

Pawnee Nation Housing Authority

Low Rent Admission and Occupancy

Policy



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LOW RENT ADMISSIONS & OCCUPANCY POLICY

INTRODUCTION

This Low Rent Admission and Occupancy Policy of the Pawnee Nation Housing Authority (PNHA) reflects the requirements of The Indian Civil Rights Act of 1968, The U.S. Housing Act of 1937, The Indian Housing Act 42 U.S.C. 3601 – 3620, Section 504 of the Rehabilitation Act of 1973, 24 CFR 1, 750 and 760, Subparts D and E of 24 CFR 950 and Section 504 of the Rehabilitation Act of 1973. This policy sets forth the procedures to be used by the Pawnee Nation Housing Authority in the administration of the Low Rent program to ensure full compliance with the aforementioned statutes and regulations as well as the Consolidated ACC and other Tribal, State and local laws as applicable.

SECTION 1 OBJECTIVES

It is the Policy of the Pawnee Nation Housing Authority:

- A. To avoid concentrations of the most economically and socially deprived families in any one or all of the Housing Authority's projects.
- B. To obtain at initial occupancy, a body of renters in each project that is composed of families with a broad range of incomes that are generally representative of the range of incomes of low-income families within the reservation area.
- C. To preclude admission of applicants whose habits and practices reasonably may be expected to have a detrimental affect on the families or the project environment.
- D. To give preference in the selection of renters in accordance with 24 CFR 950.303 – 307 to single member families that at the time they are seeking housing assistance are displaced, elderly or handicapped.
- E. To establish objective and reasonable policies for the selection of Low Rent participants by the Pawnee Nation Housing Authority among otherwise eligible applicants.

SECTION 2 CONDITIONS GOVERNING ELIGIBILITY

ELIGIBILITY FOR ADMISSION

- A. To be eligible for admission to the HUD-aided Low Rent housing program operated by this Authority, applicants must:
 1. Qualify as a Family.
 2. Have an Annual Family Income which complies with **24 CFR 1000.10** and **25 USC 4101-4243**.
 3. Be a head of household who is 18 years of age or older.
 4. Provide all requested information, including Social Security numbers and evidence of citizenship or eligible immigration status for all members of the household plus employer identification numbers for each working family member

on the required forms, Certificate of Degree of Indian Blood, Criminal Background Check.

5. Sign all required forms including the consent for disclosure of information.

ELIGIBILITY FOR CONTINUED OCCUPANCY

- A. In order to be eligible for continued occupancy in the HUD-aided housing units operated by the Pawnee Nation Housing Authority, occupants, excluding live-in aides, must:
 1. Be an authorized member(s) of the family.
 2. Provide all required information at one (1) year recertification within two (2) weeks of receiving request. Failure to submit within the allotted two weeks will result in payment being raised to the maximum amount of \$391.00 or until requested information is received or termination occurs.
 3. Be in full compliance with all provisions in the Lease Agreement.

SECTION 3 SELECTION OF PARTICIPANTS

In selecting families, it shall be the policy of the Pawnee Nation Housing Authority to make participant selections as outlined below that are related to individual attributes and behavior of an applicant and shall not be related to those which may be imputed to a particular group or category of persons of which an applicant may be a member.

- A. PREFERENCE “Preferences” are given to qualified applicants. The preferences are used in the selection process.
- B. LOCAL PREFERENCE “Local Preferences” are given to qualified applicants. Local preferences are as follows:
 1. Enrolled Pawnee Tribal Members on the Pawnee Tribal Roll.
 2. Pawnee Indian any applicant that can show a CDIB with any amount of Pawnee Blood.
 3. All other Indians who can show a CDIB from any Federally Recognized Tribe.

The following procedure will be followed to select applicants for housing placement:

- A. Only applicants on the approved waiting list will be considered for housing placement.
 1. Elders
 2. Veterans
 3. Families
- B. Applicants with the highest local preference will have priority before other applicants.
- C. Housing for applicants with the same local preferences, will be determined by how long they have been on the waiting list and will have first priority in housing.
- D. Emergency housing applicants will have priority before other applicants based upon need and availability.

PARTICIPANT NON-SELECTION CRITERIA

The Pawnee Nation Housing Authority shall not select any applicant for the program if it is determined during the application verification process, outlined in Section 5 of this policy, that during the last **five (5) years** from the date of the application the applicant family:

- A. Had previously abandoned a HUD-assisted home operated by this or another housing authority.
- B. Owes debts incurred from prior occupancy of a HUD-assisted home at this or any other housing authority.
- C. Has been previously evicted for noncompliance with the provisions of the **rental lease or purchase** or does not intend to use the home as its principal residence during the term of the lease.
- D. Has a history of criminal activity or felony conviction in relation to drugs, alcohol, sex offender, theft, or assault and battery or which would be detrimental to the project or its residents.

