

**KASHIA BAND OF POMO INDIANS  
STEWARTS POINT RANCHERIA**

**Housing Department  
Rental Assistance Program Policy**

**Revised By Tribal Council Approval  
February 15, 2013**

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**STEWARTS POINT RANCHERIA  
HOUSING DEPARTMENT  
RENTAL ASSISTANCE PROGRAM POLICY**

**I. STATEMENT OF PURPOSE.**

- A. Purpose.** The purpose of this Rental Assistance Program Policy (“Policy”) is to establish standards for initial eligibility, admissions, and payments for the Rental Assistance Program which is operated by the Stewarts Point Rancheria-Housing Department (“Housing Department”).
- B. Official Policy.** This Policy supersedes and rescinds all previous Rental Assistance Program Policies and is the official Rental Assistance Program Policy of the Stewarts Point Rancheria Housing Department.

**II. APPLICABILITY.**

This Policy shall apply to determination of eligibility, admissions, and payments for the Rental Assistance Program that is operated by the Housing Department and funded through HUD’s Native American Housing Assistance and Self-Determination Act. It shall be applicable to all Participants in the Housing Department’s Rental Assistance Program. A “Participant” is a Person or Family that has been found eligible and admitted for participation in the Housing Department’s Rental Assistance Program.

**III. DEFINITIONS OF KEY TERMS.**

For purposes of this Policy and determining general eligibility, the following terms have the following meanings:

- A. “Adjusted Income” means “Annual Income” minus the allowable annual deductions determined in accordance with this Policy, specifically:**
  - 1. Youths, Students and Persons with Disabilities:** \$480 for each member of the family residing in the household who is under the age of 18, but excluding those children who are foster children, or is 18 years of age or older and is either a person with disabilities or a full-time student
  - 2. Elderly and Disabled Families:** \$400 for an Elderly or Disabled Family (see Sections C, D and E)
  - 3. Medical and Attendant Expenses:** the amount by which 3% (three per cent) of the annual income of the family is exceeded by the aggregate of :
    - (a) Medical expenses, in the case of an Elderly or Disabled Family, and

(b) Reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

4. Child Care Expenses: child care expenses to the extent necessary to enable another family member to be employed or to further his or her education

5. Earned Income of Minors: the earned income of minors will be deducted from the family's annual income

6. Travel Expenses: excessive travel expenses, not to exceed \$25 per family per week for employment or education-related travel

7. Other Amounts: other amounts as may be added to this Policy as approved by Tribal Council

**B.** "Annual Income" means that income, before deductions, from all sources of income received by the Head of Household and Spouse (even if either are temporarily absent), and by each additional member of the Family residing in the household which income is anticipated to be received during the twelve (12) months following the effective date of the initial determination of income. For the purposes of determining Annual Income under this Policy, a "Spouse" is the husband or wife of the Head of Household and the "Head of Household" is a Person(s) or the Family member who is held responsible and accountable for the Family Unit.

1. "Annual Income" includes, but is not limited to the following:

(a) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensation for personal services;

(b) Net income from operation of a business or profession, as such net income is further defined in the applicable Internal Revenue Service ("IRS") regulations, as they may be amended from time to time;

(c) Interest, dividends, and other net income of any kind from real or personal property, as such are further defined in the applicable IRS regulations, as they may be amended from time to time;

(d) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum payment for the delayed start of a periodic payment, as

limited by the applicable regulations, as they may be amended from time to time;

- (e) Payments in lieu of earnings, such as unemployment and disability compensation, workmen's compensation, and severance pay as limited by the applicable regulations, as they may be amended from time to time;
- (f) Welfare assistance payments, as such payments are further defined in the applicable regulations, as they may be amended from time to time;
- (g) Periodic and determinable allowances, such as alimony and child support payments, regular contributions or gifts received from persons not residing in the housing unit.
- (h) All regular pay, special pays, and allowances of a member of the Armed Forces, to the extent that such are not accepted below.
- (i) All per capita payments received from both gaming and non gaming Native American Tribal Governments.
- (j) Any and all rental assistance payments that may be made to other members of the household by Tribes other than Stewarts Point Rancheria.

