

## **AMERICAN RESCUE PLAN POLICY**

This American Rescue Plan (“ARP”) Policy was adopted by the Tribal Council of the Chemehuevi Indian Tribe (“Tribe”) on August 28, 2021, by Resolution no. 21-08-28-A.

The Chemehuevi Indian Tribe received a grant pursuant to the American Rescue Plan Act of 2021 (the “Act”) (Public Law 117-2). Grant funds under the Act are intended to enable the Housing Department to maintain normal operations and fund eligible affordable housing activities under NAHASDA during the period that the program is impacted by coronavirus. Assistance under this Policy is designed to reimburse allowable costs to prevent, prepare for, and respond to the effects of the coronavirus that are incurred by a recipient, including for costs incurred after January 21, 2020. Assistance is available on a first come, first served basis, and only for as long as ARP grant funds are available. This ARP Policy (“Policy”) is based on the Act and on U.S. Department of Housing and Urban Development Office of Public and Indian Housing Notice PIH-2021-11 (“Notice”).

### **1. GENERAL PROVISIONS**

#### **1.1 Eligible Purposes**

ARP funds are available for the following:

- (1) Eligible households may receive up to \$1,200 of rent or mortgage assistance.
- (2) Eligible households may receive up to \$600 for their electricity.
- (3) Eligible households may receive up to \$400 for their propane.
- (4) Eligible households may apply for a freezer, washer, and dryer.
- (5) Generators for elders 62+ (conveyed units and sub-division only).
- (6) Renovations or upgrades for elder or disabled units up to \$1,200 per household.

Assistance for electricity and propane will be paid directly to utility companies and will not be disbursed directly to applicants. If funds are available, we will let applicants apply for water utility assistance.

ARP funds may also be used for administering the programs set forth in this policy, including costs to consultants to support effective management and oversight.

#### **1.2 Application**

This Policy applies to all eligible enrolled members of the Tribe. ARP funds are available after the Tribe adopts this Policy until December 31, 2021.

### **2. AUTHORITY, ADMINISTRATION AND USE OF FUNDS**

#### **2.1 Authority**

The Housing Director is authorized to and shall administer the ARP program for the Tribe.

#### **2.2 Administration**

The Housing Director shall ensure that:

(1) This Policy is applied fairly and equitably, efficiently, and effectively, and assure that ARP funding decisions are in full compliance with the law.

(2) All funding awards are supported by sufficient documentation to verify eligibility and to document individual ARP payments and other actions required under the Act;

(3) There are sufficient unencumbered funds available to cover the anticipated cost of each funding award and payment is made promptly for each award;

(4) The Tribe complies with applicable federal requirements.

### **2.3 Use of Funds**

Use of funds under this Policy is limited to the uses provided for in the Act and any guidance issued by U.S. Department of Housing and Urban Development (HUD).

Eligible households may receive up to \$1,200 of rent or mortgage assistance. The CDH determines if extra months are needed to ensure housing stability and funds are available. The CDH shall maintain records regarding such services and the amount of funds provided to them. The CDH will ensure that before issuing a payment to recipients under this Policy, recipients will commit in writing to using assistance only for the purposes set forth in this Policy.

## **3. ELIGIBILITY**

### **3.1 Eligible Households**

An “eligible household” is defined as a renter or homebuyer household in which at least one or more individuals meets the following criteria:

(1) *Current enrollment with the Tribe.* At least one adult (at least 18 years of age) in the applicant’s household must be an enrolled member of the Tribe, except in cases where minors are enrolled members of the Tribe and live with the non-member adults.

(2) *Low income.* Household income is at or below 80 percent of the area median, as defined by HUD.

(3) *COVID-19 impact.* Applicants must have experienced an economic impact because of the COVID-19 pandemic, which includes qualifying for unemployment, experiencing a reduction in household income, incurred significant costs, or experienced a financial hardship due to COVID-19, or can demonstrate a risk of experiencing homelessness or housing instability.