In order to determine the detrimental effect an applicant's conduct would likely have on a project or its residents, the Pawnee Nation Housing Authority, shall have conducted a background check:

- A. Documentation such as letters and/or reports from reliable sources such as current and previous landlords, employers, court records, and police departments. These reports shall include the date, source of information, name the title of person contacted and a summary of the information received. The information may include, but will not be limited to the following:
 1. Time, nature and extent of the applicant's habits and practices in regard to:
 - a. Past performance in meeting financial obligations
 - b. Disturbance of neighbors
 - c. Destruction of property
 - d. History of criminal activity involving crimes of physical violence to persons or property
 - e. other acts which would adversely affect the healing, safety or welfare of other residents.
 2. The reports shall include an evaluation of factors which indicate a probability of favorable future conduct or financial prospects, such as:
 - a. Evidence of rehabilitation
 - b. Evidence of willingness to participate in appropriate counseling service programs, and availability thereof
 - c. Evidence of willingness to attempt to increase income
 - d. Availability of training or employment programs in the locality
 - e. Improvements of evidence

EMERGENCY PLACEMENT PREFERENCE

QUALIFYING FOR EMERGENCY PLACEMENT PREFERENCE

Meaning of Emergency Placement: An applicant is or will be involuntarily displaced if the applicant has vacated or will have to vacate the unit where the applicant lives because of one or more of the following:

- A. Displacement by disaster: An applicant's unit is uninhabitable because of a disaster, such as a fire or flood.
- B. Displacement by government action: Activity carried on by an agency of the United States or by any State or local governmental body or agency in connection with code enforcement or public improvement or development program.
- C. Displacement by action of housing owner:
 - 1. Action by a housing owner forces the applicant to vacate its unit.
 - 2. An applicant does not qualify as involuntarily displaced because action by a housing owner forces the applicant to vacate its unit unless:
 - a. The applicant cannot control or prevent the owner's action;
 - b. The owner action occurs although the applicant met all previously imposed conditions of occupancy; and
 - c. The action taken by the owner is other than a rent increase.

To qualify as involuntarily displaced because of action by the housing owner forces the applicant to vacate. Reasons for the applicant's having to vacate a housing unit include, but are not limited to:

- A. Conversion of applicant's housing unit to non-rental or nonresidential use
- B. Closing of an applicant's housing unit for rehabilitation or for any other reason
- C. Notice to an applicant that the applicant shall vacate a unit because the owner wants the unit for the owner's personal or family use or occupancy
- D. Sale of a housing unit in which an applicant resides under an agreement that the unit shall be vacant when possession is transferred
- E. Or any other legally authorized act that results or will result in the withdrawal by the owner of the unit or structure from the rental market.

Such reasons do not include the vacating of a unit by a tenant as a result of actions taken by the owner because the tenant refuses:

- A. To comply with NAHASDA program policies and procedures for the occupancy of under occupied or overcrowded units; or
- B. To accept a transfer to another housing unit in accordance with a court decree or in accordance with policies and procedures under a NAHASDA-approved desegregation plan.

DISPLACEMENT BY DOMESTIC VIOLENCE

An applicant is involuntarily displaced if:

- A. They have vacated a housing unit because of domestic violence or

- B. The applicant lives in a housing unit with a person who engages in domestic violence
- C. "Domestic Violence" means actual or threatened physical violence directed against one or more members of the applicant family by a spouse or other member of the applicant's household.
- D. To qualify as involuntarily displaced because of domestic violence:
 - 1. The IHA shall determine that the domestic violence occurred recently or is of a continuing nature; and
 - 2. The applicant shall certify that the person who engaged in such violence will not reside with the applicant family unless the IHA has given advance written approval. If the family is admitted, the IHA may deny or terminate assistance to the family for breach of this certification.

DISPLACED TO AVOID REPRISALS

An applicant family is involuntarily displaced if:

- A. Family member provide information on criminal activities to a law enforcement agency; and
- B. Based on a threat assessment, a law enforcement agency recommends re-housing the family to avoid or minimize a risk of violence against family members as a reprisal for providing such information.