**2.** "Annual Income" does not include the following:

- (a) Income from employment of children (including foster children) under the age of eighteen (18) years;
- (b) Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the Participant Family, who are unable to live alone);
- (c) 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;
- (d) Amounts received by the Family that are specifically for, or in reimbursement of, the cost of medical expenses for any Family member;
- (e) Income of a live-in aide;

- (f) The full amount of student financial assistance paid directly to the student or to the educational institution;
- (g) The special pay to a Family member serving in the Armed Forces who is exposed to hostile fire;
- (h) Amounts received under training programs funded by HUD;
- (i) Amounts received by a Person with Disabilities, which amounts 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;
- (j) Amounts received by a Participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and that are made solely to allow participation in a specific program;
- (k) Amounts received under a resident service stipend, not to exceed \$200 per month, received by an Indian housing resident for performing a service for the Housing Department, on a part-time basis, that enhances the quality of life in the development; *provided* that such services may include, but are not limited to fire patrol, hall monitoring, lawn maintenance, and resident initiatives coordination; *provided further* that no resident may receive more than one such stipend during the same period of time;
- (l) 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 resident management staff; *provided* that such 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;
- (m) Temporary, nonrecurring, or sporadic income (including gifts);
- (n) Earnings in excess of \$480 for each full-time student eighteen (18) years or older (excluding the head of household and Spouse);
- (o) Adoption assistance payments in excess of \$480 per adopted child;

- (p) Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
- (q) Amounts received by the Family in the form of refunds or rebates under state or local law for property taxes on the dwelling unit;
- (r) Amounts paid by a state agency to a Family with a developmental disabled Family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled Family member at home;
- (s) 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; *provided* that a notice is published from time to time in the Federal Register and distributed to recipients identifying the benefits that qualify for this exclusion; *provided further* that updates will be published and distributed when necessary.
- (t) Assistance in the form of food stamps or value of commodities received from state or local governmental agency

3. If it is not feasible to anticipate a level of income over a twelve- (12) month period, the income anticipated for a shorter period may be annualized. Such determination of income shall be used when the individual is typically employed as a seasonal, contract, or temporary worker.

- C. “Elderly Person” means a person who is at least sixty-two (62) years of age, and a “Near-Elderly Person” is a person who is at least fifty-five (55) years of age and less than sixty-two (62) years of age.
- D. “Elderly Family” and “Near Elderly Family” mean a family in which the head of household, or the head of household’s spouse, or in a family of one, the sole household member, is an Elderly Person or a Near Elderly Person.
- E. “Disabled Family means a family in which the head of household, or in a family of one, the sole household member, is a Disabled Person.
- F. “Family” means (1) a person or group of two or more persons (including members temporarily absent) who have a stable family relationship and whose income and resources are available for use in meeting the living expenses of the group; (2) a single Elderly, or Disabled Person; or (3) a person or group defined by the Stewarts Point Rancheria (“Tribe”) as a Family.

- G.** “Immediate Family” means husband, wife, father, mother, brother, sister, son, daughter, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, and grandparents, those persons with whom the subject person maintains a significant traditional relationship of equivalent status recognized by the Tribe, and any relative or any other individual that the subject person is living with or intends to live with in the same house or household, whether a blood relative or not.
- H.** “Indian” means any person who is a member of a federally recognized tribe or a State Recognized Tribe.
- I.** “Live-In Aide” means a person who resides with one or more Elderly Persons, or Near-Elderly Persons, or Persons with Disabilities, and who: (1) is determined to be essential to the care and well-being of the person(s); (2) is not obligated for the support of the persons; and (3) would not be living in the unit except to provide the necessary supportive services.
- J.** “Low-Income Family” means a family who’s Annual Income does not exceed eighty percent (80%) of Median Income.
- K.** “Median Income” for an Indian area is the medium income for the counties, previous counties, or their equivalent, in which the Indian area services are provided.
- L.** “Person With Disabilities” means a person who (a) has a disability as defined in Section 223 of the Social Security Act; (b) is determined, pursuant to regulations issued by the U.S. Secretary of the Department of Health and Human Services (DHHS Secretary), to have a physical, mental, or emotional impairment which is expected to be long-continued and indefinite duration, substantially impedes his or her ability to live independently and is such a nature that such ability could be improved by more suitable housing conditions; or (c) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act. Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any condition arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of the law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under this Policy, solely on the basis of any drug or alcohol dependence.
- M.** “Rental Assistance Program” means one time Security Deposits or monthly Rent Payments funded through HUD’s Native American Housing Assistance and Self-Determination Act of 1996.
- N.** “Service Area” means the geographic area within which the Housing Department Operates affordable housing programs or services. The Service Area for the Rental

Assistance Program is Sonoma, Napa, Lake and Mendocino counties.

