take to receive assistance from the Housing Department.

(3) Family Determined Ineligible

If at any time during the application process the Housing Department determines that the applicant is ineligible, the Department shall send written notice to the applicant of the determination that they are no longer eligible for assistance from the Department. The Department shall state the reasons for the determination that the applicant is no longer eligible for assistance. The Department shall also include in the notice information about other programs(s) for which the applicant may be eligible, and advise the applicant of the right to request an informal hearing according to the Housing Department's Grievance Procedures. The applicant will be entitled to copies of their file if they request a request in writing for a copy to the Housing Department.

(4) Final Determination

The Housing Department shall verify that all applicants determined to be "apparently eligible" qualify under the applicable eligibility criteria and document the applicant's eligibility to receive the housing assistance in the applicant's file. The Department will send a letter to the applicant notifying them that the Department has determined that they are eligible for housing assistance. The Housing Department shall verify an applicant's eligibility not more than sixty (60) days prior to funding availability.

(5) Wait List

The Housing Department will keep a waiting list for its housing programs that is maintained by date and time of application. If a tribal preference applies to a housing program; the wait list for that program may be sorted by that preference.

(6) Updating the Waiting List

The Housing Department will periodically update the pool of active applications for housing assistance by requiring all applicants on the waiting list to indicate whether they still require housing assistance and want to remain on the waiting list. The Housing Department shall send each applicant on the waiting list a letter by certified mail return receipt and request the applicant to respond in writing to the Department within 30 days from the date the letter was sent by the Department whether they wish to remain on the waiting list. If an applicant fails to respond to

the Department's letter within that time period, the Department will remove the applicant from the waiting list. The applicants can reapply at a later date and will be placed at the the bottom of any waiting lists for the particular housing program.

(7) Closing the Waiting List

If the number of Families on the waiting list is such that there is no reasonable prospect that additional applicants could be served within the next year, the Housing Department may suspend the acceptance of additional applications in the particular program.

§13.203

SELECTION PROCESS

(a) Selection for Assistance

The Housing Department will apply the following preferences for assistance in each of the housing programs.

(1) Order of Selection

The Housing Department will select applicants for assistance in the following order, subject to the limitation below:

- (A)** Enrolled tribal members by date and time of application; and then;
- (B)** Other Native Americans by date and time of Application; and then;
- (C)** All other applicants.

(2) Order of Selection – Exceptions

(B) Qualifying elderly families, as defined, shall receive preference for:

- (i)** Rental Assistance;
- (ii)** Rehab / Repair Assistance.

(C) Qualifying families with one or more persons with a disability shall receive preference for:

- (i)** Rehab/ Repair for handicap accessibility;
- (ii)** Rental Assistance for handicap accessible housing.

(D) Qualifying Veterans of Foreign Wars shall receive preference for:

- (i)** Down Payment Assistance;
- (ii)** Rental Assistance;
- (iii)** Rehab / Repair Assistance.

(3) Order of Selection – Down Payment Assistance

In addition to the other preferences contained in these policies in selecting applicants for the Down Payment Assistance Program, the Housing Department will apply the following preferences:

(A) First time Homebuyer;

(B) Eligible qualifying applicants for Mortgage Assistance and meeting the preferences listed in (a) above and federal / tribal requirements.

§13.204 DOWN PAYMENT ASSISTANCE

POLICY STATEMENT

The purpose of the Samish Indian Nation's Down Payment Assistance program is to provide the members of the Samish Indian Nation with affordable homeownership financing opportunities to help improve the quality of life in the tribal communities. The program provides a one time grant to a qualified homebuyer for down payment assistance for the purchase of a single family dwelling in habitable condition. The purposes of this grant is to enable otherwise qualified homebuyers to secure financing for a home loan but otherwise would not qualify due to the lack of sufficient down payment funds.

The Samish Indian Nation's Down Payment Assistance Program shall comply with all applicable regulations of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) along with other applicable rules and regulations and Total Development Cost as required for each county.

(a) Grant Requirements

(1) Useful Life

The qualifying applicant shall be required to reside in the home as their principal place of residence for a period of five (5) years after receipt of assistance as a condition of approval. The property purchased must also be within the Tribe's ten (10) county service area: Skagit, Whatcom, Island, Kitstap, Snomohish, King, Jefferson, Clallam, Pierce and San Juan Counties and legally zoned for residential use. All property and homes must be inspected and approved by a qualified home inspector as prior to the award of a down payment assistance grant by the Housing Department. If the applicant is not required to obtain such an inspection as part of their home loan application, the Housing Department will pay for the inspection as part of its down payment assistance grant application.

(3) Emergency Mortgage Assistance

(A) If a client who received down payment assistance from the Housing Department and they are experiencing difficulty paying their mortgage on the home purchased with the down payment assistance grant within the first five years that they own the

home, they may request emergency mortgage assistance from the Department This assistance is available to clients who experience loss of household income due to illness or changes in employment of the client or members of the client's immediate family such that it affects the client's ability to meet his/her monthly mortgage obligation.

(B) In order to obtain mortgage assistance, the individual must submit an application to the Housing Department with a statement of need which must include that they have tried to obtain assistance from other resources. The application must also contain information regarding the mortgage payment, amount in arrears, total family income and monthly budget.

