

RESOLUTION 2023-14

Authorizing and Adopting Amendments to Colville Indian Housing Authority's Rental Assistance Program Policy

WHEREAS, the Colville Indian Housing Authority is the duly constituted Housing Authority for the Confederated Tribes of the Colville Reservation, established by the Colville Business Council pursuant to the authority of the Constitution of the Colville Confederated Tribes, and in particular Article V, Section 1(a); and,

WHEREAS, the authorities and responsibilities of the Colville Indian Housing Authority are set out in the Colville Tribal Housing Authority Ordinance, adopted by Resolution 1977-59 of the Business Council; and,

WHEREAS, the purposes for which the Colville Indian Housing Authority was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe, and sanitary dwellings for persons of low income; and (3) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration or repair and operation of low-income dwellings; and,

WHEREAS, the Colville Indian Housing Authority has been designated as the "Trially Designated Housing Entity" for the Confederated Tribes of the Colville Reservation, as that term is defined at Section 4(21) of the Native American Housing Assistance and Self-Determination Act of 1996, P.L. 104-330 (25 U.S.C. 4101 – 4212), as amended (NAHASDA); and,

WHEREAS, the Business Council has appointed a Board of Commissioners to manage the Colville Indian Housing Authority (the "Board"), which Board operates pursuant to a Constitution and By-laws enacted by the Board on August 10, 2004 (as amended); and,

WHEREAS, the Colville Indian Housing Authority has previously adopted a Rental Assistance Program Policy to assist low income families who need to rent a privately owned unit but cannot provide the initial deposits; and

WHEREAS, Colville Indian Housing Authority management has reviewed the Rental Assistance Program Policy and, in consultation with the Housing Authority's legal counsel, has drafted proposed amendments to the Rental Assistance Program Policy, which amendments are shown in redline on Exhibit A to this Resolution; and

WHEREAS, the Board has reviewed and has determined that adopting the proposed amendments to the Rental Assistance Program Policy is in the best interest of the Colville Indian Housing Authority; and

NOW, THEREFORE, BE IT RESOLVED, that the Colville Indian Housing Authority Board hereby approves and adopts the amendments to the Rental Assistance Program Policy, as shown on Exhibit A to this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the amended Rental Assistance Program Policy, attached as Exhibit A to this Resolution, shall supersede and replace any other policies addressing this same subject matter.

NOW, THEREFORE, BE IT FINALLY RESOLVED, that the Housing Authority Executive Director is hereby directed and authorized to take any and all steps to implement the amended Rental Assistance Program Policy.

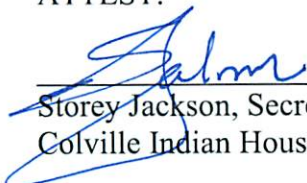
CERTIFICATION

This is to certify that the foregoing was duly enacted, pursuant to Article V of the Colville Tribal Ordinance, ratified on January 27, 1977, at a regular meeting of the Colville Indian Housing Authority Board of Commissioners, held on August 16, 2023, a quorum being present, with a vote of 3 FOR; 0 AGAINST, and 0 ABSTAINED.



Brian Nissen, Chair
Colville Indian Housing Authority

ATTEST:



Storey Jackson, Secretary/Treasurer
Colville Indian Housing Authority

RENTAL ASSISTANCE PROGRAM POLICY

Purpose: It is the Colville Indian Housing Authority's (CIHA) goal to assist low income families who need to rent a privately owned unit but cannot provide the initial deposits. This will be a once in a lifetime grant which will provide the required deposit, if needed, of the first and last month's rent and the damage deposit. CIHA will not be responsible for any actions of the renter, or for any future obligations that may be incurred by the renter.

Scope: This program will apply to low-income Colville Tribal families located in the State of Washington who need financial assistance to make the deposit payment on a privately owned rental unit.