(4) *Evidence of arrears.* Applicants must provide sufficient evidence of current rent, mortgage, utility, or energy costs balance.

(5) *No other public housing assistance.* Applicants cannot be eligible for ARP funds while participating in other publicly assisted housing programs, i.e., Section 8 housing.

(6) *No other rent/mortgage/utility/energy costs assistance.* Rental or mortgage assistance provided to an eligible household should not be duplicative of any other federally funded rental or mortgage assistance provided to such household.

## 4. APPLICATION PROCESS

### 4.1 Applications

Applications must be completed by an adult household member and submitted to the CDH for consideration. Applications are available at the CDH office or on the CDH website, chemehuevi.org. The CDH will review applications based on the date and time they are received and begin providing responses within 21 calendar days or earlier. If an application is incomplete, the applicant shall be notified by phone, mail, or e-mail, and given 10 calendar days after the date of the first notification by phone or, if not by phone, then 10 days after the date of written notification, to submit the information.

### 4.2 Eligibility Determination and Verification

Eligibility is based on a complete application and the CDH's verification of the eligibility criteria. Applicants are responsible for obtaining and submitting all information necessary for verification. The CDH will verify the following information in determining eligibility.

(1) Applicants shall provide a copy of the rental or mortgage agreement.

(2) *Household income.* Household income is determined as either the household's (i) total income for calendar year 2020 or 2021, or (ii) monthly income at the time of application. For determining monthly income, applicants must provide income source documentation for at least the two months prior to the submission of the application for assistance.

If an applicant qualifies based on monthly income, the CDH shall redetermine household income every three months for the duration of assistance. Applicants shall provide the (i) full names, ages, and social security numbers of all family members living in the residence; (ii) signatures of all adult family members, age 18 or over, certifying that the information provided related to the annual family income and family composition is correct; and (iii) family income information, including all information from sources that would be counted in calculating annual income, which shall include:

(a) Salary income. The documentation of salary income must be obtained from at least one source. The documentation shall be limited to income obtained in 2020 or 2021 and may include (i) federal or state income tax returns or W-2 forms; (ii) copies of the applicant's four most recent paycheck stubs; or (iii) if above documentation is not available, certification of the applicant's monthly and annual income from the employer.

(b) Self-employment. Any income of a self-employed adult household member must be documented and verified from at least one source, which may include (i) a copy of IRS Form 1040/1040A, (2) copies of 1099 forms, or (iii) a notarized affidavit signed by the applicant that includes the name of the household member who is self-employed, the name of the business and the prior year's estimated annual income.

(c) Social Security/Supplementary Security Income/ Social Security Disability. Income from federal or state retirement programs and disability must be verified from at least one source. Acceptable documentation sources include a copy of (i) the monthly award check;

(ii) a benefit verification letter or “award letter;” (iii) a bank statement showing direct deposits of applicant’s award check; (iv) Social Security Form SSA-2458; (v) Social Security form SSA-1099.

(d) Welfare/General Relief. Income from social aid programs, e.g., California Work Opportunity and Responsibility for Kids (CalWORKs), Temporary Assistance for Needy Families (TANF), must be verified from at least one of the following: (i) copies of the applicant’s most recent bi-monthly award checks; (ii) a copy of the most recent Notice of Action or award letter stating the amount of applicant’s benefit; (iii) written statement from caseworker stating the applicant’s benefit amount; or (iv) written certification from the awarding agency verifying the applicant’s eligibility and the amount of the monthly benefit(e) Pension Income. Pension income must be verified from at least one of the following sources: (i) a copy of the pension award letter; (ii) copies of the applicant’s three most recent payment stubs verifying benefit amount; or (iii) a copy of the applicant’s bank statement demonstrating that the award check was directly deposited into the applicant’s account.

(e) Alimony/Child Support. Income received from alimony and/or child support payments must be documented and verified from at least one of the following sources: (i) a copy of applicant’s weekly or monthly check; (ii) a copy of a separation or settlement agreement or a divorce decree from a court establishing payments; or (iii) a notarized affidavit, signed by the applicant, certifying to the amount of child support received.