(C) The Housing Department will review the application and determine whether the assistance will be provided. If the Housing Department grants assistance under this program, it will meet with the individual to establish a budget and set the number of days that the assistance will be provided. .

(D) The amount of assistance provided under this section will be seventy percent of the individual's monthly mortgage payment.

(E) The Housing Department may provide assistance for ninety (90) days to the persons whose applications for assistance is approved.

(F) The Housing Department will offer budget and credit counseling services to families as a condition of an award of a grant under this program. Applicants must accept this service a condition of the grant award.

(G) The Housing Department may only provide this assistance if funds are available for the program under the Housing Plan.

(4) Property Taxes / Insurance

The qualifying applicant is required to pay annual property taxes, insurance and extended coverage as required by the lending institution. The annual amounts shall be included in the monthly mortgage fee.

(5) Mortgage Application

A copy of the executed and lender receipted final Mortgage application must be provided to the Housing Department at the time of application for down payment assistance.

(6) Mortgage Counseling Classes

Eligible / Qualifying applicants are required to attend mortgage counseling and/or any First Time Home buying Program classes approved by the Housing Department prior to the award of a down

payment assistance grant under this program. The applicant must provide a certificate of completion or other documentation demonstrating the completion of the course as part of the final documentation required under the application process.

(7) Payment process

In order to award the down payment assistance grant, the Housing Department must:

- (A)** Verify the applicant has submitted all required documentation for their application;
- (B)** Verify the applicant qualifies for the down payment and document the basis for the determination that the applicant qualifies in the applicant's file; and,
- (C)** Coordinate and finalize all documentation and authorizations required by the financial institution issuing the mortgage.

Upon completion of these steps and any additional steps required for a particular applicant and/or loan, the Housing Department will issue payment of the down payment grant to the applicant's lender.

§13.205

REHAB / REPAIR ASSISTANCE

POLICY STATEMENT

The Tribal Council of the Samish Indian Nation recognizes the need to establish procedures regarding the rehabilitation of homes owned by Samish tribal members who are unable to acquire assistance from other agencies. The Samish Housing Department will provide assistance, within approved budget amounts, for the rehabilitation of homes that are owned by enrolled members of the Samish Indian Nation and meet federal /and tribal housing laws, regulations and policies. The goal of the assistance provided under this program is to eliminate substandard housing conditions for qualified Samish members and their families as well as other qualified applicants for assistance. Eligible tribal members may receive one home repair assistance grant under this program. However if they do not use the complete grant at that time the applicant may submit an application for assistance to use the remaining portion of the grant on another home repair project.

(a) Grant Requirements

In addition to the specific requirements listed below, to qualify for assistance under this program, the condition of the home must be such as to create a serious safety or health hazards to the occupants by reason of structural deficiencies or of continuous dampness or exposure brought about by neglect or dilapidation. The grants cannot be used for remodeling of the home but may be used by the homebuyer to accommodate for the disability of the homeowner or family member who resides in the home and purchase new appliances and/or tenant conveniences.

Each applicant for assistance under this program must provide proof of the following as part of their application for assistance:

(1) Ownership and Location of Home

An applicant must provide documentation demonstrating that they own the home and that it is located on fee simple land within the Tribe's service area. The documentation may be mortgage statement, title, purchase and sale agreement or any other document identifying an applicant family member as the owner of the home. The property must also be the primary residence of the applicant family and cannot be multi-family or income generating. It must also be zoned for residential use.

(2) Home Fire & Extended Insurance Coverage

An applicant for assistance under this program is required to provide proof of fire and extended insurance coverage of the home applied for, as a condition of approval. The applicant is required to submit proof of fire and extended insurance coverage annually to the Housing Department for five years after purchase of the home.

(3) Property Taxes

The homeowner/applicant is required to provide proof of payment of annual property taxes assessed by the governing municipality and shall be required by granting authority to pay annually for five years and encouraged to continue paying thereafter.

(4) Grantee Certification

As a condition of accepting the grant under this program, the applicant must certify his/her intent to reside in the home as their principal place of residence for at least five years from the receipt of the grant and agree to repay the grant if they sell the home within that five year period.

(b) Maximum Funding Available to Qualifying Applicants

The maximum grant available to qualified applicants under this program is up to \$10,000 for conventional and manufactured homes. Qualified applicants must be low income, which means that the family income is 80% or less of the median income for the area. Persons whose family income is over 80% are not eligible to receive grants under this program. A copy of the income guidelines is available at the Housing Department.

Grants under this program are awarded based a sliding scale based upon income level of the applicant:

(1) Applicants whose family income is 50 % or less of the median income may be awarded up to \$10,000.

(2) Applicants whose family income is between 51% to 60 % of the median income may be awarded up to \$8,000.

(3) Applicants whose family income is 61% to 80% may be awarded up to \$6,000.00.

(c) Grant Assistance

The qualifying applicant shall be required to reside in the home as their principal place of residence for period of (5) years after receipt of assistance as a condition of grant approval.

(d) Lien Requirement

The Samish Housing Department shall file a lien on behalf of the Samish Indian Nation against the home at the time of grant award. As set out in the Tribe's Indian Housing Plan, the grant shall be reduced at 20% per year for five years, reducing the grant award to -0- after 5 years, at which time the lien will be dissolved.

