

TE-MOAK TRIBE OF WESTERN SHOSHONE HOUSING AUTHORITY

LOW RENT ADMISSIONS AND OCCUPANCY POLICY

Te-Moak Housing Authority

It is the hope and goal of the Te-Moak Housing Authority's (also known as TMHA or Lessor throughout this policy) Tribally Designated Housing Entity (TDHE) board that all tenants and all homebuyers fully comply with the terms and conditions of their Low Rent Lease. This Housing Authority is subject to the Indian Civil Rights Act (Title II of the Act of 1968, 25 U.S.C. 1301-03), which provides that no Indian Tribe in exercising power of self-government shall deny due process or the equal protection of its laws to any person within its jurisdiction. This policy sets forth the procedures to be used by the housing authority to ensure equal and fair treatment, and full compliance with The Act, Public Law 104-330, 25 CFR 1000, the ACC, Part II, and other HUD laws and regulations.

CHAPTER 1

NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES

1-1 Objectives (NAHASDA, Subpart B-201)

It is the policy of the Te-Moak Housing Authority:

- a. To assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families;
- b. To ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;
- c. To coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

- d. To plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and
- e. To promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

CHAPTER 2 CONDITIONS GOVERNING ELIGIBILITY

2-1 Applicant or Participant's Criminal Conviction Information

In accordance with Title II, Sec. 208 of NAHASDA, TMHA will have the authority and ability to obtain any criminal information on all applicants and their adult household members (age 18 and older) as well as existing participants and their adult household members (age 18 and older) that reside in the housing authority's units.

2-2 Eligibility for Admission

In order to apply for admission to the HUD-aided low rent units operated by TMHA applicants must:

- a. Be an enrolled member of the Te-Moak Tribe of Western Shoshone;
- b. Qualify as a Family. *(Revised 11/17/05, Resolution 15-TMHA-48)* A family can consist of any combination of immediate or extended family members as listed, who are conducting themselves in a manner consistent with a family institution.
 - 1. Parent(s) with minor child(ren).
 - i) If single parent or child(ren) has not been living with Parent(s), they must have legal or court documentation showing physical custody of child (ren).
 - ii) The Custody of a child may be claimed by only one parent to qualify as eligible as a TMHA applicant or participant. If parents or custodians have joint custody TMHA will only authorize one unit per child named.
 - iii) If you are eligible as a TMHA program participant through custody of one child, additional children may be added to household composition without proof of custody.
 - 2. A married couple. A marriage certificate is required.
 - 3. Siblings shall be a brother and a sister; two brothers; or two sisters.

- i) Certification must be obtained that once a home is provided they will reside together up to one (1) year. If one of the siblings is a minor, the non-minor sibling will need to show legal documentation of guardianship or custody of the minor sibling. Should only sibling reside in the unit prior to the one (1) year, they shall be subject to eviction under the assumption the application information was false and the listing of a second family member on the application was an attempt for a single person to obtain a home through fraudulent methods.
4. An elderly family (62 years or older is considered to be an elderly) living with spouse or adult siblings(s) that is essential to their care or well being.
 - i) Certification on the adult sibling(s) must be obtained that once a home is provided they will reside together. They shall be subject to eviction under the assumption the application information was false and the listing of a second family member on the application was an attempt for a single person to obtain a home through fraudulent methods.
5. A disabled family living with spouse or adult sibling(s) that is essential to their care or well being.
 - i) Certification on the adult sibling(s) must be obtained that once a home is provided they will reside together. They shall be subject to eviction under the assumption the application information was false and the listing of a second family member on the application was an attempt for a single person to obtain a home through fraudulent methods.
6. Other combinations defining family is as long as the family consists of a minimum of two of the following family members: Aunts, Uncles, Grandparents, Nieces, Nephews and Cousins.
 - i) Certification must be obtained that once a home is provided they will reside together up to one (1) year. If one of the family members is a minor, the non-minor family members will need to show legal documentation of guardianship or custody of the minor family member. Should only one family member reside in the unit prior to the one (1) year, they shall be subject to eviction under the assumption the application information was false and the listing of a second family member on the application was an attempt for a single person to obtain a home through fraudulent methods.

Except, if no eligible family exists on the Wells Low Rent waiting list, a single person who meets the remaining eligibility for admissions criteria can be eligible for a unit, temporary until such time an eligible family qualifies for a unit and give a 30-day notice to the occupant (to vacant said premises). *(BOC addition revision 02/03/99)*

- ii) The Battle Mountain Band Council has designated the two-bedroom low rent unit located at 2311 West Sagehen in Battle Mountain as an elder's home. *(Resolution 10-BM-09)*

(TDHE amendment Resolution 10-TMHA-98) Except, if no eligible elder exists on the Battle Mountain Low Rent waiting list, a single person who meets the remaining eligibility for admissions criteria can be eligible for the unit, temporary until such time an eligible elder (62 years or older) qualifies for the 2311 West Sagehen unit and give a 30-day notice to the occupant to vacate said premises.