- O. “State Recognized Tribe” is any tribe, band, nation, pueblo, village, or community that has been recognized as an Indian tribe by any State; and for which an Indian Housing Authority has, before the effective date of the Native American Housing Assistance and Self-Determination Act, entered into a contract with the Secretary pursuant to the United States Housing Act of 1937 for housing for Indian families and has received funding pursuant to such contract within the 5-year period ending upon such effective date.
- P. “Tribe” means the Stewarts Point Rancheria.
- Q. “Very Low-Income Family” means a family who’s Annual Income does not exceed fifty percent (50%) of Median Income.
- R. “Extremely Low-Income Family” means a family whose Annual Income does not exceed thirty percent (30%) of Median Income.

#### IV. NON-DISCRIMINATION POLICY.

- A. **The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968, 25 U.S.C. 1301-03) and the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e).** Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d-200d-4), which prohibits discrimination in federally assisted programs, and Title VIII of the Civil Rights Act of 1968, as amended (42 U.S.C. 3601 et seq.), do not apply to the Housing Department as an entity of a federally recognized Indian Tribe. The Stewarts Point Rancheria’s restriction in favor of Native American families shall not be a violation of any provision of either Title VI or Title VIII. The Tribe does not discriminate against those otherwise eligible for admission merely because their incomes are derived in whole or in part from public assistance.
- B. **The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and the regulations promulgated there under in 24 C.F.R. Part 146, as may be amended from time to time.** The Act prohibits the Stewarts Point Rancheria from discriminating on the basis of age.
- C. **Discrimination Against Persons with Disabilities.** The Housing Department is prohibited from discriminating against a person with disabilities (“Person with Disabilities”), as defined and described in the regulations promulgated under NAHASDA at 24 C.F.R. 1000.10, solely on the basis of his or her handicap, under any of the Housing Department Programs. For any program that receives federal financial assistance from HUD, the Housing Department shall use the following additional communication procedures, compliance reports, and information

procedures, as required by Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794).

1. **Communication Procedures.** The Housing Department shall take appropriate steps to ensure effective communication with applicants, participants, beneficiaries, and members of the public. The Housing Department shall furnish appropriate auxiliary aids where necessary to afford a Person with Disabilities an equal opportunity to participate in, and enjoy the rental assistance of the Housing Department's Programs. In determining what auxiliary aids are necessary, the Housing Department shall give primary consideration to the request of the Person with Disabilities. The Housing Department is not required to provide individually prescribed devices or devices of a personal nature.

Where the Housing Department communicates with applicants by telephone, telecommunication devices for deaf persons or equally effective communication systems shall be used.

The Housing Department also shall use procedures to ensure that interested persons, including persons with impaired vision or hearing, can obtain information concerning the existence and location of accessible services, activities, and facilities.

The Housing Department is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or in undue financial and administrative burdens. In such an instance, the Housing Department shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, Persons with Disabilities receive the benefits and services of its programs.

2. **Compliance Reports.** The Housing Department shall keep such records and submit to the responsible civil rights official or his or her designee timely, complete, accurate compliance reports at such times, and in such form and containing such information, as the responsible civil rights official or his or her designee may determine to be necessary to enable him or her to ascertain whether the Housing Department is complying with the Section 504 requirements. The Housing Department shall have available data showing the extent to which Persons with Disabilities are beneficiaries of federally-assisted programs administered by the Housing Department.
3. **Information to Applicants and Interested Persons.** The Housing Department shall make available to applicants and other interested persons such information regarding the applicability of Section 504 to particular the Housing Department programs as the Housing Department determines

necessary in order to inform such persons of the protections against discrimination assured by Section 504.