DISPLACEMENT BY HATE CRIMES

An applicant is involuntarily displaced if:

- A. One or more members of the applicant's family have been the victim of one or more hate crimes.
- B. The applicant has vacated a housing unit because of such crime, or the fear associated with such crime has destroyed the applicant's peaceful enjoyment of the unit.
- C. "Hate crime" means actual or threatened physical violence or intimidation that is directed against a person or his or her property and that is based on the person's race, color, religion, sex, national origin, handicap, or familial status.
- D. The Pawnee Nation Housing Authority shall determine that the hate crime involved occurred recently or is of a continuing nature.

SUBSTANDARD HOUSING

A unit is substandard if it:

- A. Is dilapidated
- B. Does not have operable indoor plumbing i.e., a usable flush toilet, bathtub or shower inside the unit for the exclusive use of a family;
- C. Does not have electricity, or inadequate or unsafe electrical service;
- D. Does not have a safe or adequate source of heat;
- E. Should, but does not, have a kitchen; or
- F. Has been declared unfit for habitation by an agency or unit of government.

OTHER DEFINITIONS

Dilapidated unit, A unit is dilapidated if:

- A. The unit does not provide safe and adequate shelter, and in its present condition endangers the health, safety, or well-being of a family.
- B. The unit has one or more critical defects, or a combination of intermediate defects insufficient number of extent to require considerable repair or rebuilding. The defects may involve original construction, or they may result from continued neglect, lack of repair, or serious damage to the structure.

STATUS OF SINGLE ROOM OCCUPANCY HOUSING

In determining whether an individual living in a single room occupancy (SRO) housing qualifies for Local preference, SRO housing is not considered substandard solely because it does not contain sanitary or food preparation facilities.

HOMELESS FAMILY

An applicant that is “homeless family” is considered to be living in substandard housing. A “homeless family” includes any person or family that:

- A. Lacks a fixed, regular, and adequate nighttime residence; and also
- B. Has a primary nighttime residence that is:
 1. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare, hotels, congregate shelters, and transitional housing);
 2. An institution that provides a temporary residence for individuals intended to be institutionalized; or
 3. A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human being.
- C. A “homeless family” does not include any person imprisoned or otherwise detained pursuant to an Act of Congress or a State or Tribal Law.

RENT BURDEN

A “Rent burden preference” means the Local preference for admission of applicants that are required to pay more than 50% of family income for rent. For purposes of determining whether an applicant qualifies for the rent burden preference:

- A. “Family income” means Monthly Income, as defined in 1000.10.
- B. “Rent” means: The actual monthly amount due under a lease or occupancy agreement between a family and the family’s current landlord; and
- C. Child support deduction – A deduction of 50% of child support payment when calculating rental payments. (Amendment 11/13/2018)

- D. For utilities purchased directly by tenants from utility providers:
 - 1. The utility allowance for family-purchased utilities and services that is used in the Pawnee Nation Housing Authority's programs; or
 - 2. If the family chooses, the average monthly payments that the family actually made for these utilities and services for the most recent 12-month period or, if information is not obtainable for the entire period, for an appropriate recent period.
- E. Amounts paid to or on behalf of a family under any energy assistance program shall be subcontracted from the otherwise applicable rental amount, to the extent that they are not included in the family's income.

An applicant does not qualify for a rent burden preference if either of the following is applicable:

- A. The applicant has been required to pay more than 50% of income for rent for less than 90 days.
- B. The applicant is paying more than 50% percent of family income to rent a unit because the applicant's housing assistance for occupancy of the unit under any of the following programs has been terminated due to the applicant's refusal to comply with applicable program under occupied and overcrowded units.

SECTION 4 OCCUPANCY STANDARDS

To avoid overcrowding and prevent waste of space, homes shall be assigned in accordance with the occupancy standards set forth standards set for below.

1. 1 Bedroom	Minimum 2	Maximum 1
2. 2 Bedroom	Minimum 2	Maximum 5
3. 3 Bedroom	Minimum 4	Maximum 7
4. 4 Bedroom	Minimum 6	Maximum 9

Occupancy with Respect to Persons of Opposite Sex

- A. Homes are to be assigned to that it will not be necessary for persons of opposite sex, other than spouses, to occupy the same bedroom.
- B. Homes will be assigned so as not to require use of the living room for sleeping purposes.
- C. Every family member regardless of age is to be counted as a person.
 - 1. Young families may be assigned a larger unit in anticipation of additional children.

