
YAKAMA NATION HOUSING AUTHORITY

**ELDER HOME REPAIR PROGRAM
POLICY**

Yakama Nation Housing Authority

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YAKAMA NATION HOUSING AUTHORITY ELDER HOME REPAIR PROGRAM POLICY

Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose:** This Elder Home Repair Program Policy (this “Policy”) has been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (the “Board”) to provide elders and individuals with disabilities with financial assistance to make their homes safe, healthy and accessible. This is a one-time grant that does not require repayment, provided there is compliance with the Grant Acceptance Agreement. Funding may not be used to make changes to the dwelling for cosmetic purposes, unless directly related to removal of health and safety hazards.
- 100.2 Scope:** This policy applies to privately-owned homes of elderly enrolled members of the Yakama Nation. Funding may be used only to pay costs for repairs and improvements which will remove identified health or safety hazards. Dwellings repaired with funding under this Policy need not be brought to YNHA development standards or thermal performance standards, nor must all of the existing hazards be removed, provided the dwelling does not continue to have major health or safety hazards after the planned repairs are made.

Chapter 2 AUTHORITY, ADMINISTRATION AND APPLICABLE LAWS

- 200.1 Authority.** The Board has authority to adopt this Policy under Resolution T-94-77 (June 21, 1977), as amended, and is responsible to ensure that any policies that are adopted are appropriate for YNHA. This Policy and any amendments to this Policy shall be effective only upon adoption by Resolution of the Board.
- 200.2 Delegation of Authority.** The Board delegates the responsibility for the administration and monitoring of this Policy to the YNHA Executive Director. The Executive Director may delegate one or more of his/her duties to a YNHA staff member who is competent to perform those duties, provided the delegation is in writing.
- 200.3 Implementation.** The Executive Director will ensure that any procedures or forms that

are developed to implement this Policy conform to this Policy. Work performed this Policy shall be at all times in the best interests of the YNHA and in accord with other YNHA policies and applicable laws. Personnel using this Policy are responsible for being familiar with its content.

200.4 Applicable Laws. This Policy shall comply with all applicable laws including, without limitation, the Revised Law and Order Code of the Confederated Tribes and Bands of the Yakama Nation (“RYC”), as amended, and the Native American Housing and Self-Determination Act of 1996 (Pub. Law 104-330), as amended (“NAHASDA”), Section 504 of the Rehabilitation Act of 1973 (Pub. Law 93-112), as amended, and applicable regulations promulgated by the United States Department of Housing and Urban Development (“HUD”). The YNHA Executive Director will periodically review this policy and recommend amendments as necessary to comply with applicable laws, or for other purposes.

200.5 Sovereign Immunity. YNHA hereby expressly affirms its tribal sovereign immunity to suit in any jurisdiction or tribunal and does not waive, alter, or otherwise diminish that sovereign immunity by adopting or implementing this Policy or any other standard, document, or law referenced herein. To the extent any provision of this Policy or other referenced standard, document, or law is inconsistent with the sovereign immunity of the YNHA or the Yakama Nation, such provision is not adopted by this Policy and is declared void, unenforceable, and severable from the remainder of this Policy.

200.6 Prior Policies. This Policy supersedes all prior policies and communications on each covered subject. This Policy is a tool to assist YNHA personnel, and it does not create a contract or promise specific treatment in specific situations. The Board reserves the right to change, cancel or interpret any YNHA policies at its sole discretion and without prior notice.

200.7 Other Policies. Other YNHA Policies may apply and should be consulted and implemented in concert with this Policy, including but not limited to the YNHA Eligibility, Admissions and Occupancy Policies, the YNHA Renovation and Rehabilitation Policy, and the YNHA Procurement Policy.