## V. ELIGIBILITY

- A. **Generally.** Low-Income, Very Low-Income, and Very, Very Low-Income Indian Families within the Service Area may be eligible for rental assistance.
- B. **Non-Indian Families.** A Non-Indian Family may receive rental assistance within the Service Area if the Non-Indian Family's needs cannot be reasonably met without such assistance and the Stewarts Point Rancheria Housing Department determines that the presence of that Family within the Service Area is essential to the well-being of an Indian Family.
- C. **Payment Guidelines.**
1. The applicant must be eligible to participate in programs operated by the Housing Department pursuant to the Policy.
  2. In addition to the general eligibility requirements, the following requirements must be met:
    - (a) The applicant must have requested participation in the Rental Assistance Program on the Housing Department Rental Assistance Application (Form RA-2).
    - (b) The Rental Unit of Space Rent for a Manufactured Unit must be within the Service Area in which the Tribe is authorized to provide HUD-assisted housing service.
    - (c) The rent charges for occupancy of a Manufactured Unit, including space costs if applicable, must be reasonable and cannot exceed the Fair Market Rent as established by HUD for an area where the Manufactured Unit is located.
    - (d) Participants are required to attend educational workshops, progress reviews, comprehensive reviews and additional appointments as necessary, administered by the Housing Department, during the course of rental assistance payments. Failure to comply with any program requirements may result in suspension and/or termination of services, including payments, and disqualification for future Rental Assistance Program participation.

3. Applicants whose request for rental assistance payments is determined ineligible may not submit a new application for rental assistance payments until 6 months have passed since the date of ineligibility letter.
4. Falsification of any information, or failure to disclose information or changes to the household or its income may result in suspension and/or termination of services, including payments, disqualification for future Rental Assistance Program participation and recovery of any monies paid.

**D. Eligibility Criteria.** Participants must submit recertification forms in order to continue assistance beyond the initial service term of three (3) months. The Participant shall provide all required information and documentation. Failure to do so may result in a determination of ineligibility and a loss of services.

Once participants have received rental assistance services for a total of twelve (12) months, they will be ineligible to re-apply for additional services for a period of twelve (12) months. For example, where a Participant receives housing assistance from January 2010 to January 2011, that participant will not be eligible again for housing assistance through the Housing Department/Tribe until January 2012. Exceptions will be made for Elderly and Disabled Families who may re-apply following twelve (12) months of service.

1. Indians who are not members of the Tribe may receive rental assistance benefits for a total of twelve (12) months only. They will be ineligible to re-apply for additional services.

2. Past participants may appeal, in writing, the twelve (12) month ineligibility period due to unforeseen emergency situations. The appeal will be reviewed and a determination made, by the Housing Committee and/or Tribal Council within forty-five (45) days.

**E. Evaluation of Information.** The Housing Department shall evaluate continued eligibility and participation in the Rental Assistance Program pursuant to the requirements contained in this Policy and any additional requirements that may be contained in the policy governing the operation of the Rental Assistance Program in which the Participant participates.

**F. Change in Annual Income Not Cause for Termination.** Once a Family is determined to be eligible and commences participation in the Rental Assistance Program, such participation may not be terminated solely because of an increase in Annual Income, although increases or decreases in income will require recertification, and may result in decreased or increased assistance amounts, or termination of assistance in accordance with such changes. Failure by a program participant to disclose a material change in income and/or family composition within thirty (30) days of such change(s) may result in termination of assistance.