(TDHE amendment Resolution 10-TMHA-99) Except, if no eligible family exists on the South Fork Low Rent waiting list, a single person who meets the remaining eligibility for admissions criteria can be eligible for the two-bedroom rental unit located at Cedar Circle #3, temporary until such time an eligible family qualifies for the unit and give a 30-day notice to the occupant to vacate said premises.

- 7. *(TDHE addition revision 05/17/07, Resolution 07-TMHA-23)* Single person eligibility admission for a unit in the Elder Complex (on the Elko Colony) priority is to the elderly 62 years and older, with a cap payment of \$132.00 a month; and lastly to single individuals who meet other requirements as listed below:

- i) Have consistent year round visible income (must show proof) from all sources of each member in the household as determined in accordance with criteria described by the Secretary of Housing and Urban Development. Income from Welfare, Indian General Assistance (IGA), TANF, or child support, etc. are not considered visible income as these are considered income assistance.

- a. Definition of income

- i. Full Time – Year around permanent employment or income – or six (6) months or more employment or income.

- ii) Single Low Income tenants will be charged the monthly capped rent of \$132.00.

- iii) Except if no eligible elderly person or near elderly person exists on the waiting list for the Elder Complex, the single person who meets the above requirements and the remaining Low Rent eligibility admissions criteria may be eligible for an Elder Complex unit. However, once there is an eligible elderly person the single person will be given a 30-day notice to vacate the Elder Complex unit.
- c. Have an annual family income, which does not exceed the applicable income limits for admission.
 - a. Except if no eligible low-income family exists on the Low Rent waiting list a non low-income family may be approved per the HUD Federal Rules and Regulations that states the TMHA may use up to 10 percent of its annual grant amount for families whose income falls within 80 to 100 percent of the median income. If approved, the applicant cannot receive the same benefits provided to low-income families. The rent to be paid by a non low-income family need not exceed the fair market rent value of the unit. *(Amended 01/15/09, Resolution 09-TMHA-01)*
 - b. Should a participant or applicant report income that does exceed the applicable income limits, TMHA will calculate their payment with no cap.
 - c. A participant or applicant exceeding the applicable income limits will have the opportunity to remain in housing for 6 months while looking for other housing opportunities.
- i) Presently residing in and/or working in Elko or Lander County. *(Addition revision 01/30/06, Resolution 06-TMHA-14)*
- d. Be 18 years of age or older.
- e. Provide all requested information for each member of the household and sign the required forms.
- f. If an Elder is currently residing in a Project 16-4 unit (Elder Complex), they can only be considered for a larger two-bedroom unit in the Elko area should one becomes available, based on the geographical preference. They cannot be considered for a larger three or four bedroom unit. *(Addition on 09/17/98 by BOC)*
- g. Tribally enrolled minors may apply for housing but will not be considered or approved until the minor becomes eighteen years of age as stipulated in the policies. *(Addition revision 09/17/98)*

2-3 Eligibility for Continued Occupancy

In order to be eligible for continued occupancy in the HUD-aided housing units operated by TMHA the occupants must:

- a. Be an authorized member(s) of the family;
 - i. Participants with children in the home who are 18 years old or older and meet all other eligibility requirements for occupancy will have the ability to be presented to the TDHE on a case-by-case hearing to decide eligibility for continued occupancy.
- b. Provide all required information at annual re-examinations within a 60-day period:
 - i. Annual Recertification for all household members.
 - ii. Release of information and Certification Page must be signed by all members of the household that are 18 years of age and older.
- c. Not have engaged in any criminal activity, alcohol and drug abuse, domestic violence, or violent behavior, misuse of firearms, or disturbances on or near the premises. This also applies to any member of the participant's household, or guest or other person under the participant's control.
 - i. If TMHA has substantial relevant and admissible evidence that the leasee, leasee's guest, or person under the leasee's control was in possession of a controlled substance in the rental unit shall be grounds for Termination of the Low Rent Lease. Arrest for such activity, and confiscations of drugs (that drug swab – POSITIVE) and/or drug related paraphernalia is deemed sufficient grounds for TERMINATION OF THE LOW-RENT LEASE. A criminal conviction in a Court of Law, does not have to take place prior to the Termination of the Low Rent Lease.
 - ii. Criminal activity also includes the Aiding and Abetting and the Harboring of Fugitives.
 - iii. TMHA shall deliver the homebuyer a two (2) day notice; whether hand delivered or written to complete the drug test swab.
- d. TMHA recognizes that Household Drug Pollution may cause serious health problems for its tenants. Therefore, in an attempt to protect our tenants from Household Drug Pollution, TMHA reserves the right to test a home prior to,

during, and/or after tenant occupancy. TMHA reserves the right to test a home if reasonable suspicion exists which indicates that drugs are currently being used, sold, or manufactured in a home.