(e) Determination for Repairs Authorized under Grant

Once applicant has qualified for assistance under this program, a certified housing inspector retained by the Housing Department to shall evaluate and assess the home for necessary repairs. The Housing Department shall prioritize the grants for rehabilitation based upon the following order:

- (1) Addressing conditions in a home which threaten the health and safety of the home's occupants;
- (2) Upgrading a home to meet 504 Accessibility standards for an elderly or disabled occupant;
- (3) Addressing structural deficiencies in a home;
- (4) Reducing Overcrowding.

(f) Written Report

The Housing Department shall prepare a written report of repair work required to bring the home to standard condition and provide a copy of the report to the homeowner/applicant. If the home cannot be brought to standard with the amount of grant funding the applicant qualifies for, the homeowners' options are to:

- (1) Obtain additional funding from other sources;
- (2) Repair health and safety items first;
- (3) Utilize the balance of the grant to repair structural deficiencies

(g) Housing Department Responsibilities

The Housing Department will provide the following services to the applicant as part of the grant awarded under this program:

- (1) Request bids from licensed / bonded general contractors which comply with all applicable building codes and conditions including obtaining the necessary permits for the work based upon a written description of the work to be performed;
- (2) Select general contractor;

- (3)** Conduct due diligence on the general contractor to ensure that they are properly licensed and bonded and otherwise qualified to perform the work on which the bid is submitted;
- (4)** Provide or obtain a contract for the general contractor selected for the project and facilitate execution of the contract including written description of work to be performed, start date and completion date for the work;
- (5)** Conduct routine inspections along with licensed building inspector and Homeowner of the work performed under contract to ensure that the work is properly performed and meets the applicable building code requirements;
- (6)** Make scheduled payments to General Contractor upon written approval of quality and quantity of work completed;
- (7)** Conduct final inspection of the work performed under the contract with a qualified building inspector and the homeowner to ensure that the work is properly performed and meets applicable building code and otherwise satisfactorily completed;
- (8)** Sign final approval of work with homeowner;
- (9)** Make final payment withholding the contractual amount withheld for one year warranty of work requirement;
- (10)** Schedule and conduct the final warranty inspection with homeowner, general contractor one year after the completion of the project;
- (11)** If the final warranty inspection is successful, make the final payment from the warranty withholding percentage to general contractor.
- (12)** If the final warranty inspection reveals additional work is required, the Housing Department will facilitate the completion of the additional work and arrange additional inspection of the work. Upon completion of the additional work and successful inspection of the work, the Housing Department will make the final payment from the warrant withholding percentage to general contractor.

§13.206 RENTAL ASSISTANCE

POLICY STATEMENT

The governing body of the Samish Indian Nation recognizes the need to develop a program that provides assistance to low income tribal members whose needs cannot be met through the existing housing programs. This program is also created to supplement existing Samish Indian Nation housing by providing rental assistance to eligible families. The Samish Indian Nation will implement the Rental Assistance Program in a manner

consistent with the overall mission of the Samish Indian Nation Housing, the Native American Housing Assistance and HUD.

(a) Payment Assistance

The Housing Department will apply the following factors to determine the amount of assistance to be paid to the landlord/owner on behalf of the participant are:

(1) Annual income of the applicant/family;

(2) Fair Market Rent for counties in the Samish Indian Nation's ten county service area; Skagit, Whatcom, Island, Kitstap, Snomohish, King, Jefferson, Callam, Pierce and San Juan. The Fair Market Rent figures for each respective county shall be attached as appendices to this policy and shall be updated when published by HUD.

(b) Grant Amount

The assistance amount provided by the Housing Department to family for rental assistance is based upon the fair market rent for the unit (for the size of unit the family is eligible to rent according to the occupancy standard) minus 30 percent of the family's adjusted monthly income. If a family wishes to rent a unit that exceeds the fair market rent in the area, the family may choose to pay the difference between the fair market rent and the cost of the unit. In such a circumstance, the Housing Department will not be required to increase the amount of the assistance provided to the family.

(c) Ineligible Applications

Applications received from any family or person(s) not meeting the established criteria will be referred to other state or local agencies for housing assistance.

(d) Emergency Rental Assistance:

Emergency Rental Assistance: If a recipient of rental assistance becomes incapacitated, hospitalized or unable to work and thus are unable to pay their rent, they may request emergency rental assistance to cover the entire amount of their monthly rent. The application must include verification of the recipient's medical status and/or inability to work from recipient's medical provider and certification of the recipient's inability to work. After verification of the individual's inability to work, the Housing Department may approve up to ninety (90) days of emergency assistance. If an individual requires emergency assistance beyond the initial ninety (90) days, the Housing Department can request approval from the Tribal Council to extend emergency assistance beyond the ninety (90) days. The Housing Department must obtain verification of the recipient's ongoing need for such assistance and provide written certification to the Council as part of the request for the extension of emergency assistance.

The recipient must notify the Housing Department upon their return to work and provide income verification to the Housing Department to confirm the applicant's continued eligibility for a grant through the rental assistance program. The Housing Department will adjust the recipient's housing award based upon the income verification.