- G. Termination for Ineligibility.** Households that are determined ineligible for continued participation in the Rental Assistance Program will be notified in writing within 10 business days of the determination for ineligibility. The effective date of termination will be at the end of the month following a minimum of 30 days notice. If a household reports a significant increase in income during the twelve (12) month award period, which results in ineligibility, the household's monthly award will be suspended for three (3) months. If after the three (3) months the household remains income-ineligible, the award will be terminated, but if the household becomes income-eligible during this three (3) month period, the award will be reinstated for the remaining months, and the ineligible period will be excluded from the award period.
- H. Special Reexamination.** If, at the time of admission of a Participant clearly of Low Income, it is not possible to determine Annual Income with any reasonable degree of accuracy, a temporary determination of income is to be made and a special reexamination scheduled within forty-five (45) calendar days, depending upon the estimated time required for the Family circumstances to stabilize. The Participant is to be notified of the date of the special reexamination within 30 calendar days prior to the expiration of their application.
- I. Changes Occurring Between Reexaminations.** A determination of eligibility shall not be revised between periodic reexaminations except:
1. Participants are required to report the loss of a Family member through death, divorce, or other continuing circumstances, and to report the addition of a Family member by marriage, birth, or other circumstance.
  2. Any Participant who reports a change in Family circumstances shall be given an interim income determination.
  3. Failure to report the occurrence of such losses or changes within 30 calendar days of the loss or change may result in suspension and/or termination of services, including payments, disqualification for future Rental Assistance Program participation and recovery of any monies paid.

## **VI. CONFLICTS OF INTEREST**

- A. Prohibited Activities.** No person who participates in the Housing Department's decision-making process or who has inside information with regard to Rental Assistance Activities, including but not limited to persons who are housing staff, housing or tribal committee or board members, tribal council members, and members of their Immediate Families shall derive any personal profit or gain, directly or indirectly, by reason of his or her participation with the Housing Department. Each individual shall disclose to the Housing Department any personal interest which he or

she may have in any matter pending before the Housing Department and shall refrain from participation in any decision on such matter.

- B. **Exceptions.** The prohibition does not apply when a person, who might otherwise be deemed to have a conflict or potential conflict of interest, is eligible for Low-Income, Very Low-Income, or Very, Very, Low-Income and is selected for rental assistance in accordance with this Policy; provided that such person abides by all applicable rules and policies governing housing assistance and does not participate directly in and/or abstains from voting in any such decision by the Housing Department made with respect to his or her application for rental assistance.
- C. **Public Disclosure.** The Housing Department must make a public disclosure of the nature of the assistance to be provided and the specific basis for the selection of any person with a conflict or potential conflict of interest. For HUD funding, the Housing Department also must provide a copy of the disclosure to the Regional Office of Native American Programs prior to providing assistance to the person. The Housing Department must maintain records on the disclosure.
- D. **Record Keeping Requirements.** The Housing Department shall maintain records of all exceptions made under this section for a period of three (3) years after the exception is made.

## VII. APPLICATION PROCESS

- A. **Receipt of Applications and Determination of Eligibility.** The Housing Department obtains and verifies information from applicant Families for the purpose of:
  - 1. Determining which Rental Assistance Activity the Family is interested in;
  - 2. Determining whether they meet the conditions of eligibility for admission;
  - 3. Determining accessibility needs, if any;
  - 4. Applying the applicant selection criteria;
  - 5. Determining the Amount of Payment(s) that may be provided;
- B. **Procedure Governing Receipt of Applications.**
  - 1. The Application for Admission constitutes the basic record of each Family applying for admission. Each applicant is required to identify the Rental Assistance Activity desired, supply the requested information, and attest to the accuracy of the supplied information. The Application, together with all

other materials relating to the Family's eligibility, is to be maintained in an active file for each applicant classified as eligible.

2. As a part of the application record of each Family determined to be eligible, the Housing Department will complete and sign the eligibility certification on the Application.
3. If, at any time during the application review it is apparent that the applicant is not eligible, the applicant is to be so informed in writing within 10 business days and the application classified as ineligible.

**C. Verification of Application Data.**

1. The Housing Department must verify that an applicant's household is income eligible based on the household's combined anticipated annual income. On behalf of his or her household, the applicant is required to provide documentation to verify this determination.

The Housing Department is required to maintain this documentation on which the determination of eligibility is based. Pursuant to this Policy, after the first three (3) months of receiving rental assistance, the Housing Department shall require program participants who wish to continue receiving benefits from the Rental Assistance Program for an additional six month period to re-submit their household income documentation in order to determine continued eligibility consistent with this and any other applicable Policy of the Tribe.

Anytime income verification is requested by the Housing Department, the household must provide documentation that verifies its income, and this documentation must be retained by the Housing Department.