SECTION 5 RECEIPT OF APPLICATIONS AND DETERMINATIONS OF ELIGIBILITY

This section sets forth the basic steps which shall be taken in obtaining and verifying information from applicant families for the purpose of:

- A. Determining whether they meet the conditions of eligibility for admission set forth in Section 1.
- B. applying the participant selection criteria contained in Section 2.
- C. Determining the required monthly payment to be charged in accordance with Appendix B Annual Adjustment Income.
- D. Determining the size of dwelling required in accordance with Section 4.

PROCEDURE GOVERNING RECEIPT OF APPLICATION

The application constitutes the basic record of each family applying for admission.

- A. Each applicant, therefore, will be required to supply information as called for on the Application for Admission form and sign the application and related forms attesting to the accuracy of the data provided.
- B. Each application shall reflect the date and time received.
- C. The application together with all other materials related to the family's eligibility are to be maintained in an active file for each applicant not classified as ineligible or withdrawn.
- D. If during the application interview it appears that the applicant is definitely not eligible, the applicant is to be so informed and the application classified as ineligible.
 - 1. In such instances, sufficient information is to be entered on the application form to establish ineligibility.
- E. All entries are to be made in ink, indelible pencil or typed in. Corrections or changes are to be made by lining through the original entry and entering the correct data. Such changes are to be dated and initialed by the person recording the change and the reason and authority for such changes noted in the record.

VERIFICATION AND DOCUMENTATION OF APPLICATION DATA

To assure that the data upon which the determination of eligibility under 24 CFR 1000.128 preference status:

- A. Monthly payment to be paid.
- B. Size of dwelling required are full, true, and complete.
- C. The information submitted by each applicant shall be verified.

Complete and accurate verification records consisting of, but not limited to the following, are to be maintained.

- A. Signed letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income;
- B. Copies of documents in the applicant's possession which substantiate his statements or a brief summary of the pertinent contents of such documents, signed and dated by the staff member who viewed them.
- C. Certified statements, or summary data from books of account.
 - 1. From self-employed persons.
 - 2. From persons whose earnings are irregular.
 - a. Such as salesmen.

- b. Seasonal workers, etc.
- 3. Setting forth gross receipts.
- 4. Itemized expenses.
- 5. Net income.
- 6. Copies of income tax returns shall be provided.

D. Memoranda of verification data obtained by personal interview, telephone, or other means, with source, date reviewed and the person receiving the information clearly indicated.

E. Documents verifying that an applicant is, if claimed:

- 1. Actually, without housing or about to be without housing (involuntarily displaced).
- 2. Living in substandard housing as defined in Appendix A.
- 3. Paying more than 50 percent of income for rent.

F. Verification of social security number of **ALL** family members and CDIB.

SUMMARY OF VERIFICATION DATA AND CERTIFICATION

Verification: Data is to be reviewed and evaluated for completeness, accuracy, and conclusiveness.

- A. If the information received is not complete, follow ups or new efforts to obtain such information are to be made and carried through.
- B. If during the verification process it becomes evident that for one or more reasons an applicant is ineligible,
 - 1. The investigation is to be discontinued
 - 2. Applicant notified in writing of their ineligibility
 - 3. Reasons for the ineligibility clearly stated.

When verification of all requested items is complete, the verified information is to be entered in the space provided on the right side of the Application form. The summary is to cover the following determination and the basis for such:

- A. Eligibility of the applicant as a family;
- B. Eligibility of the family with respect to income limits for admission;
- C. Size of unit to which the family should be assigned;
- D. Monthly payment which the family is to pay;
- E. Preference status, if any, of the family.

Certification: As a part of the applicant's record of each family determined to be eligible by the Pawnee Nation Housing Authority, a designated staff member is to complete and sign the eligibility certification on the Application for Admission form.

LOW RENT WAITING LIST

The Pawnee Nation Housing Authority shall maintain a separate waiting list for rental properties and lease purchase units for families determined to meet the admissions requirements.

NOTIFICATION TO SELECTED FAMILIES

Notification to selected family shall be in writing and include the following information:

- A. A statement the family or person is eligible for housing and placed on a waiting list.
- B. Payments and deposits which must be paid before move-in when a unit is available.
- C. When a vacancy is available, the head of the household will be notified to come to the office for final verification of income and family size.
- D. Upon approval of all verification, a date and time shall be set for signing and lease and at which time a review of the policies shall be made.
- E. A statement that the family's eligibility shall be subject to verification at the time of execution of the Lease Agreement.
- F. *Possession of firearms – Firearms are strictly prohibited in any tenant housing or property.*
- G. A statement that the notice of selection **DOES NOT CONSTITUTE** any contractual obligation on the part of the **Pawnee Nation Housing Authority**.