- e. TMHA is hereby adopting a zero tolerance, if the Structural Narcotics test swab shows a positive result, this will be grounds for immediate termination of the Low Rent Lease. If occupant(s) does not vacate the premises with five (5) days, TMHA shall file a Civil Complaint for criminal trespass.
- f. Take every care to prevent fire and household drug pollution. Not to keep gasoline, solvent, or other combustible, toxic, contaminated materials or substances in the unit. And to exercise particular caution with respect to children playing with matches. If the unit is damaged:
 - i. Occupant(s) shall immediately notify Lessor of the damage.
 - ii. Occupant(s) shall be responsible for repairs of the unit within a reasonable time. If the damage is caused by Tenant, members of the household or guest, Tenant shall pay the cost(s) of the repair.
- g. Have a current account.
- h. Have complied with annual inspection requirements.
- i. Have verified income for at least six (6) months out of the year.
 - i. Failure to provide proof of employment will result in following the steps of the Collection and Compliance Policy which shall result in the Termination of your Low Rent Lease.
- j. Must be in full compliance with the Low Rent Lease, the requirements of the federal regulations, and with the policies of the TMHA.
- k. Low Rent Lease Participants must not own another home. If it is verified by TMHA that they have ownership to another home, the Lease with TMHA shall be terminated in accordance with the provisions in Chapter 13 of the Low Rent Lease.

CHAPTER 3 SELECTION OF PARTICIPANTS

In selecting families, it shall be the policy of TMHA to try to place, families in units appropriate for their family composition, taking into consideration the availability of such sized units.

3-1 The size of the family, size of the unit, and the date of application shall determine placement.

3-2 Non-Selection Criteria

The Housing Authority shall not select any applicant for the program if it is determined during the application verification process which is outlined in Chapter 5 of this policy, that the applicant family:

- a. Does not have the ability to meet tenant obligations.
- b. Has previously abandoned, or been evicted from a HUD assisted home operated by this or any other housing authority within five (5) years. After five (5) years of abandonment or eviction the TDHE board may decide, on a case-by-case basis. *(Revised 10/21/04, Resolution 04-TMHA-35).*
- c. Owes debt incurred from prior occupancy of a HUD assisted home at this or any other housing authority;
- d. Was evicted for non-compliance with the provisions of the rental lease agreement other than drug activity; the applicant's application may be approved and placed on the waiting list. In order for a home to be offered to the applicant, the applicant shall complete a financial literacy counseling course, as well as any other developed counseling courses in maintenance, safety, etc., that TMHA may have in place. If the applicant does not complete the required courses, the applicant's application will be presented to the board for removal from the waiting list.
- e. Must not have leased land (assignment) or home in any other constituent band area. *(Addition revision 10/21/04 Resolution 04-TMHA-35)* Has ownership of a home.
- f. Any person listed on an application that has been convicted of a felony sex offense. This includes any person listed on the application. *(Amended: July 15, 2010 / Resolution No. 10-TMHA-62).*
 - 1) Applicants who have convictions for Rape, Prostitution or Sexual Deviation, shall be permanently ineligible for any type of Housing Assistance program managed by the TMHA. This includes convictions for the offenses of the following:
 - Rape
 - Sodomy
 - Prostitution
 - Carnal Abuse

Child Molestation
Indecent Exposure
Impairing the Morals of a Minor
Similar Crime Indication a Sexual Deviation

- g. Has a history of drug use or drug related criminal activity including any record of illegal manufacturing, sale or distribution, or possession with intent to manufacture, sell, distribute or use of a controlled substance, or a history of any behavior or activities which could adversely affect the neighborhood.

Applicants or Participants who are confirmed to have a Drug / Alcohol Addiction / Abuse problem shall be permanently denied access to any type of Housing Assistance program managed by the TMHA. This would be based on evidence that confirms drug / alcohol addiction / abuse. For example:

- 1) A record of conviction for possession or use of methamphetamine, heroin, narcotics and/or other controlled substances;
- 2) A record of conviction for activity relating to the misuse of alcohol;
- 3) Written reports from a probation officer, a recognized public social agency, etc.

The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use or possession with intent to manufacture, sell, distribute or use of a controlled substance (as such term is defined in Section 102 of the Controlled substance Act.)

The term "addict" means any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare, or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his / her addiction.

The term "narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

Exceptions: In cases where the individual has undergone follow-up treatment by a professional agency, they may be considered for participation within the TMHA program after a period of three (3) years has elapsed.