(e) Other Assistance

A participant may not receive rental assistance while receiving the benefit of any other form of housing subsidy for the same dwelling unit and/or reservation.

(f) Term of Assistance

For all categories of families receiving rental assistance under this program, the subsidy is contingent upon the availability of funds from the Tribe's grant under the HUD's Indian Housing Block Grant. In addition, the following categories of assistance may be provided by the Housing Department.

(1) Except as provided in subsections (b) & (c) of this section, rental assistance may be provided for up to a qualified applicant family for a total subsidy equal to 60 months, or sixty (60) times the maximum subsidy amount at the time the applicant is awarded a grant by the Housing Department. The applicant must use the subsidy within sixty (60) months of the award of the grant by the Department. If they have not used the grant within sixty months they may re-apply for assistances again but must follow the same terms and conditions as before.

(2) Elderly families may be provided rental assistance for as long as they comply with the terms of this program and/or recertification. For purposes of the policies, elderly shall mean a person 52 years off age or older. Elderly family means a family whose head of household or his/her spouse or whose sole member is a elderly person.

(3) Disabled families may be provided rental assistance through this program for the duration of their disability as long as they:

(A) Comply with the terms of this program and/or recertification; and

(B) Provide proof of their disability from their medical or mental health provider. The following information may be submitted as proof of their disability:

(i) Proof of SSI or SSD payment for any type of disability

(ii) Formal disability assessment such as public disability award, a decision by the WA Labor and Industry Commission or the Veterans Administration;

If a person is deemed temporary disabled, the Housing Department will re-evaluate their eligibility for assistance under this section every year during recertification process

(g) Rental Deposit Grant

(1) The Housing Department may provide qualified Samish families funds for rental deposits to assist such families obtain decent, healthy and safe housing. The funds provided under this program are a one time grant to qualified Samish families and may be used for the rental deposits required by a rental agreement. This program is limited to

qualified Samish members. The funds are provided in the form of a grant to qualified applicants.

(2) Persons seeking assistance with rental deposits must complete and submit an application to the Housing Department. As part of the application, they must demonstrate the ability to pay the monthly rent for the housing. As part of the application process, the Housing Department will require an inspection of the rental unit to ensure that it is a safe, sanitary and healthy unit prior to payment of the grant. The client must also submit a signed copy of the rental agreement to the Housing Department as part of the grant application. If the Housing Department approves the application for assistance, the client may receive a one time grant from the Housing Department for the rental deposits for the housing unit. The Housing Department will submit payment of the rental deposit directly to the landlord. The Housing Department must obtain an executed taxpayer identification form (W 9 form) from the landlord prior to issuing the deposit check.

Clients who receive a rental deposit grant from the Housing Program are not eligible for rental assistance for a period of one year after receiving the assistance.

(3) If the client shows a need for both rental assistance and no way of getting into a resident without further assistance of a rental deposit grant, the Housing Department may award the client the rental grant and reduce the total months of rental assistance available to the client by 6 months. Thus, the client would only be eligible to receive 54 months of rental assistance from the Housing Department.

(4) Under this program College Students can utilize this one time assistance in conjunction with starting on the rental assistance program as long as they meet all standard requirements in the housing policy under College Rental Assistance.

(H) Rental Assistance Program's Requirements for Leases

(1) To qualify for assistance under this program, the applicant must have a one year lease with a provision for automatic renewal at the end of the year unless a 30-day notice is provided by the participant or owner of intent not to renew the lease. In addition to providing notice of the intent to terminate the lease to the applicant/tenant, the participant owner/ landlord must also provide such notice must be provided by the party giving notice to Samish Housing Department. The participant owner is not required to continue with a one-year lease after the initial lease period and may opt to change to a month-to-month lease after the first year of the tenancy.

(2) The Samish Housing Department will provide the participant a copy of the applicable landlord and tenant laws with the housing discrimination laws and a list of NAHASDA requirements to give to assist

potential renters in submitting an acceptable lease to the Housing Department .

(3) The landlord/owner must comply with the provisions of the provisions of federal law governing the Indian Housing Block Grant which requires certification that the housing unit is free from lead base paint, 25 C.F.R.§ 1000.40, and provide certification of Lead Base Paint Free Certification.

(4) Upon receipt of the proposed lease from the applicant, the Samish Housing Department will review the proposed lease and determine if there are any unlawful provisions in the lease and that all the necessary provisions required by the applicable policies and regulations.

(5) If any unlawful provisions are found, the Samish Housing Department will require the landlord/owner to strike them from the lease. If the landlord/owner is not willing to strike the unlawful provisions from the proposed lease, the Housing Department may not provide rental assistance to the applicant/tenant if they enter into the lease for the unit.

(6) If there is any required provisions missing from the lease, he Samish Housing Department will request the landlord/owner amend the proposed lease to include these items in the lease. If the landlord/owner refuses to add the necessary provisions to the proposed lease, the Housing Department may not provide rental assistance to the applicant/tenant if they enter into the lease.

(7) If the Housing Department is satisfied that the lease contains all necessary provisions required and that it does not contain any unlawful provisions, the Housing Department may provide rental assistance to the applicant/tenant if they enter into the lease with the owner/landlord.