(f) In-Home Supportive Services. Income earned by a caregiver/caretaker providing in-home supportive services for a different household must be documented through copies of the three most recent paycheck stubs to establish the monthly income.

(g) Rental Income. Income received from rental property must be documented as earned income and must be verified from at least two of the following sources: (i) a copy of the property rental agreement signed by current tenant stating monthly rent; (ii) a copy of a recent rent check; and (iii) a copy of the applicant’s income tax return declaring earned rental income.

(h) Unemployment, Disability, Worker’s Comp, Etc. Payments in lieu of earnings such as Unemployment Insurance, Social Security Disability, Worker’s Compensation, and severance compensation are verified from one of the following sources: (i) a copy of the monthly award check; (ii) a benefit verification letter or “award letter;” (iii) a bank statement showing direct deposits of applicant’s award check.

(i) No Income. Should an adult member of the household have no income to report, documentation to be submitted may include: (i) a notarized affidavit signed by the household member declaring he/she does not earn income that can be contributed to the household; or (ii) self-certification that the household member does not earn income.

(3) *Not household income*. Funds that **will not** be counted in calculating annual household income, include the following:

(a) Income from the employment of children under the age of 18 years.

(b) Payments received for the care of foster children, including foster adults (usually persons with disabilities, unrelated to the family, who are unable to live alone.

(c) Lump-sum payments, including additions to family assets, such as inheritances, insurance payments, e.g., health and accident insurance and worker's compensation, capital gains and settlement for personal or property losses.

(d) Reimbursement for medical costs, including all payments received by the family that are specifically for, or in reimbursement of, medical expenses for any family member.

(e) Live-in aide, including the income of a live-in aide employed because of a medical condition or disability of a family member. A live-in aide is determined to be essential to the care and wellbeing of the person, not obligated for the support of the person, and would not be living in the unit except to provide the necessary supportive services.

(f) Education assistance, including the full amount of educational scholarships paid directly to the student or to the educational institution, and government funds paid to a veteran for tuition fees, books, equipment, materials, supplies, transportation and miscellaneous personal expenses of the student. Any amount of such scholarship or payment not used for the above purposes that is available for subsistence is to be included in income.

(g) Armed Forces special pay to a family member serving in the Armed Forces who is exposed to hostile fire.

(h) Government Programs, including the following:

(i) Amounts received under training programs funded by HUD and earnings and benefits from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government.)

(ii) Amounts received by a disabled person that are disregarded for a limited time for purposes of Supplemental Security Income (SSI) eligibility and benefits, because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS).

(iii) Amounts received by a participant in other publicly-assisted programs, which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and made solely to allow participation in a specific program.

(iv) Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the U.S. Housing Act of 1937.

(v) Amounts paid by a State agency to a family with a member who has developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member living at home.

(i) Temporary income, which is nonrecurring or sporadic in nature, and includes gifts.

(j) Earnings that exceed \$480 for each full-time student 18 years-old or older attending school or vocational training (excluding the head of household and spouse).

(k) Adoption assistance payments that exceed \$480 per adopted child.

(4) *COVID-19 economic impact.* Applicants must submit documentation confirming a negative economic impact during the COVID-19 pandemic period. Applicants must also demonstrate a risk of experiencing homelessness or housing instability. Acceptable documentation of negative economic impact shall include:

(a) Past due rent, mortgage payment, and utility notices and eviction notices;

(b) A copy of family member(s) notification of job loss/termination from employer during the eligible pandemic period (March 13, 2020, to present);

(c) A copy of family member(s) notification of furlough from employer during the eligible pandemic period (March 13, 2020, to present);

(d) A copy of family member(s) notification or employer signed form confirming reduction in hours and/or pay during the eligible pandemic period (March 13, 2020, to present);

(e) A copy of family member(s) application during the eligible pandemic period (March 13, 2020, to present) and/or approval for Unemployment Insurance benefits;

(f) A notarized affidavit signed that includes the name of the family member who is self-employed, the name and nature of the business, and narrative confirming economic impact on self-employment during eligible pandemic period (March 13, 2020, to present); or

(g) Other appropriate documentation acceptable to the CDH.