- 1) Such agency must confirm, in writing that said individual is rehabilitated and has not been involved in any further drug/alcohol misuse.
- 2) The three (3) year period is calculated based on the most recent date of conviction.

Applicants or Participants who are known to have a Criminal Conviction shall **NOT** be eligible for any type of Housing Assistance program managed by the TMHA. This includes cases in which the applicant, participant or a member of the applicant or participant family, who is expected to reside in the affected household was or is engaged in any criminal activity which involves crimes of physical violence to persons or property or the nature of which would be detrimental to the safety and welfare of other tenants or their peaceful occupancy of the premises.

Violent Crimes: Anyone convicted by court disposition of “violent crimes” shall be permanently ineligible for any type of Housing Assistance from the TMHA. For the purpose of this policy, “violent crimes” are crimes in which the offender uses or threatens to use violent force upon the victim. This entails both crimes in which the violent act is the objective, such as murder, as well as crimes in which violence is the means to an end, such as robbery. Violent crimes include crimes committed with and without weapons.

The TMHA will adhere to such crimes as identified in the CFR, Major Crimes Act, not to exclude any violent crimes listed in any State, Federal or Tribal definitions of Violent Crimes. See Appendixes 1 and 2.

If after a period of three (3) years, and there are NO further instances of criminal activities, the individual may be considered for Housing Assistance programs managed by the TMHA. This consideration will be heard in closed session of the Te- Moak Housing Authority meeting and a decision concluded by the TDHE.

The three (3) year period is calculated based on the most recent date of conviction.

Habitual Criminal: For the purpose of this policy a habitual criminal is someone who is repeatedly arrested for criminal behavior.

Applicants who are determined to be habitual criminals shall be permanently ineligible for any type of Housing Assistance program managed by the TMHA.

This includes cases in which an applicant or a member of the applicant’s family, who is expected to reside in the household, has demonstrated over time that he/she is a habitual criminal.

While individually, the crimes on the individual's record may NOT warrant REJECTION, collectively they would.

For example: An individual has ten (10) or more arrests and convictions within the past three (3) years. This shows a pattern of criminal activity and is NOT a person desired in housing units. Their demonstrated behavior would likely be detrimental to the safety and welfare of the other tenants or the other tenant's enjoyment and peaceful occupancy of the premises.

- h. Has had a prior criminal conviction within the last 3 years will be denied. However, the denied applicant will have the right to file a grievance in accordance with the Te-Moak Housing Authority's Grievance Policy and will have the opportunity to plead their case with the TDHE Board. *(Amended January 21, 2010 / 10-TMHA-16)*

- 3-3 In order to determine the detrimental effect an applicant's conduct would likely have on project or the safety, health, or welfare of it's residents, documentation is to include letters and reports of interviews or telephone conversations with reliable sources, such as current and previous landlords, employees, court records, and police departments, and conversations with the applicant in the housing authority offices or during a home visit.

The documentation reports shall include the date, source of information, name and title of person contacted and a summary of the information received. The information shall include, but will not be limited to the following:

- a. Time, nature, and extend to the applicant's habits and practices in regards to:
 - i. Past performances in meeting financial obligations, especially rent and/or utilities, disturbances or neighbors, destruction of property, living or housekeeping habits, history of criminal activity, property, alcohol or drug abuse, and other acts which would adversely affect the health, safety, or welfare of other residents.
- b. The reports shall also include an evaluation of factors, which indicate a probability of favorable future conduct of financial prospects, such as:
 - i. Evidence of rehabilitation, evidence of willingness to participate in appropriate counseling service programs, and availability thereof; and availability of training or employment programs in the locality.
 - ii. The information obtained from verification is evaluated and can be a determining factor in the housing authority's selection procedures.

Negative reports and/or information can affect an applicant's ability to obtain a home.

CHAPTER 4 OCCUPANCY STANDARDS

- 4-1 To avoid overcrowding and prevent waste of space, homes shall be assigned in accordance with the occupancy standards set forth below.

A family shall be assigned to a unit reasonable for its household composition taking into consideration the availability of such sized units.

4-2 Occupancy with Respect to Persons of Opposite Sex

Homes are to be assigned so that it will not be necessary for person of opposite sex, other than spouses, to occupy the same bedroom.

- 4-3 Homes will be assigned so as not to require use of the living room for sleeping purposes.

- 4-4 Every family member regardless of age is to be counted as a person.

- 4-5 Young families may be assigned a larger unit, if appropriate, in anticipation of additional children.