(i) Non Party to Lease

The Samish Housing Department and the Samish Indian Nation are not a party to the lease and assumes no responsibility in its enforcement.

(j) Payments Upon Execution of Agreements for Assistance

(1) Samish Execution

Once the lease and the unit have been approved, and the owner has signed the agreement to abide by the owner obligation statement, the Samish Housing Department will sign a contract with the owner for the assistance payment amount showing the effective date of payments and the amount of the monthly payment. The Housing Department must also obtain verification of the landlord/owner's tax payer identification number on the I.R.S. W-9 Form and have an executed contract with the landlord/owner for the assistance payments before the Department can process any payments to the owner. The Department is responsible for obtaining these documents from the landlord/owner and processing the necessary paperwork to request payments from the Tribal Accounting

Department. The Housing Department will send rental assistance payments directly to the landlord/owner .

(2) Rent Prorating

If a participant/tenant moves into a unit during the month rather than at the beginning of the month, the assistance payment will be pro-rated for the remaining days left in the month and a check will be issued within three working days. The assistance payment will be made thereafter on or before the first day of each month. The participant/tenant is not responsible for the approved assistance payment made by the Samish Housing Department. The Housing Department is also not responsible for moving expense, damage deposits and/or any other expense required for moving in. The Housing Department will pay the amount of rental assistance based on tenant rental worksheet that will be complete each month and submitted to accounting with monthly purchased order.

(3) Transfers - When Allowed

The Housing Department may allow a participant/tenant to transfer from one rental unit to another under the following circumstance and still receive rental assistance.

(A) Initial Lease Transfers

The Housing Department will allow a participant/tenant to transfer to a different unit during the initial lease period if landlord and participant tenant agree to terminate the lease with good cause, and Samish Housing Department approves of the termination of the tenancy.

(B) Transfers after Initial Lease Period

Transfer requests after the initial lease period will be approved only under the following conditions:

- (i)** The dwelling no longer meets HQS standards (not caused by the participant) and the owner refuses to make the necessary repairs;
- (ii)** The family needs a smaller or larger unit in accordance with occupancy standards;
- (iii)** The family needs to relocate closer to work or school, or medical facilities, or for safety reasons such as an act or threat of violence against the family. The family must provide supporting documentation of transfers under this provision:
- (iv)** The owner does not wish to renew the lease.

(k) Certification Requirements.

(1) Annual Certification

All participants in the rental assistance program will be required to be recertified by the Housing Program at least annually in accordance with the adopted Eligibility, Admission & Occupancy Policy to determine if they are still eligible for the program and if the assistance amount needs to be adjusted.

(2) Program Ineligible

All participants who are over income for the program at the time of recertification will be given 30 days notice of termination from the program by the Housing Department. The Department will also send a copy of this notice to the owner/landlord.

(I) Obligations of Parties

(1) Participant's / Family's Obligations

To remain eligible for assistance through the rental subsidy program, a participant/family must comply with the following:

(A) When the participant's lease and unit are approved, the participant must sign an agreement to fulfill and abide by the required obligations for participation in the program as shown below. Any breach of the participant obligations is grounds for termination of assistance by the Housing Department;

(B) Supply the Samish Housing Department with any information that the Department determines to be necessary for use in a regularly scheduled re-examination or interim re-examination of family composition and income;

(C) Disclose and verify social security numbers;

(D) Supply any information requested by the Samish Housing Department to verify the family is living in the unit or information related to family absence from the unit;

(E) Promptly notify the Samish Housing Department if the family will be away from the unit for more than 14 consecutive days;;

(F) Notify the Samish Housing Department and the owner/landlord in writing at least 60 days prior to moving out of the unit or terminating the lease;

(G) Use the assisted unit for residence by the family only. The unit must be the family's only residence. The applicant/tenant must notify the Housing Department in writing of any change of circumstance including family composition within fourteen (14) days of such circumstance to the Samish Housing Department;

(H) Request in writing approval from the Samish Housing Department and landlord to add any other family members as occupants of the unit and provide any information or documentation requested by the Department regarding the proposed occupant in order to verify their eligibility before allowing the person to move into the housing unit;

(I) Give the Samish Housing Department a copy of any owner eviction notice, or notice of lease termination;

(J) Pay all utility bills and the portion of the rent.

(2) Applicant/Family Must Not:

To be eligible to receive or continue to receive assistance through the rental assistance program, an applicant/family may not:

(A) Own or have any interest in the unit;

(B) Commit any serious or repeated violation of the lease;

(C) Commit fraud, bribery or any other corrupt criminal act in connection with the program;

(D) Participate in illegal drug activity or violent criminal activity.

(E) Sublease or let the unit or assign the lease or transfer the unit;

(F) Receive any other housing subsidy for the same unit or a different unit from any state, federal or local housing program and/or any other tribe or be on a reservation and/or trust property;

(G) Damage the unit or premises (other than normal wear and tear) or permit any guest to damage the unit or premises;

(H) Fail to pay rent for the unit;

(I) Be evicted from the unit;

(J) Fail to maintain the utilities for the unit

(3) Landlord/Owner's Obligations

Prior to execution of the contract for assistance payment by the Samish Housing Department to the owner on behalf of the family, the owner must agree to the following obligations in the program and must sign a statement that they are willing to adhere to these obligations before assistance can be approved.