- A. APPLICATION:** Applicants for the Rental Assistance Grant Program must complete and sign CIHA's Rental Assistance Grant Application. The application must include the following:
1. Consent and Authorization Statement
 2. Verification of social security numbers. Social Security Numbers for all members of the household must be provided. *Examples* of acceptable verification are:
 - a. copies of Social Security Cards or documentation of application for social security card.
 - b. copies of Tribal Enrollment cards that include the Social Security Numbers
 - c. Federal statements or letters, or legal documentation.
 3. Signed rental contract/lease agreement between applicant and landlord, showing the amount owed for deposit.
- B. INCOME VERIFICATION:** All sources of income must be reported by all members of the household who are 18 years of age or older. *Examples* of acceptable documentation for income verification are:
1. pay stubs
 2. income tax statements
 3. copies of checks
 4. bank statements where payments are received through direct deposit statements from Federal, State and Local agencies.
- C. SELECTION OF GRANTEEES:** Grants will be awarded on a first come, first served basis. Applications will be processed according to the date that all required information is received and the applicant is determined to be eligible. Incomplete applications will not be considered for assistance.
1. The Executive Director of the Colville Indian Housing Authority reserves the right to grant exceptions at his/her discretion based on need and on availability of funds. Examples include but are not limited to emergency housing needs due to catastrophic circumstances or fire.
 2. The Executive Director will also review other factors, including but not limited

to a history of rental or homebuyer payment problems, poor credit, disturbances to neighbors, or criminal activity, in order to determine, in the discretion of the Executive Director or his or her designee, whether the applicant is an appropriate candidate for this Program.

3. Applicant must be in good standing with CIHA to be eligible for participation in this Program. To be in "good standing" means that applicant does not owe any funds to CIHA, and has not been involuntarily terminated from a CIHA program for violations of any program policies, applicable agreements, or applicable law or regulations.

D. QUALIFICATIONS:

1. Applicants must be enrolled members of the Confederated Tribes of the Colville Reservation.
2. Applicants must be at least 18 years of age.
3. Income must fall within but not exceed 100% of the National Median Income guidelines as established by the Department of Housing and Urban Development as defined by NAHASDA 24 CFR 1000.110.
 - a. For incomes between 80%-100%, calculations will be calculated according to regulations.
 - b. A non-low-income family cannot receive the same benefits provided to low-income families. The amount of assistance to non-low-income families may receive will be determined as follows:
 - (1) The rent to be paid by a non-low-income family cannot be less than: $(\text{income of non-low-income family} / \text{income of family at 80 percent of median income}) \times (\text{Rental payment of family at 80 percent of median income})$, but need not exceed the fair market rent.
4. The applicant cannot own a housing unit; ownership of housing is a basis for denial.
5. The applicant must have sufficient resources to meet the monthly rental amount charged.
6. Monthly rental payment cannot exceed 30% of the household monthly income.
7. Upon application, the applicant cannot currently reside in a rental unit. An applicant cannot request grant funds to pay delinquent back-rent or deposits owing. This grant is for those persons who need financial assistance to enter a rental unit.
8. There can be no outstanding housing related debts owed to CIHA or any other Tribal housing programs. If CIHA is unable to obtain that information, it will be the responsibility of the applicant to provide acceptable verification.

E. LIMITATIONS:

1. The Rental Assistance Grant is a one-time grant, per applicant, per lifetime (except for full-time college students seeking housing while they are attending school, as addressed in Section G, below). This does not prohibit an applicant who has not received the grant, IF, they have a familial relationship with an individual who received the grant prior to the relationship. See definitions for Head of Household and Applicant.
2. The maximum grant allowable is \$3,000.00.
3. The grant amount will be the minimum pre-payment required by the landlord consisting of the first and last month's rent and the damage deposit, if needed, as determined by the information provided on CIHA's Landlord Rental Statement or by a copy of the contract.
4. Per SEC. 203 (a)(2), The monthly rental payment for such dwelling unit may not exceed 30% of the monthly adjusted income of such family.
5. The number of grants to be made under this program will be limited to the availability of funds set aside for that purpose.
6. Washington State is the designated Service Area, including the Colville Indian Reservation.
7. In the event an applicant vacates the unit and a refund is due to the applicant of the deposit, the applicant or landlord will return the amount refunded to CIHA.
 - a. The refund upon return will be credited to the Rental Assistance Program.
 - b. The applicant will have used the "Once in Lifetime Use" of grant and will be disqualified from future consideration.

F. LANDLORD CRITERIA & STANDARDS:

1. The applicant must be accepted by a landlord who has a rental unit available. A completed CIHA Landlord Rental Statement, or a copy of the contract with the same information, must be submitted as validation.
2. A rental unit is defined, for purposes of this policy, as being self-contained with no shared facilities such as a kitchen or a bathroom.
3. The landlord **MAY NOT** be a relative of the applicant.
4. Housing standards as established in CIHA Admissions and Occupancy Standards will apply to the rental unit. If the unit does not meet those standards, the application may be denied.
5. The unit must be "affordable housing," as defined by CIHA and consistent with applicable NAHASDA requirements.
6. The rental unit must meet Uniform Residential Housing Code requirements. If the unit does not meet those requirements, the application may be denied.
[Note: statement to be added onto landlord verification]
7. The rental assistance may not be used for a federally assisted housing unit.