4-6 Verification and Documentation of Applicant and Participant Data

To assure that the data upon which determinations of eligibility, preference status, monthly payment to be paid, and size of dwelling required, are to be based are full, true, and complete, the information submitted by each applicant and participant is to be verified and may include, but is not limited to the following:

- a. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income, income tax forms may be required;
- b. Photo static or carbon copies of documents in the applicant's possession which substantiate his/her statements, or brief summary of the pertinent contents of such documents signed and dated by the staff member who viewed them;
- c. Income tax records, certified statements, and/or summary data from books of account from self-employed persons, persons whose earnings are irregular, such as salespersons, seasonal workers, etc., itemized expenses, and net income.

- 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.

The staff member must verify all information delivered to the housing authority directly by the applicant.

4-7 Summary of Verification Data and Certification

Verification: Data is to be reviewed and evaluated as received for completeness, accuracy, and conclusiveness. Where the information received is not completely adequate in all respects, follow-ups or new efforts to obtain such information are to be made and carried through to conclusion. If during the verification process it becomes evident that for one or more reasons an applicant or participant is ineligible, the investigation is to be discontinued and the applicant notified in writing of his/her ineligibility and the reason for ineligibility clearly stated.

As verification of all necessary items for each application or recertification is complete, a summary of the verified information and the sources are to be documented on the participant's profile and review sheets. The summary of the review is to cover the following determination and the basis for such:

- a. Eligibility of the applicant or participant 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; and
- d. Monthly payment, which the family is to pay.
- e. The submittal of false information or the refusal to submit information required under this subpart shall be sufficient cause for TMHA to revoke existing Lease or withhold acceptance to the waiting list.

The applicant's or participant's profile verification, the point's determination, if applicable, and the review sheet will all be combined to determine eligibility for admission or continued occupancy.

Certification: As a part of the application or recertification record of each family determined to be eligible by the housing authority, a designated staff member is to complete and sign the eligibility certifications on the admission review sheet.

CHAPTER 5
QUALIFY OR NON-QUALIFYING CRITERIA AND PROCESS

5-1 Notification to Selected Families

If an applicant is accepted, a resolution will be adopted approving the applicant at the TDHE board meeting. Promptly after approval of the application, the housing authority shall notify the applicant that they have qualified and been approved. The notification to a selected family shall be in writing and shall include the following information:

- a. A statement that the family has been selected and will be placed on a waiting list, if there is not currently a home available for which they qualify.
- b. A copy of the Housing Authority waiting list requirements (Chapter 6).
- c. A statement that the family will be advised at a later date of the time and place for training activities and counseling sessions required for occupancy.
- d. A statement that the family's eligibility shall be subject to verification at the time a home becomes available.

5-2 Disqualification of a Selected Family

A previously qualified family could become ineligible for any of the following reasons:

- a. No longer qualifies as a family due to change(s) in household composition.
- b. TMHA acquires knowledge of a drug and/or alcohol abuse, which could be considered detrimental to a neighborhood.
- c. TMHA acquires knowledge of domestic violence or violent behavior(s), which could be considered detrimental to a neighborhood.
- d. Income inadequate or non-qualifying for a Low Rent program.
- e. TMHA acquires information indicating the family falls under the non-selection criteria.

If a family, which previously qualified, is determined to be ineligible, the Housing Authority is to notify the family in writing. The notification should state the specific reason(s) for disqualification and inform the applicant or participant that they can schedule an appointment with a staff member of the appropriate department to discuss their situation and if possible, a corrective action plan in becoming or remaining eligible for the program.

The notification should also inform the applicant of appeal procedures [Ref. Grievance Policy, Article V – VI, Page 4 of 4-this section only applicable to new applicants] available to them. Once an applicant has been disqualified, they shall be removed from the waiting list by resolution at a TDHE board meeting, except as stated in section 6-3.

5-3 Re-Qualifying for the Waiting List

If an applicant, who was removed from the list, should meet the requirement to re-qualify, they will again be placed on the waiting list. The date the applicant re-qualified will be used as the application date and they will be placed on the waiting list according to the date of re-qualification.

5-4 Acceptance of an Available Home

A home is to be in complete repair before it is to be offered to an applicant. Once a home is offered, the applicant has ten (10) days to accept or refuse the home. If the home is accepted, the applicant has fifteen (15) days to transfer and/or turn on all utilities (electricity, gas, water). The applicant will be charged rent upon move-in or at the end of the 15-day period, whichever comes first or as stated in the agreement.

5-5 Refusing an Available Home

An applicant can refuse two available homes and still retain their place on the waiting list. However, if they should refuse the third home offered, they will be moved to the end of the waiting list and their original application date replaced with the date of the third refusal. This replacement will be approved by a resolution with a majority vote at a TDHE board meeting.

**CHAPTER 6
WAITING LIST REQUIREMENTS**

6-1 Maintaining Separate Waiting Lists

The Housing Authority will maintain separate waiting lists for its mutual help and rental homes. An applicant may qualify, be approved, and be listed on both lists. Geographical preference as established by the Bands will determine an applicant's place on the waiting list, in accordance to *Resolution 09-TMHA-35*. If an applicant is on one waiting list and wishes to be placed on another, he/she will again have to submit an application for approval. If approved, the date of this approval will be the date used for selection along with the other criteria listed in Chapter 6-3.