(A) The owner is responsible for conducting its own background checks and contacting references to determine the participant's suitability as a renter. The Samish Housing Department does

not screen the tenants on behalf of the landlord and cannot release information regarding Housing Program screening to the landlord/owner and cannot pay for background checks required by the owner/landlord.

(B) The owner is responsible for compliance issues concerning any and all conditions of the lease.

(C) The owner is responsible for providing the Samish Indian Nation with a copy of any eviction or lease termination.

(D) The owner must notify the Samish Housing Department if any participant vacates a unit.

(E) The owner must provide the Samish Housing Department with a copy for approval of any changes to the lease during the tenancy of a participant of this program.

(F) If the applicant/tenant causes damage to the unit, it is the owner's responsibility to take appropriate action in accordance with the lease and state and local law. The Samish Housing Department will not be held responsibly for any damages, drug abuse and/or any conduct that violates the said lease and/or Samish Indian Nation housing policies.

(1) Housing Department's Obligation

(A) The Samish Housing Department is responsible for payment of the assistance amount to the owner each month by the first of each month.

(B) The Samish Housing Department is responsible for conducting an inspection prior to approval of payment of assistance for the lease or rent the unit by an applicant/family. The standards used for these inspections are set forth in Appendix D--the Minimum Housing Standards for the Rental Assistance Program-- of these Policies.

(C) The Samish Housing Department will also conduct special inspections if it is reported that the dwelling no longer meets the minimum requirements and the owner/landlord is unwilling to make the necessary repairs. If it is determined that the unit no longer meets the minimum requirement, the Samish Housing Department will request the necessary repairs in writing to the landlord. If the landlord is unwilling to make the repairs, the Samish Housing Department will allow the tenant participant to transfer to a unit that does meet the requirements.

(D) The Samish Housing Department is responsible for conducting the initial income verification to determine eligibility and conducting re-certifications for continued eligibility of participants at least annually.

(E) The Samish Indian Nation is responsible for providing notice to the landlord and participant if assistance amounts change or cease.

(L) Effect on Assistance If a Family Breaks Up

In the event that a family receiving assistance under this program breaks up, the Housing Department may continue to provide assistance under the following circumstances.

(m) Parents Divorce or Separate

(A) If there are children included in the household who are tribal member children, the assistance will remain with the parent who has legal and physical custody and control of the children.

(B) If parents have joint legal and physical custody of the children (the parents share custody and care for the children), the tribal member parent will retain the assistance through the program. In the event that both parents are tribal members, the Housing Department will make a determination as to which parent should receive the subsidy based upon need and who otherwise qualifies for assistance under these policies and the applicable regulations.

(2) Households without children

If there are no children in the household, the assistance will remain with the participant who signed the lease if he/she is a tribal member and otherwise qualifies for assistance under these policies and the applicable regulations.

(3) Families involved with Domestic Violence

Family members who are the victims of violence in the home and are forced to leave as a result of the violence will retain the assistance provided that he or she is a tribal member or the parent of tribal member children residing in the unit and has legal and/or physical custody of the tribal member children.

(m) Termination of Lease

(1) Termination of Tenancy by the Owner

During the term of the lease the owner may not terminate tenancy of applicant/family except for:

(A) Serious or repeated violations of the terms of the lease by the tenant;

(B) Violations of state, federal or local law that relate to occupancy or use of the unit;

(C) The owner desires to use the unit for personal use, or desires to sell or renovate the property;

(D) The owner may not terminate tenancy for non-payment of the Samish Indian Nation assistance payment;

(E) The owner must give the tenant written notice of the grounds for the termination and provide a copy of any such notice to the Samish Indian Nation. Any such notice must be in conformance with local or state law.

(2) Termination of Tenancy by Applicant/Family

As a participant in the rental assistance program, an applicant/ family must comply with following provisions:

(A) The family may terminate tenancy after the first year of the lease and/or per rental agreement;

(B) Terminations during the first year are allowed only if the owner agrees to release the family from the lease in writing and the participant meets the requirements for a transfer. The Samish Indian Nation will end payment to landlord at that time;

(C) The family must provide the owner and the Samish Indian Nation with a copy of the notice of termination in accordance with the lease;

(D) The family may also terminate the lease if the owner breaches HQS standards and refuses to repair unit after notification in writing of the necessary repairs.

(o) Termination of Assistance by the Samish Housing Department

The Housing Department may terminate family assistance for any of the following reasons:

(1) Any violation of family obligations and/or housing policy and/or landlord lease agreement;

(2) Reasonable suspicion of illegal drug activity of any kind or violent and/or criminal activity;

(3) Family falsifies any information submitted to the Housing Department whether willingly and/or unwillingly. Not submitting complete information and/or change of circumstance;

(4) Failure of family to sign and submit verification documents for recertification. If the family fails to recertify annual and/or recertification is delayed more than two months because of the applicant/family's

failure to provide information or otherwise comply with the requirements of the recertification process;

(5) If the family moves out of the unit. If the family transfer to another unit or moves without notifying the Housing Program in writing within 14 days;

(6) If the family breaks up;

(7) If the owner fails to maintain unit in accordance with HQS standards;

(8) If tenant fails to notify the Housing Department of any housing violations;

(9) If available program funding is insufficient to support continued assistance for the families.