Chapter 3 DEFINITIONS

300.1 Elderly Person means a person who is at 55 years of age or older.

300.2 Family means one or more persons, with or without children.

- 300.3 Elderly Family** means a family whose head (responsible person), or his or her spouse, or whose sole member is an Elderly Person. This includes two or more elderly persons living together.
- 300.4 Low-Income Family** means a family whose Annual Income does not exceed 80% of Median Family Income, with certain exclusions from income, as allowed by applicable law.
- 300.5 Disabled Family** means a family whose family composition includes a person with a disability, and includes a person with a disability living alone or living with one or more persons who are essential to his or her care or well-being.
- 300.6 Disability** means, subject to certain exclusions, a physical or mental impairment that substantially limits one or more major life activities, having a record of such an impairment, or being regarded as having such an impairment, consistent with the definition of “handicap” under Section 504 of the Rehabilitation Act of 1973.
- 300.7 Annual Income** means the Annual Income of each member of the household as reported under the Census long-form for the most recent available decennial Census. *See* YNHA Eligibility, Admissions and Occupancy Policy.
- 300.8 Affordability Period** means the period determined in accordance with the YNHA Useful Life Policy during which time a residence assisted with NAHASDA funds will remain Affordable Housing.
- 300.9 Grant Acceptance Agreement** means an agreement between YNHA and the assisted Family which sets out the terms and conditions of funding, including a schedule for moving out belongings, and a Useful Life Agreement for the Affordability Period, as required under the YNHA Useful Life Policy. *See* Section 600.6 of this Policy.
- 300.10 Other terms** not specifically defined in this policy shall have the meanings as defined in the YNHA Eligibility, Admissions and Occupancy Policies.

Chapter 4 ELIGIBILITY

- 400.1 Eligibility.** To be eligible for this program, the applicant must meet the following criteria:

1. Applicant must be an enrolled member of the Yakama Nation.
2. Applicant must be an Elderly Person or a Disabled Family (if all other requirements are met).
3. Applicant must qualify as a Low Income Family and must document and verify eligibility as required in the YNHA Eligibility, Admissions and Occupancy Policies.
4. Applicant must not have already received funding under the Elderly Home Repair Program.

400.2 Disqualifying Factors. The Disqualifying Factors set forth in Section 400.4 of the YNHA Eligibility, Admissions and Occupancy Policies apply to this program, including, but not limited to, having a previous unpaid debt to YNHA. Upon payment of the debt in full, the applicant may submit a new application.

400.3 Eligible Properties. The property to be benefited by the funding must meet the following criteria:

1. The property must be the primary and permanent residence of the applicant.
2. The property must be located on or near the Yakama Reservation.
3. The residence cannot be located in an area identified by the Federal Emergency Management Agency (“FEMA”) as having special flood hazards, unless the conditions under 24 C.F.R. Section 1000.38 are met.
4. Applicant must demonstrate ownership interest in the property; except that, if the applicant is a Disabled Family with a disability-related need for assistance, then the individual with a Disability need not be an owner, but must be living full-time in a privately-owned home.
5. The residence may not be a Tribally owned or rented house.
6. The residence may not be a current YNHA Mutual Help or Rental unit under management.
7. If the house is on fee land, the applicant must document that all tax payments on the property are current.

8. If there is a mortgage on the property, the applicant must document that all mortgage loan payments are current.

Chapter 5 USE OF FUNDS

500.1 Authorized Purposes. The purposes for which funds may be used under this program include, but are not limited to, the following:

1. Installation or repair of sanitary disposal systems, together with related plumbing and fixtures, which will meet local health department requirements.
2. Energy conservation measures such as insulation, weatherization, or other energy efficient measures.
3. Repair or replacement of windows and doors.
4. Repair or replacement of heating system.
5. Minor electrical wiring.
6. Repair or replacement of roof.
7. Replacement of deteriorated siding where energy efficiency is a concern.
8. Short term rental of a storage container, for not longer than two (2) months, unless otherwise authorized in writing by the Executive Director.

500.2 Mobile/Manufactured Homes. No repairs will be made on mobile/manufactured homes that are over twenty-five (25) years old. Title will be required verifying manufacture date. Necessary repairs to mobile/manufactured homes will be contingent upon the following:

1. The applicant owns the home and site and has occupied the home prior to filing an application with YNHA.
2. The mobile/manufactured home is on a permanent foundation. A permanent

foundation will be either a full below grade foundation, or a home on blocks, piers or similar foundation with skirting and anchoring tie-downs to meet local building authority requirements.