2. To assure that the information upon which determinations of eligibility, preference status, payment, and size of dwelling required are to be based are full, true, and complete, the Housing Department shall maintain in a secure location all files containing information submitted by each Applicant and reviewed by the Staff.
3. As a condition of participation in or admission to the Housing Department's Rental Assistance Program, the Head of Household and such other household members as are designated by the Housing Department shall be required to execute the Housing Departments approved ***Release and Consent*** form authorizing any depository or private source of income, or any federal, state, or local agency, to furnish or release to the Housing Department and to the

funding source such information as the Housing Department or the funding source determines to be necessary. The Housing Department also shall require the household to submit such additional information as is necessary to determine or audit a household's eligibility to receive Rental Assistance; to determine the households adjusted income, tenant rent, or other required monthly payment; to verify related information; or to monitor compliance with equal opportunity requirements. The use or disclosure of confidential and private information obtained from a household or from another source pursuant to this release and consent shall be strictly limited to purposes directly connected with determining the household's initial or continued eligibility or with an application for assistance.

4. As a condition of participation in or admission to the Housing Department's Rental Assistance Program, the Head of Household and such other household members as are designated by the Housing Department shall be required to execute the Housing Department's approved ***Housing Services Agreement*** (Form RA-3) in which the Head of Household and all household members the age of 18 and over agrees to attend educational workshops, progress reviews, comprehensive reviews, and additional appointments as necessary during the course of participation. Failure to comply with any program requirements may result in suspension and/or termination of services, including payments, and disqualification for future Rental Assistance Program participation.
5. The Housing Department shall maintain complete and accurate verification records consisting of, but not limited to, the following:
  - (a) Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income;
  - (b) Copies of any and all documents that substantiate the applicant's statements, or a brief summary of the pertinent contents of such documents.
  - (c) Certified financial statements or summary data from books of account from self-employed persons and persons whose earnings are irregular, setting forth gross receipts, itemized expenses, and net income;
6. Verification records are to be reviewed and evaluated for completeness, accuracy, and conclusiveness. If the information received is not completely adequate in all respects, applicants will be notified in writing within 10 business days of the date the application was received. Applicants will have 15 business days, from the date of the letter requesting additional information, to provide the required documentation or the application will be

deemed as ineligible. If during the verification process it becomes evident that, for one or more reasons, an applicant is ineligible, the investigation is to be discontinued and the applicant notified in writing within 10 business days of the date of ineligibility determination.

7. The Housing Department shall restrict rental assistance to U.S. citizens and non-citizens who have eligible immigration status. All admissions are subject to the disclosure and verification requirements for Social Security numbers. The applicant must verify citizenship or non-citizen eligibility in order to receive assistance. The applicant must furnish the Housing Department with Social Security numbers and copies of Social Security cards for each household member living in the housing unit and listed on the application.
8. The Housing Department shall require the submission of additional documents such as proof of tribal affiliation, birth certificate, drivers' license or I.D. card, marriage license, or proof of residency, as needed.
9. The Housing Department shall determine and record for each applicant the household's income level as a percentage of local counties Median Income.

**D. Waiting Lists.**

1. **Eligibility Determination.** Upon receipt of an application for participation in the Rental Assistance Program, the Housing Department shall immediately place the name of the applicant on a list of pending applications with the date of receipt of application clearly indicated. The Housing Department shall process the applications in the order received. Upon a determination of eligibility, a written notice of eligibility shall be sent to the applicant within 10 business days, and the applicant's name shall be placed at the bottom of the participant waiting list.
2. **Additional Lists.** In its sole discretion, the Housing Department may establish additional waiting lists as may be necessary for specific Rental Assistance Activities.
3. **Establishment of Waiting Lists.** The names of applicants determined to be eligible shall be placed on the appropriate waiting list(s) according to the date of eligibility determination. The waiting list shall include the date of application received and date of eligibility determination. Services shall be provided to applicants according to placement on the waiting list; provided, however, preferences in selection contained in this Policy and policies established for the Rental Assistance Program.