§13.207 COLLEGE STUDENT RENTAL ASSISTANCE

POLICY STATEMENT

The Samish Indian Nation recognizes the need to develop a program to provide assistance to low income tribal members who are attending college, technical schools or trade schools whose needs for housing while attending school cannot be met through personal or scholarship resources. The Samish Indian Nation supports tribal members who are pursuing educational and training opportunities and believes that education of its members is of vital importance to the future of the Tribe and the well being of the Tribe, tribal members. The Samish Indian Nation will implement the College Student Rental Assistance Program in a manner consistent with the overall mission of the Samish Indian Nation's Housing Program, the NAHASDA and HUD.

(a) Eligibility

To qualify for assistance under this program, an applicant must be:

(1) A member of the Samish Indian Nation;

(2) Enrolled or enrolling as a full time student at a college or training school in the State of Washington.

(3) After the first grading period at their school, maintain a grade point average of 2.5.

(b) Payment Assistance

(1) Types of Assistance:

The Housing Department may provide qualified students with monthly rental assistance, first and last month's rental deposit or other security deposits for the rental unit under this program.

(2) Factors

The Housing Department will determine the amount of assistance to provide to individual students based upon:

(A) The student's earned annual income;

(B) The student's scholarship income that can be used for to cover the housing needs of the Student;

(C) The Fair Market Rent for the respective county published by HUD.

(c) Grant Amount

(1) The assistance amount that the applicant/student is eligible to receive will be the fair market rent (for the size of unit the student is eligible to rent according to the occupancy standard) minus any amount allocated for shelter from a scholarship grant. The student may request, first and last month rent, security and utility deposits instead of monthly rental assistance under this program.

(2) A student may combine scholarship shelter allocation with Samish Indian Nation Student Rental Assistance as long as the unit meets standard housing requirements and Fair Market Rent.

(d) Term of Assistance

A student is eligible to receive assistance under this program for a maximum of forty eight months. The assistance is contingent upon:

(1) The availability of funds to the Tribe under its grant from the HUD's Indian Housing Block Grant;

(2) The student enrolling and remaining enrolled as a full time student at a college or trade school in the State of Washington;

(3) The student maintaining a grade point average of 2.5; and,

(4) Complying with the terms and conditions of the lease or rental agreement.

The student must obtain recertification annually.

(e) Student Rental Assistance Program's Requirements for Leases

(1) To qualify for assistance under this program, the student must agree to lease a unit for the entire college term.

(2) Additionally, all of the lease requirements under Section §13.206 Section a, b, and c of the Tribe's Rental Assistance Program apply to this program.

(f) Payments Upon Execution of Agreements for Assistance

(1) Samish Execution

Once the lease and the unit have been approved, and the owner has signed the agreement to abide by the owner obligation statement, the Samish Housing Department will sign a contract with the owner for the assistance payment amount showing the effective date of payments and the amount of the monthly payment or the security deposit or first and last months rent.

(2) Rent Prorating

If a participant/student qualifies for and moves into a unit during the month rather than at the beginning of the month, the assistance payment will be pro-rated for the remaining days left in the month and a check will be issued within three working days. The assistance payment will be made thereafter on or before the first day of each month. The participant/student is not responsible for the approved assistance payment made by the Samish Housing Department. The Samish Housing Department cannot provide financial assistance for moving expense.

The Housing Department will pay the amount of rental assistance based on tenant rental worksheet that will be complete each month and submitted to accounting with monthly purchased order.

(g) Certification Requirements

(1) Certification

All students applying for the rental assistance program will be required to be certified by the Housing Program one month prior to college entrance in accordance with the adopted Eligibility, Admission & Occupancy Policy to determine if they are eligible for the program.

(2) Certification of Student in Good Standing

All student/tenants receiving assistance under this program shall provide quarterly or semester grades to the Housing Department to verify a minimum grade point average of 2.5 and that they are enrolled as a fulltime student in a college or vocational training school in the State of Washington.

(3) Program Eligibility

Within seven days of receipt of a student's application for assistance under this program, the Housing Department will review the application and inform the student/tenant whether or not they will receive assistance under this program.

The Housing Program will process recertification for students prior to the beginning of each quarter/ semester to determine whether the student continues to receive the assistance under this program for the next quarter or semester. Any student./recipient failing to maintain status as Student in Good Standing shall receive a thirty (30) day notice of assistance termination from the Housing Department. The Department shall also send a notice of assistance termination to the student/tenant's owner/landlord.

(h) Obligations of Parties

(1) Student Obligations

To remain eligible for assistance through the rental subsidy program, a student must comply with the following:

When the student's lease and unit are approved, the student must sign an agreement to fulfill and abide by the required obligations for participation in the program as shown below. Any breach of the student's obligations is grounds for termination of assistance by the Housing Department.

(A) Supply the Samish Housing Department with any information that the Department determines to be necessary for use in the quarterly or semester scheduled re-examination of students qualifying requirement for continuing assistance.

(B) Disclose and verify social security numbers, Scholarship grant, earned income and quarterly / semester grade information.