3. The mobile/manufactured home is in need of repairs to remove health or safety hazards.
4. Additions to dwellings (conventional, manufactured or mobile) will be made only when it is clearly necessary to remove health or safety hazards to the occupants.
5. Modifications may be made to make the home accessible and usable for a person with a Disability.
6. Other repairs or replacement may be performed as YNHA may determine necessary for health and safety.

500.3 Disallowed Uses of Funds. No funds under this Policy may be used for any of the following purposes:

1. Assist in the construction of a new dwelling.
2. Make repairs to a dwelling of such poor condition that when the repairs are completed, the dwelling will continue to present a hazard to the safety and health of the occupants.
3. Move a mobile/manufactured home from one site to another.
4. Refinance any debt or obligation.
5. Make changes to the dwelling for cosmetic or convenience purposes, unless the work is directly related to the removal of hazards. Cosmetic and convenience changes include, but are not limited to painting, paneling, carpeting, improving clothes closets or shelving, improving kitchen cabinets, air conditioning, and landscape plantings.

Chapter 6 APPLICATION AND SELECTION

600.1 Application. Application forms for the Elder Home Repair Program will be available

from the YNHA Receptionist at the Housing Office. All applicants for this program must complete and sign the application and submit all required documentation, including the documentation required under the YNHA Eligibility, Admissions and Occupancy Policies, and in addition the following:

1. Verification of Yakama Tribal Enrollment.
2. Verification that the applicant is an Elderly Person or a Disabled Family (see Section 600.5 of this Policy for verification of Disability).
3. The legal description of the home site and verification of ownership of the home and land where the funding will be used (for example, a title, a copy of the mortgage, or a title status report).
4. Documentation of the needed repairs to the dwelling, and an estimate of the cost.
5. Applicant must agree on the application that an on-site house inspection will be conducted to determine that the unit meets minimum guidelines. A list is prepared to determine the type of assistance needed.
 - a. Upon completion of the Inspection by the Special Projects Coordinator, the application will remain pending until funding becomes available.
 - b. The Executive Director and designated YNHA staff will review files, Final Report and Cost Analysis to determine final eligibility.
6. Such other information as may be needed or requested by YNHA to determine eligibility for the program.

600.2 Verification. After receiving a completed application, YNHA staff will review and verify the application, as set forth in the YNHA Eligibility, Admissions and Occupancy Policies, to determine whether the applicant meets program and income eligibility requirements.

600.3 Limitations. The following limitations will apply to all applications received for this program.

1. THIS WILL BE A ONCE IN A LIFETIME GRANT PER TRIBAL MEMBER PER HOME.

2. The total number of grants to be made to families under this program will be subject to the availability of funds YNHA has set aside for that purpose.
3. The grant amount will not exceed \$15,000 per project. The Executive Director, only in extreme cases and with proper documentation, at his/her discretion, may waive this limit to a maximum of \$25,000 per project. The Board may approve a project costing over \$25,000, if necessary to address an immediate threat to health and safety. Board approval will be obtained before the work is performed. Otherwise the project will be ineligible for this program, due to the cost of repairs. Other sources may be leveraged, provided the YNHA grant is less than \$25,000.
4. Due to limited funding availability and the Section 600.5 Priority Ratings, it may be possible to address only those conditions listed on the Inspection Report that pose an immediate threat to health or safety. A portion of the repairs listed on the Inspection Report may be contingent on the availability of other funding.
5. Use of other funding sources and programs are anticipated in order to accomplish the project with limited funds.

600.4 Assessments. Once YNHA has verified that an Elder is eligible for the program, and that the conditions that the Elder seeks to have addressed come within the authorized uses for the Program, then YNHA will interview the applicant and make an on-site visit. The purpose of the on-site visit will be to assess the condition of the home, to identify the work to be done, and to determine whether the house is eligible, including whether other funding is needed. If assistance is needed, YNHA help pack belongings, provide a storage container, or relocate the family while the work is being done; however, the applicant must first request assistance from family. If YNHA provides such assistance, the cost may be subtracted from the amount of the grant. A YNHA Inspection Report will be prepared that includes this information, including a cost estimate and a proposed schedule.