(5) *Utility.* Applicants shall provide the current rent or mortgage arrearages for the primary residence receiving assistance and all utility (electric, propane and water) balances. CDH shall verify arrearages with the landlord and the applicant's rental agreement or mortgage and most recent utility bill for each expense.

(6) *Generators for Elders.* Applicants shall provide documentation that their house is conveyed or that they live in the Sub-Division. The applicant must live in the property to qualify for a generator.

(7) *Renovation or upgrade for Elders or disabled.* Applicants shall provide documentation for elderly or disabled units that shows a need for renovations or upgrades in an amount that shall not exceed \$1,200 per household. The applicant must live in the property to qualify for a renovation or upgrade.

(8) *Freezer/washers/dryers/purchase.* Applicants may apply for freezers, washers, or dryers. If the applicant is renting, the appliances shall stay at the primary residence receiving appliances—they shall not move with the applicant when he or she vacates the unit. The applicant must live in the property to qualify for an appliance.

(9) *Certifications.* Applicants shall certify that the total household income information provided to the CDH is complete and accurate and that no member of the household has received or anticipates receiving other financial assistance from a government entity, bank, or any other source for rent and/or utility assistance during the pandemic period. Applicant shall further certify that no household member will pursue other federal or non-federal benefits for rent and/or utility financial assistance until after the final assistance payment made by CDH under this Policy.

(10) *Other documents.* Applicants are responsible for completing the ARP Application and all corresponding documents.

(11) *Categorical Eligibility.* If the CHD has verified an applicant's household income is at or below 80 percent of the area median income in connection with any of the CDH's housing programs, the CHD may rely on this verification that the applicant's household income or status is low-income, provided that the determination for such program was made on or after January 1, 2020.

(12) *Fact-Specific Proxy.* The CDH may rely on a written attestation from the applicant as to household income if the CDH also uses any reasonable fact-specific proxy for household income, such as reliance on data regarding average incomes in the San Bernardino area.

(13) *Written Attestation Without Further Documentation.* The CDH will accept written attestations from applicants without further documentation to determine any aspect of eligibility or the amount of assistance, and in such cases, the CDH shall apply reasonable validation or fraud-prevention procedures to prevent abuse. If a written attestation without further documentation of income (or a fact-specific proxy as described above) is relied on, the CDH shall reassess household income for such household every three months. In appropriate cases, the CDH may rely on an attestation from a caseworker or other professional with knowledge of a household's circumstances to certify that an applicant's household income qualifies for assistance.

### **4.3 Approval and Denial of Applications**

CDH staff shall determine which applications are approved or disapproved to receive assistance under this Policy. Applicants that the CDH determines to be ineligible under this Policy and applications that fail to respond within the allowable time under [Section 4.1](#) shall be denied assistance. The CDH shall notify all applicants of the final determination by mailing written notice within 24 hours of the determination. Applicants approved for assistance will have 10 days (from the date of the official notification letter) in which to respond to the notification and accept assistance. Failure to respond may result in denial of assistance.

### **4.4 Prospective Rent and Mortgage Payments**

Once a household's rental arrears are reduced, the CDH may commit to providing future, but not permanent, rental and mortgage assistance. Generally, the CDH shall not provide eligible households with financial assistance for prospective rent or mortgage payments for more than three months. Notwithstanding, the CDH may provide prospective rent and mortgage payments

for additional months to those eligible households (i) subject to the availability of remaining funds currently allocated to the CDH, and (ii) based on a subsequent application for additional assistance provided that the total months of financial assistance provided to the household do not exceed the total amount of assistance allowed under Section 2.3 above.

#### **4.5 Application Files**

The CDH shall maintain all applications in dedicated files separated into two categories for approved and denied applications. All applicant files shall contain all submitted information and documentation. Denied application files will include the reason(s) for denial e.g., over income limits, incomplete information.