G. COLLEGE/VOCATIONAL TRAINING STUDENT RENTAL ASSISTANCE:

College/Vocational Training students who are enrolled full time may utilize the Rental Assistance Program up to four (4) times, once per year maximum, while attending college/vocational school. The following criteria must be met in order to be eligible:

1. A full time student is defined as the number of hours the college/vocational school requires for full time status.
2. The applicant must be attending college/vocational school for consecutive school years to reach degree or certificate status. Individuals who disenroll or withdraw during the course of a school or training year will not be eligible for the subsequent year.
3. Applicants must be relocating for the purpose of attending college or vocational school and must be enrolled. Grant cannot be used to relocate during any school break between quarters or semesters. Those individuals who reside in the same town/city as the college or vocational school they are attending are eligible as noted elsewhere in the policy.
4. Rental Assistance grants will not be available for relocation upon graduation.
5. Applicants who are attending college or vocational school must provide a copy of their C.T.E.A.P.-Higher Education Grant Calculation form, if applicable, OR Financial Aid verification of any other student assistance that will be received.
6. Student Applicants cannot already be in a unit while attending school and utilize the program to move to another rental unit in the same area.

H. FRAUD AND/OR ABUSE OF PROGRAM:

1. Fraudulent or deceptive statements in any application, misuse of this program, or the misuse of these grant funds by the applicant or by the landlord will result in prosecution to the greatest extent of the law. Any applicant determined to have abused the program will be eliminated from any future consideration under this program and will not be eligible for any services from CIHA in the future. Including but not limited to:
 - a) **Rental program**
 - b) **Mutual Help or homebuyer program**
 - c) **Low income housing tax credit program**
 - d) **Down Payment Assistance Program**
 - e) **Elder Minor Home Repair Program**
 - f) **Other assistance**
2. Moreover, any grant funds that have been obtained by fraudulent or deceptive statements or which are misused or abused must be paid back to CIHA, and CIHA will seek reimbursement through all available legal channels.

I. LEAD-BASED PAINT COMPLIANCE:

1. CIHA will comply with the Lead-Based Paint Poisoning Prevention Act and 24 CFR Part 35.
2. All pre-1978 built units will be required to have Lead Based Paint (LBP) activities performed in accordance with 24 CFR part 35, and CCT's Toxic

Lead Code 6-13.

3. Lead hazard information pamphlet. CIHA or participating jurisdiction shall provide the lead hazard information pamphlet in accordance with §35.130
4. LBP Disclosure form shall be provided by the Lessor. "**Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards**"
5. LBP activities required for the dwelling unit, common areas servicing the dwelling unit, and the exterior surfaces of the building in which the dwelling unit is located:
 - a. A visual assessment of all painted surfaces in order to identify deteriorated paint;
 - b. Paint stabilization of each deteriorated paint surface, and clearance, in accordance with §§35.1330(a) and (b), before occupancy; and
 - c. The testing agency or seller shall provide a notice to occupants in accordance with §§35.125(b)(1) and (c), describing the results of the clearance examination.
6. CIHA will conduct the visual assessment at properties within 10 miles of the Colville Confederated Tribes Reservation Boundaries.
 - a. If the visual assessment determines there are no areas of deteriorated paint as defined in 24 CFR Part 35, then there will be no further action required by lessor.
 - b. If the visual assessment determines there are areas of concern, then the Rental Assistance will be denied for the property.
7. Visual Assessments must be provided by a certified LBP Risk Assessor outside the 10 mile threshold.
 - a. If the visual assessment determines there are no areas of deteriorated paint as defined in 24 CFR Part 35, then there will be no further action required by lessor.
 - b. If the visual assessment determines there are areas of concern, then the Rental Assistance will be denied for the property.
8. It is the sole responsibility of the applicant or lessor to pay for all of the costs involved.

J. DEFINITIONS:

1. **Applicant:** Tribal member making application for assistance will be considered the "Head of Household", and would be the primary person on the lease.
2. **Non-Low-Income:** Family whose income is over 80 percent of the area median income, but less than 100% of area median income.
3. **One-Time Use:** Applicant will not be eligible again, but can be member of household receiving grant under new applicant.