1. Cooperation. An applicant must cooperate with YNHA to have the unit inspected and an assessment completed in a timely manner. If the applicant fails to make the unit available for an inspection or otherwise delays the assessment process for more than thirty (30) days, then YNHA may move the application to the bottom of the waiting list for the program.
2. Storage containers. YNHA may provide a storage container, either during the assessment or construction phases, depending on what must be removed from the unit and the needs of the family. YNHA and the family will agree on a date when

the items must be removed to the storage container. YNHA will commence the assessment, and if the house is determined eligible, complete the construction within thirty (30) days. If the items are not removed to the storage container by the agreed date, then YNHA may have the storage container picked up and move the application to the bottom of the waiting list for this program.

3. Conditions of funding. To comply with NAHASDA, physical improvements must meet with Section 202(2) of NAHASDA (Eligible Affordable Housing Activities—Development), Section 504 of the Rehabilitation Act of 1973 (Accessibility for Persons with Disabilities), and the respective implementing regulations of both statutes.

600.5 Selection and Priorities. YNHA will select grantees based on the Elder’s current living conditions and based on the availability of funding. No applicant has a right or entitlement to a grant under this Program. YNHA will prioritize the order in which Elder Home Repair projects will be selected based on the application, the interview and on-site visit, and the YNHA Inspection Report. The priority designations are as follows:

Priority “1”: Conditions that pose an immediate health or safety hazard will be given first priority. Examples include but are not limited to the following: Electrical problems, water or sewer deficiencies, inadequate plumbing, or structural integrity.

Priority “2”: Conditions that cause a decline in the standard of living for the Elder or pose the threat of a future health or safety hazard will be given second priority. Repairs to the bathroom facilities, disability accessibility, roofing and weatherization are examples of this priority level.

Priority “3”: Projects will be given third priority where minor repairs and improvements are needed to increase the comfort level for the Elder, but cause no threat to health or safety. Those applicants will be placed on a waiting list according to YNHA evaluation of the situation with consideration given to the date the application is deemed eligible, and will be funded based on available funds.

600.6 Disabled Families. Consideration for services will be given to Yakama Tribal members who are not Elders but who meet the definition of an individual with a Disability and who have a disability-related request for assistance to make the home accessible and usable.

1. Individuals with a Disability who have a disability-related need for modifications to make their homes accessible and usable may be considered for this one-time service.

2. If the Disability or the disability-related need is not apparent or known to YNHA, a doctor's note will be required to confirm that the individual has a Disability and/or needs the modification being requested due to the Disability.
3. The same maximum grant amounts and procedures will be applicable with the exception of the minimum age requirement of 55 years of age. The same NAHASDA income guidelines apply.
4. Acceptable uses of funds include handicap ramps, widening of doorways, handicap bathroom and shower facilities, wall rails, and similar modifications as needed to make the home accessible and usable for a person with a Disability.

600.7 Grant Acceptance Agreement. An applicant who is selected for funding under this program (the "Grantee") must enter into a Grant Acceptance Agreement with YNHA, setting out the terms and conditions of the grant. The Grant Acceptance Agreement will include a Useful Life Agreement, as required under the YNHA Useful Life Policy, The YNHA Useful Life Policy provides for an Affordability Period, based on the amount of the grant, during which time the Grantee must maintain the dwelling as his/her primary place of residence. This ensures that the dwelling remains affordable housing for its "useful life." If the Grantee violates this requirement, the Grantee will be required to repay all or part of the grant. Once the terms of the Grant Agreement and Useful Life Agreement have been satisfied, the Grant need not be repaid.

600.8 Abuse of Program. Misuse of this program or funding under this program will result in prosecution to the greatest extent of the law.

600.9 Lead-based Paint. YNHA complies with the Lead Based Paint Poisoning Prevention Act, 24 CFR Part 35 and 40 CFR Part 745, which applies to homes built prior to 1978.

Chapter 7 DUE PROCESS

700.1 Disputes. The YNHA Grievance Policy and Procedures applies to disputes under this Policy. A person who applies for or participates in a YNHA program or service may file a grievance under the YNHA Grievance Policies and Procedures with respect to an alleged violation by YNHA of a policy, contract, regulation, or law, that has resulted in loss or harm to the person with the dispute. A copy is available from the YNHA Receptionist at the YNHA Housing Office.