#### **4.6 Right to Appeal Denial**

Applicants have the right to appeal the CDH's decision according to the CDH's Grievance Policy. Appeals must be in writing and made within 10 calendar days of the date the notification letter was mailed.

### **5. PAYMENTS**

#### **5.1 Direct Payments to Landlord, Loan Servicer, and Utility Provider**

The CDH shall make payments directly to the landlord, loan servicer and utility and home energy costs provider of eligible households approved to receive financial assistance for rent and rental arrears, mortgage and mortgages arrears, and utilities and home energy costs and utility costs arrears under this Policy. The maximum amount of assistance is up to \$1,200 for rental and mortgage payments. For eligible households receiving utility and home energy costs assistance, up to \$600 for electricity and \$400 for propane apply to all forms of assistance.

#### **5.2 Landlord, Loan Servicer or Utility Provider Refusal to Participate**

If a landlord, loan servicer or utility or home energy costs provider refuses to accept ARP payments from the CDH on behalf of an eligible household, the CDH may make ARP payments directly to the eligible household for the purpose of making payments to the landlord, loan servicer or utility provider. Alternatively, the CDH may allow the tenant to use the assistance for other eligible costs in accordance with the terms of this Policy. A refusal to accept direct payments shall occur only after the CDH has sent the request for participation in writing, by certified mail, to the landlord, loan servicer or utility provider, and the addressee does not respond to the request within 21 calendar days after mailing; or, if the CDH has made at least three attempts by phone or email over a 21 calendar-day period to request the landlord, loan servicer or utility provider's participation. All efforts must be documented. The cost of the mailing is an eligible administrative cost.

#### **5.3 Payments in Bulk**

The CDH may establish reasonable procedures for combining the assistance provided for multiple households into a single "bulk" payment made to a utility. In doing so, the CDH shall ensure that any such arrangements (1) comply with applicable privacy requirements; (2) include



appropriate safeguards to ensure payments are made only for eligible households; and (3) are documented in records satisfying reporting requirements, including, for example, the amount of assistance paid for each household.

## **6. RECORDKEEPING AND REPORTING**

### **6.1 Maintenance of Records**

CDH shall maintain records and financial documents sufficient to support compliance with the Act and any applicable guidance. CDH shall maintain records for five years after the period of performance. At a minimum, CDH shall collect from households and retain records on the following:

- Address of the unit
- Name, address, social security number, tax identification number or DUNS number, as applicable, for landlord and utility provider
- Amount of monthly rent or mortgage covered by ARP assistance
- Amount of separately-stated utility and propane costs covered by ARP assistance
- Total amount of each type of assistance (i.e., rent, rental or mortgage arrears, utilities costs arrears) provided to each household
- Total of rental or mortgage payments and total of utility payments for which ARP assistance is provided
- Household income and number of individuals in the household

CDH shall also collect information as to the number of applications received in order to be able to report to HUD the acceptance rate of applicants for assistance.

### **6.2 Access to Records**

The HUD office, or their authorized representatives, shall have the right of access to CDH records (electronic and otherwise) to conduct audits or other investigations.

### **6.3 Reporting**

CDH shall comply with any reporting obligations established by HUD related to the use of ARP funds, which may be publicly disclosed.

The CDH shall submit reports in accordance with the Act and any applicable guidance beginning with the first quarter of 2022, with the first reports under the additional Act and any applicable guidance being due in April 2022. CDH shall submit quarterly reports from April to December 2022, which will be consistent with quarterly reports that were previously required for April to December.

## **7. PRIVACY**

CDH will comply with the Act to establish data privacy and security requirements for information collected under this Policy. At a minimum, the CDH shall (1) setup systems of compliance record keeping, reporting, and monitoring that ensures that the privacy of applicants

and participants is protected; and (2) compile and maintain necessary data, which includes timely data entry, to ensure timely reports and responses to all regulatory agencies.