The Housing Authority will also maintain separate waiting lists for the following areas:

- a. Elko (*Resolution No. 2009-EBC-17*)

- i. Must be 18 years of age or older and raised on the Elko Indian Colony.
 - ii. Must be registered with the Enrollment as a member of the Elko Band for no less than three years prior to receiving a home.
 - iii. Must not have leased land, a land assignment, or a home in other constituent band area.
- b. South Fork
- c. Wells
- d. Battle Mountain

Waiting list for all constituent band areas require the applicant; be registered with the Enrollment Department as a member of the Te- Moak Tribe of the Western Shoshone Indians of Nevada for no less than three (3) years prior to receiving a home.

Must not have a home in any other constituent band area, or record of any homeownership anywhere. *(Addition revision 10/24/04, Resolution 04-TMHA-35)*

Applicants may qualify, be approved, and be listed on more than one area list. If an applicant is currently on one list and wishes to be placed on another list, he/she must apply for the second area and the date of application approval is the date that will be used for selection for the second area.

An applicant could be approved for one area, and denied for another if it is decided that the second area might not be appropriate, safe, and/or sanitary for that applicant. If it is decided that an area is not suitable for an applicant, the applicant will be provided with a reason or reasons for the decision and advised on possible changes necessary to qualify and/or how to appeal [Ref. Grievance Policy, Article V – VI, Page 4 of 4-this section only applicable to new applicants] the decision.

6-2 Required Information for a Waiting List

Each waiting list shall be updated at a regularly scheduled interview and must include the following information on each and every applicant and/or family and/or household member listed:

- a. Name of the applicant;
- b. Number in applicant's family;
- c. Size of the unit qualified for; and

- d. Date of application approval.

If because of the required follow up re-examinations, the above information on an applicant should be crossed out, the information typed in. The date the information was supplied and by whom should be noted. In addition, the person making the changes should be identified. All changes are to be verified.

6-3 Required Waiting List Updates

The waiting list will be updated monthly, adding names of approved applicants, making necessary information changes, and removing the names of applicants who are no longer interested. Names of applicants who are no longer qualified because of income guidelines are to remain on the list, as their circumstances could change and again make them eligible.

- a. The Waiting List posted for Public will not list personal information.
- b. The applicants will be identified by application number.

6-4 Applicant's Responsibility for Providing Information

A participant is responsible for providing this housing authority with information pertaining to any changes in family composition or family income. The income or composition changes that must be reported are the same as listed in Chapter 7-4 a. and after being placed on the waiting list, this housing authority will contact the applicant at 6-month intervals to update information and confirm the applicant wishes to remain on the list.

- a. This will be done through certified mail to last reported mailing address.

6-5 Client Service Program

While on the waiting list, the applicant and all household members 18 years old and older will be required to attend budget and counseling sessions. The applicant will be notified of times and dates of sessions being held. The counseling sessions must be attended before an applicant can be placed into a home.

CHAPTER 7

EXAMINATION AND RECERTIFICATION OF FAMILY INCOME

7-1 Purpose of Examinations and Re-certifications

As stated in Section 1000.128 of NAHASDA, the Housing Authority shall examine the participant's family earnings and other income prior to initial occupancy and shall conduct recertifications thereafter at least once a year for the purpose of determining the required monthly payment, and for making adjustments in the amount so determined.

7-2 Recertification Schedule

The family's "recertification schedule" shall coincide with the date of the effective date except as follows:

- a. The date of the first recertification may be extended to not more than 18 months after the initial examination if necessary to fit the recertification schedule established by the housing authority.

Thereafter, the recertification process shall commence at least 2 months before the effective date to allow sufficient time for the housing authority staff to verify all information provided by the family.

7-3 Re-certification Procedures

Data assembled at the time of the recertification is to be filed into his/her recertification folder set up for the family at the time of admission.

7-4 Annual Recertification: Receipt of Application for Continued Occupancy and Authorization for Release of Information and Certification Page

- a. Each participant shall be required to complete an annual recertifications submit all information for completion of an application for continued occupancy recertification. All entries are to be completed by the participant and/or by the person interviewing the participant on behalf of the housing authority. Changes or corrections are to be initialed and dated by the person making such changes.
- b. The participant must sign the completed application and all adult (age 18 and older) household members must sign the release of information and Certification Page. Upon completion of the aforementioned documents the housing authority will process the required certification.
- c. Every adult (age 18 and older) in the participant's household will be required to sign the Authorization for Release of Information and Certification Page. The document will be utilized in the verification of information required by the housing authority.