4. Rental Payment Assistance shall be provided to an established Participant Waiting List, and subject to the availability of funding. Upon determination of eligibility, the Housing Department shall place the applicant's name on a Participant Waiting List in order of total preference points awarded by groupings as follows:
  - (a) 30% of Median Family Income for the Area at or Below
  - (b) 50% of Median Family Income for the Area at or Below
  - (c) 80% of Median Family Income for the Area at or Below

**E. Notification to Selected Families.**

1. The Notice of Selection shall be sent in writing within 10 business days of selection to receive assistance and shall include the following information:
  - (a) A statement that the Family has been selected for participation in the Rental Assistance Program.
  - (b) A statement that the issuance of the Notice of Selection does not constitute or give rise to any contractual obligation on the part of the Housing Department.
  - (c) A statement that the household's eligibility may be subject to verification at the time of the receipt of services or execution of an Occupancy Document.
  - (d) Other information as may be required pursuant to the policy governing operation of the Rental Assistance Program.
2. When the Housing Department determines that an household does not meet the eligibility and admission requirements, the Housing Department shall so notify the applicant in writing within 10 business days of the ineligibility determination date.
  - (a) The notice shall state the basis for the determination and shall state that the household is entitled to an informal hearing by the Housing Department if a request for such hearing is made in writing within a reasonable time as specified in the notice.

**VIII. PREFERENCE IN SELECTION**

- A. **Tribal Preference.** Preference in eligibility for Rental Assistance will be provided first to members of the Tribe, followed by other recognized tribes, in accordance with the eligibility criteria of this Policy.
1. Indians who are not members of the Tribe and are eligible for benefits will be placed on the waiting list for a period of 6 months, after which time applicants will be considered for benefits according to Policy.
- B. **General Preference.** The Housing Department will give preference and preference points in the Rental Payment Assistance Program to applicants on the basis of urgency of housing need in the following order:
1. Families without housing. (4 points)
  2. Families with imminent loss of housing (3 points)
  3. Families residing in unsafe, unsanitary, or overcrowded dwellings. (2 points)
  4. Displaced families. (1 point)
  5. Within the categories listed in Subsections 1, 2 and 3 above, the Stewarts Point Rancheria Housing Department will give preference/points in the following order:
    - a. Elderly Head of Household, at least 62 years of age. (4 points)
    - b. Near Elderly Families, 55 years of age and less than 62 years of age. (3 points)
    - c. Disabled Families. (2 points)
    - d. Single Parents with children less than 18 years of age. (1 point)
- C. **Other Preferences.** The Housing Department may, by appropriate policy, establish additional preferences for admission to the Rental Assistance Program.
- D. **Application of Preference.**
1. Applicants possessing more than one preference criteria may receive a higher rating for placement on the waiting list.
  2. If two or more eligible applicants for the same Assisted Activity have an identical priority status, the applicant filing the earlier application will be offered the first opening in the Program Services. If the applicant rejects the

offer other than for a justifiable reason, the applicant's name will be moved to the bottom of the eligible applicant list. If an applicant presents to the Housing Department satisfactory clear evidence that acceptance of the offer will result in undue hardship or handicap, the applicant shall retain his place on the eligible applicant list.

3. Application of preference allowed under this section may result in a change of the applicant household's position on the Housing Department's waiting list.

## IX. RENTAL ASSISTANCE.

A. **Form of Assistance.** The Housing Department will provide Rental Payment Assistance on a needs basis, as follows:

1. Rental Payments will be provided for households at or below 30% of the median income for the area, and below, as well as those with Elder and/or Disabled Head of Household, in a monthly amount in excess of Thirty percent (30%) of the household's monthly adjusted income according to the Program Calculations Worksheet up to the maximum amount listed in household's lease agreement.
2. Rental Payments will be provided for households at or below 50% of the median income for the area, in a monthly amount in excess of thirty (30%) of the household's monthly adjusted income, according to the Program Calculations Worksheet, up to the maximum amount listed in the household's lease agreement, not to exceed \$400.00
3. Rental Payments will be provided for households with 80% of the median income for the area, and below, in a monthly amount in excess of thirty (30%) of the household's monthly adjusted income, according to the Program Calculations Worksheet, up to the maximum amount listed in the household's lease agreement, not to exceed \$300.00
4. Rental Payments must be in excess of \$25.00 in order for rental assistance to be awarded.