(C) Supply any information requested by the Samish Housing Department to verify the student is living in the unit or information related to the students absence from the unit.

(D) Promptly notify the Samish Housing Department if the student will be away from the unit for more than 14 days consecutively.

(E) Notify the Samish Housing Department and the owner/landlord in writing at least 60 days prior to moving out of the unit or terminating the lease.

(F) Use the assisted unit for residence by the student only. The student/tenant must notify the Housing Department in writing of any change of circumstance including family composition within fourteen (14) days of such circumstance to the Samish Housing Department.

(G) Give the Samish Housing Department a copy of any owner eviction notice, or notice of lease termination.

(H) Pay all utility bills and the portion of the rent agreed to by Samish Housing Department and student.

(G) Students must also:

(i) comply with Section § 13.206, Sub-section k, Part 2 of the Samish Housing Policy;

(ii) in addition to complying with the provisions of Section § 13.206, Sub-section k, Part 2, students may not:

- (a) receive any other housing subsidy for the same unit other than from a Scholarship that student/applicant has verified to the Housing Department; or
- (b) fail to maintain status as a student in good standing.

(2) Landlord/Owner's Obligations

The landlord/owner participating in this program are required to agree to and comply with the provisions of the Rental Assistance Program set out in Section § 13.206, Sub-section k, Part 2 Landlord/Owner's Obligations.

(3) Housing Department's Obligation

In addition to complying with the provisions of the Rental Assistance Program set out in Section § 13.206, Sub-section k, Part 3' the Housing Program must also conduct the initial income verification to determine eligibility and conducting re-certifications for continued eligibility of student/ participant quarterly or by semester depending upon the student's college.

(I) Termination of Lease

(1) Termination of Tenancy by the owner during the term of the lease.
The owner may not terminate tenancy of the student/tenant except for:

- (A)** Serious or repeated violations of the terms of the lease;
- (B)** Violations of state, federal or local law that relate to occupancy or use of the unit;
- (C)** The owner desires to use the unit for personal use, or desires to sell or renovate the property;
- (D)** The owner may not terminate tenancy for non-payment of the Samish Indian Nation assistance payment;
- (E)** The owner must give the student/tenant written notice of the grounds for the termination and provide a copy of any such notice to the Samish Indian Nation. Any such notice must be in conformance with local or state law.

(2) Termination of Tenancy by Applicant/Student

As a participant in the rental assistance program, an applicant/ student may only terminate a lease approved by the Housing Department under the circumstances.

- (A)** The student/tenant shall terminate tenancy after each College year completion;

(B) Terminations during the College year are allowed only and the owner agrees to release the student from the lease in writing and the termination is due to the student failing to make grades, health or family emergencies;

(C) The student/tenant must provide the owner and the Samish Indian Nation with a copy of the notice of termination in accordance with the lease;

(D) The student/tenant may also terminate the lease if the owner breeches HQS standards and refuses to repair unit after notification in writing of the necessary repairs.

(3) Termination of Assistance by the Samish Housing Department

The Housing Department may terminate assistance for any of the following reasons:

(A) Any violation of student/tenant obligations and/or housing policy and/or landlord lease agreement;

(B) Reasonable suspicion of illegal drug activity of any kind or violent and/or criminal activity by the student/tenant;

(C) Student/tenant falsifies any information submitted to the Housing Department and failing to submit complete information and/or change of circumstance;

(D) Failure of student/tenant to sign and submit verification documents for re-certification. If the student fails to recertify annual and/or quarterly/ semester recertification is delayed more than two weeks because of the applicant/students failure to provide information or otherwise comply with the requirements of the recertification process;

(E) If the student/tenant moves out of the unit;

(F) If the student/tenant transfers to another unit or moves without notifying the Housing Program in writing prior to the move;

(G) If the owner fails to maintain unit in accordance with HQS standards;

(H) If student/ tenant fails to notify the Housing Department of any housing violations;

(I) If available program funding is insufficient to support continued assistance for the student/tenant;

(J) If student /tenant fails to maintain Student in Good Standing.

(m) Applicant/Student/Tenant Right to file Appeal Adverse Decision by Housing Department

A student under this program who is adversely affected by decision of the Housing Department may appeal the decision of the Housing Department pursuant to the provisions of Section §13.208 of the Housing Policies.

§13.208

APPLICANT/TENANT'S RIGHT TO FILE APPEAL ADVERSE DECISION BY HOUSING DEPARTMENT

(a) Samish Housing Assistance Applicant/Family Hearing Process.

(1) An applicant/family receiving housing assistance under any of the Samish Housing Department Programs funded by the Indian Housing Block Grant has a right to appeal the Housing Department's decision to terminate their assistance or reject their application for assistance pursuant to the provisions of the Tribe's Administrative Appeals Board Ordinance.

(2) The applicant/family shall receive a copy of the Housing Department's file on their application or assistance grant subject to the grievance if the request is submitted in writing.

(3) The applicant/family may also request copies of the Housing Department Policies governing the housing programs from the Housing Department. The Housing Department will make the policies available to the applicant/family.

(3) The hearing on the appeal shall be conducted pursuant to the provisions of the Administrative Appeals Board ordinance.

(b) Final Decision

The Administrative Appeal Board's decision is a final decision and not subject to further review.

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