7-5 Interim Redetermination of Family Income and Adjustment of Monthly Payment

No adjustment of monthly payments are to be effected between the dates of annual recertification (as set forth in 7-1 and 7-2 above) except as provided in paragraphs a and b below.

- a. In addition to submitting such information as may be required at the time of the annual recertification, participants are required to report the loss of family member(s) through death, divorce, or any other continuing circumstances. In

addition, an addition to the family by marriage, birth, or any other continuing circumstances such as additions to the household that exist for more than 60 days.

- b. Participants must report increases or decrease in income, including the loss or addition of principal income recipients or wage earners, additional exemptions, or retirement. Unemployment or re-employment must be reported when exceeding a 60-day period. Seasonal workers will need to report unemployment, re-employment, and changes in employers; however, since payments are based on annual income and derived from the previous year's income tax records, payments may remain the same. Reductions in monthly payments will occur only if the current payment is more than 20% of the current income. All seasonal or sporadic workers and/or workers with several employers will be required to provide copies of the previous year's income tax records upon each re-examination.
- c. Failure to report changes in income can result in retroactive payments and/or eviction.
- d. Monthly payments for Low Rent tenants will not exceed thirty percent (30%) of the adjusted family income. *(TDHE approved March 18, 2010, Resolution 10-TMHA-43)*

7-6 Increase or Decreases in Monthly Payments

- a. Increases in monthly payments are to be made effective on the first day of the second month after the changes have been made. The new payment can be retro activated if necessary.
- b. Decreases in monthly payments are to be made effective on the first of the month following verification of the change. No downward monthly payment adjustments are to be processed until all the facts have been verified.
- c. Monthly payments for Low Rent tenants will not exceed thirty percent (30%) of the adjusted family income. *(TDHE approved March 18, 2010, Resolution 10-TMHA-43)*

7-7 Verification and Documentation of Re-Examination Data

To assure the accuracy of data upon which determinations for continued occupancy eligibility and changes in monthly payments are made, the information submitted by the participants shall be verified. This applies to both scheduled recertifications and interim recertifications. Verification procedures are the same as those shown in Chapter 4-5 and 4-6.

7-8 Action Required Following Re-Examination

After the participant has submitted all the information required and called for on the Application for Continued Occupancy, Authorization for Release of Information, and Certification Page, and verifications are completed, the participant is to be informed in writing concerning:

- a. Any changes to be made to the required monthly payment and the date the changes become effective,
- b. Any instances of misrepresentation or non-compliance with their Rental Agreement, other HUD rules and/or regulations or housing authority policies, and any corrective or necessary action which is to be taken as a result of the misrepresentation or non-compliance, and
- c. If the recertification discloses that the participant, at the time of admission or at any previous re-examination, knowingly made false or misrepresentations which have resulted in the payment of a lower monthly payment than he or she should have paid, the participant shall be required to pay the difference between the amount paid and what should have been paid.

7-9 Failure to Comply with Annual and Interim Recertification

Failure to provide the information and/or documents requested and/or required for recertifications and to comply with the annual or interim recertification is a breach of contract and may result in eviction. The following steps shall be taken for failure to respond or for non-compliance:

After the initial letter is sent out, and the participant does not meet the deadline given, the housing authority shall then;

1. Send a letter to the participant informing him or her of the intent to terminate for breach of contract; and
2. Commence termination and eviction procedures, as contained in TMHA's Collection and Compliance Policy.

7-10 Counseling Requirements

- a. All participants will attend counseling session offered by TMHA in financial literacy, maintenance, budgeting, etc.
- b. If participants do not attend required counseling sessions this may be a cause for eviction.

CHAPTER 8 ANNUAL INSPECTIONS

- 8-1 As required by Section 403 (b) of NAHASDA all participants will comply with the inspection requirements. (Calculated from the date of Move-In)
- Periodic Monitoring - Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this Act to assess compliance with the requirements of this Act. Such review shall include an appropriate level of onsite inspection of housing to determine compliance with applicable requirements.
- 8-2 Failure to comply with the inspection requirements will be subject to the eviction process.
- A participant will have the opportunity to reschedule an inspection one time. If a participant is not present at the time of the rescheduled inspection, TMHA will follow the Collection and Compliance Policy and issue a NOTICE OF NON COMPLIANCE.
- 8-3 At move-in new participants will be required to follow this inspection schedule as follows:
- Move-in inspection
 - 30 day follow up home visit
 - 3 month inspection
 - 6 month inspection
 - 12 month inspection

CHAPTER 9 TRANSFERS

9-1 Involuntary Transfer Procedure

TMHA can compel the transfer of tenants in low rent units for the following reasons:

- a. Family size has decreased and regulations dictate that a smaller unit is required. (See Occupancy Standards Chapter 4-1 and 4-2). This action will be taken only if there are families on the waiting list who qualify for a unit of the size currently occupied by the Tenant.
- b. Family size has increased and regulations dictate that the tenant occupy a larger unit. (See Chapter 4-1 and 4-2).