B. **Payment Standard.** Eligible rental units are determined using two criteria.

1. Cost of the unit must be within the Fair Market Rent Values as stated in Section V, Part B-2(c) of this Policy.

Unit Size	Minimum Number of Individuals Occupying Unit
Studio	1
1 Bedroom	1

2 Bedrooms	2
3 Bedrooms	4
4 Bedrooms	6
5 Bedrooms	7
6 Bedrooms	8

- a. The Housing Department may grant exceptions from the household unit size requirements at the applicant's requests if the Housing Department determines the exception is justified by the health or disability of household members, or by the age of young adults between 12 and 18 years of age.

C. **No Family Landlords.** The Stewarts Point Rancheria has determined that a Tribal Member in need of assistance shall not be related to the property owner, landlord and/or manager of the rental unit. Relations include but are not limited to: mother, father, aunt, uncle, cousin, brother or sister, son, daughter, grandmother and grandfather, etc.

D. **Security Deposit Assistance.** The Housing Department may provide eligible Participants with a security deposit to obtain rental housing for up to \$900 **one time only** to alleviate the financial burden on the participant when it becomes necessary to secure rental housing.

1. **Security Deposit Pre-Approval Process.** Pre-approved status is not a guarantee of funding. Once an applicant meets all eligibility and approval requirements of this program the Housing Department will notify applicant of pre-approved status in writing within 5 business days.

- (a) Once notified, the applicant will have 60 calendar days to secure a rental unit before pre-approval status will expire. If an applicant is unable to secure a rental unit within 60 calendar days, the applicant may submit a written request for a **one time only** 30-day extension of their pre-approved status.

2. **Approval Process.** Once an applicant has secured a rental unit, a copy of the rental lease must be submitted to the Housing Department for payment processing to landlord.

- (a) A rental lease is required as verification of security deposit amount. The rental lease agreement must include the applicant's name that is requesting the move-in assistance, as well as all other persons ages 18 and over who will occupy the unit.

- (b) The payment will be paid directly to the property owner, landlord

and/or manager. No exception.

- (c) The property owner/landlord shall return the deposit to the applicant less any deductions the property owner/landlord is entitled to under the signed lease agreement. The Tribe shall not be liable for any disputes between the tenants and property owner/landlord.

**E. Renter's Responsibility for Selection of Rental Unit; Payments.**

1. The Participant(s) shall be responsible for searching for and selecting a rental unit.
2. The Participant(s) shall provide a copy of a fully executed Tenant Occupancy Agreement (Lease).
3. The Housing Department will not be party to or guarantor of any Tenant Occupancy Agreement (Lease).
4. Rental assistance payments pursuant to this Policy shall be paid to the owner or manager of the property, as applicable, and not to the Participant.
5. The Participant(s) shall be responsible for payment of the remaining portion of rent to the owner or manager of the property.

**F. Record Keeping.** The Housing Department shall maintain a current ledger for the Rental Assistance Program that includes the following:

1. Contact information of approved applicants.
2. Contact information of owner or manager of the rental unit.
3. Rental Assistance payment amount and date paid.
4. Status of the Rental Assistance eligibility every 6 months.
5. Identification of the Tribe's annual Indian Housing Block Grant from which funds are paid.

**G. Other Related Services.** The Housing Department, with the approval of the Tribal Council, may provide other types of occupancy-related assistance to Program participants on an emergency-need basis and under reasonable terms and conditions.

**X. AMENDMENTS.** This Policy may be amended or repealed only with the approval of at least a majority of all Housing Committee Members. At least seven (7) days written notice of the Housing Committee meeting at which the vote is to occur must be given to all Housing

Committee Members, together with notice of the intention to amend or repeal this Policy and a written copy of the proposed amendment(s). Upon approval of the amendment(s), the Housing Committee Chairman shall forward the amendment to the Tribal Council for review and approval. Amendments made pursuant to this Policy shall not be effective until review and approval by the Tribal Council. Upon approval of the amendment by the Tribal Council, the Chairman of the Housing Committee shall cause to have prepared an amended policy.