- c. Tenant appears to be incompatible with neighbors or lifestyle of neighbors or lifestyles of neighbors and problems cannot be resolved.
- d. The housing authority has determined that the location of the unit could affect the safety of the family and/or its ability to live in safe and sanitary conditions.

9-2 Involuntary Transfer Procedures

The following procedures shall be followed in all cases of involuntary transfer of a tenant.

- a. When the decision is made to compel a tenant transfer, the housing authority must notify the tenant of the intent to transfer. Such notice must be served by certified mail or in person.
- b. The notice shall inform the tenant of the reason for the transfer and of the address to which the tenant will be transferred.
- c. The notice shall inform the tenant of his/her right to a hearing before the TDHE board. The tenant shall have ten (10) days from the date of receipt (date of receipt defined as the date of mailing) of the notice to request a hearing. The hearing shall be scheduled for the next regularly TDHE board meeting falling at least 10 days from the date of receipt of the tenant's request for a hearing if the decision of the hearing is to leave the tenant in his/her unit, all transfer proceeding will be terminated. If the decision of the hearing is to compel transfer, the tenant will be served notice of the decision either by certified mail or in person.
- d. Tenant will be given 30 days from the date of receipt of the notification to relocate into the new unit and to vacate the current residence. Tenant will also be provided with a copy of the Grievance Policy of TMHA.

9-3 Voluntary Transfer Procedure

The transfer procedure of the TMHA sets forth a comprehensive statement for all parties associated with the housing programs. The policy allows for transfers from one Low Rent housing unit to another.

Procedures and transfer criteria are as follows:

- a. A tenant's request for transfer will be submitted in writing to Te-Moak Housing Authority, and will state the reason(s) for the request to transfer.
- b. The tenant requesting a transfer must not have a delinquent account.

- c. The tenant's utilities must be current and security deposits in place.
- d. The unit must be inspected for damages and up-keep before the transfer request is approved.
- e. Transfer request by Tenant:

Justification for a transfer shall include one of the following reasons:

- i. Medical
 - ii. Employment
 - iii. Change in family
- f. Transfer request by Te-Moak Housing Authority:
 - i. Transfer(s) will be requested by TMHA because of family composition change and to efficiently utilized living space.
 - ii. All requests for transfers will be considered based on existing circumstances.

CHAPTER 10 TERMINATION

10-1 Termination

TMHA has adopted a zero tolerance in this Policy Chapter 2 CONDITIONS GOVERNING ELIGIBILITY 2-3 Eligibility for Continued Occupancy e. The Housing Authority shall have the right to automatically terminate the lease for any type of proven through court disposition, drug or criminal activity or other violations. Conditions imposed on to the tenant or any other member of the household which are not able to be brought into compliance in accordance to the Collection and Compliance Policy Section 5 C. Non-Compliance Process When There is no Foreseeable way to Become Compliant as written. The Low Rent Lease is a renewable month to month lease, giving the housing authority the right to automatically terminate the lease.

CHAPTER 11 MEETINGS

- 11-1 Meetings that the tenants should request with the Executive Director, and/or TMHA staff must be submitted in writing. Once the written request is received, the Executive Director, and/or TMHA staff will have up to three (3) days in which to respond by correspondence.

- a. See Affidavit of Confidentiality.
- b. The right to a formal hearing before the TDHE Board. The right to attend the hearing and be represented by ONE (1) person of his or her choice, tenant must be physically present. Written request for your representative must be submitted five (5) days before the regular meeting date. Representative cannot be a TMHA employee or a TDHE Board member.
- c. The right to have others make statements on his or her behalf. This request must be submitted in writing before any correspondence is received or given out. No correspondence shall be given to the tenant and/or his/her representative which is from a third party entity i.e. police departments, sheriff office, etc. which could jeopardize the outcome of his/her case, should a court case be ongoing.
- d. Power of Attorney shall only be accepted for medical or mental incompetence, valid only with documentation from a licensed physician. However, the Power of Attorney shall only be valid for the length of specific violations, but not to exceed six (6) months.

Court Filing Fee

The TMHA reserves the right to seek reimbursement by the filing of a Civil Complaint for failure on the tenants part to cure any and all defaults in the lease.

Upon the tenant's failure to comply with the Notice of Termination and Notice to Vacate, the TMHA shall file a civil action for eviction in a court of competent jurisdiction for the Tribe.

- A. The court hearing can be stopped if the tenant pays total amount due to TMHA including past due, delinquent, court filing fees and current charges prior to the date of the scheduled hearing.