
YAK.AMA NATION HOUSING AUTHORITY

EMERGENCY HOUSING ASSISTANCE PROGRAM POLICY

Yakama Nation Housing Authority
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*Adopted by YNHA-BOC Res. No. 11-2007 (December 1, 2006);
Revised by YNHA-BOC Res. No.09-2009, (November 24, 2009);
Res. No. 09-2011 (December 20, 2010); Res. No. 20-2014 (April 16, 2014)
and Res. No. 34-2015 (March 18, 2015)
Res. No.46-2020 (June 23, 2020)*

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YAKAMA NATION HOUSING AUTHORITY EMERGENCY HOUSING ASSISTANCE PROGRAM POLICY

Chapter 1 PURPOSE AND SCOPE

- 100.1 Purpose.** This Emergency Housing Assistance Program Policy (this "Policy") has been adopted by the Yakama Nation Housing Authority ("YNHA") Board of Commissioners (the "Board") to provide direction for the implementation of the YNHA Emergency Housing Assistance Program, which has been amended to authorize specific activities and services under this Policy to prevent, prepare for, and respond to COVID-19 Pandemic.
- 100.2 Scope.** The Emergency Housing Assistance Program provides emergency, temporary housing assistance to Indian families who are in immediate need of shelter because they are homeless (including living in unsafe conditions for reasons of domestic violence) or who are about to become homeless without assistance under this Program. This Policy provides direction to YNHA staff in determining program eligibility, providing assistance to applicants in meeting the general program requirements, and authorizing payment to the landlord, financial institution or business identified in the application. The service area for this program is the Yakama Reservation and Yakima, Benton, Klickitat, Skamania and Kittitas Counties.

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 Code of the Confederated Tribes and Bands of the Yakama Nation

("RYC"), as amended, the Native American Housing and Self- Determination Act of 1996 (Pub. Law 104-330), as amended ("NAHASDA ") and regulations under NAHASDA. The YNHA Executive Director will periodically review this policy and recommend amendments as necessary to comply with applicable laws, or for other purposes. For the purposes of prevention, preparation for, and response to COVID-19, the applicable laws include CARES Act and Notices PIH 2020-05 and 2020-06.

- 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.

Chapter 3 DEFINITIONS

- 300.1 "Homeless"** means having no home or permanent structure within which to reside, and lacking the resources or support networks needed to obtain other housing. For purposes of this policy, applicants for whom actual or threatened domestic violence makes living in the current residence unsafe are considered to be homeless. Applicants who do not yet have a residence by choice, such as when they are relocating into the service district, or choosing to move to a different residence, will only be considered homeless for purposes of this policy based on a decision by the Executive Director.
- 300.2 "Nearly Homeless"** means facing immediate eviction from a home or rental unit in the absence of assistance under the Emergency Housing Assistance Program.
- 300.3 "COVID-19"** means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).
- 300.4 Other terms** not specifically defined in this policy are defined in the YNHA Eligibility, Admissions and Occupancy Policies.

Chapter 4 PROGRAM ELIGIBILITY

- 400.1 Eligible Applicants.** Eligible applicants are Low-Income Families where the head of household is an enrolled member of a federally-recognized tribe, or where children in the household are enrolled Yakama, and the household is determined to

be Homeless or Nearly Homeless. "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. However, where assistance is provided under this Policy to prevent, prepare for, or respond to COVID-19, these eligible requirements are waived per Notice PIH 2020-05, because YNHA has made the determination, after carefully considering the available information and circumstances, that providing such assistance is necessary to protect the health and well-being of YNHA's eligible households and the Yakama Nation community at large. Such COVID-19 related assistance shall be funded with FY 2020 IHBG CARES Act funding.

400.2 General Requirements. Applicants must:

- A. Be eighteen (18) years of age or older.
- B. Complete the Emergency Housing Assistance Program application and have it signed by all occupants eighteen (18) years or older. Applicants will explain their present situation and the reasons for emergency housing assistance. Families who are living in unsafe conditions for reasons of domestic violence, those with children, or those where a family member's medical condition contributes to the need for housing, will be given special consideration.
- C. Provide documentation to determine eligibility, including Tribal enrollment cards, Certificates of Degree of Indian Blood ("CDIB"), Social Security cards, driver's license, birth certificates, pay stubs, bank statements, Social Security Award letter, TANF award letter, pension benefit statements, work history form (if unemployed) and such other information as YNHA may require.
- D. Sign all forms (every occupant 18 years of age or older), including consent for release of information to YNHA and HUD Form 9886.
- E. Agree to use the housing as their principal residence and not to sublet the housing while it is assisted under this program.
- F. Provide documentation of eligibility as follows:
 1. For Homeless (including families who are living in unsafe conditions for reasons of potential COVID-19 exposure in household or domestic violence), a copy of the lease or rental agreement, or motel bill, or similar documentation, verifying the cost and length of the proposed stay. If the applicant was referred by an agency, the documentation should also include a statement from the referring agency, or documentation of a phone call by YNHA staff with the agency. Examples of a referring agency include Yakama Nation Veterans Affairs Program, Yakama Nation Nak Nu We Sha Program, Yakama Nation Commodity and Energy Program, BWSocial Services Program, Indian Health Service/Contract Services, Department of Social and Health Services, State Child Protective Services, Red Cross, Yakama Tribal Court, Yakama Children's Court, and the Yakama Tribal Council.
 2. For Nearly Homeless, a copy of the eviction, 72-hour notice, or delinquent

mortgage notice, documenting the amount due including any late fees; and a statement from the landlord or the financial institution verifying that payment will prevent the eviction. A copy of the lease or rental agreement (for rentals) or the mortgage statement or payment book (for homeowners) also may be required.

- G. Provide a completed and signed Verification of Landlord/Lender, including an IRS Form W-9 signed by any Landlord/Lender who will receive funds under this program. These documents must be received by YNHA prior to any release of funds.
- H. Notwithstanding any of the foregoing, if a person or a family is at risk of infection by or transmission of COVID-19 due to their current living conditions, YNHA may prioritize assistance under this Policy to that person or family, whether or not that family meets the other eligibility criteria of this Policy, providing that such assistance to an otherwise non-eligible person or family under this Policy shall be temporary in nature, and may not be provided beyond the time that the COVID-19 pandemic is declared to be over by the appropriate health authorities.

400.3 Prior Assistance. Families who have already received assistance under the Emergency Housing Assistance Program are not eligible to be considered for additional assistance until twenty-four (24) months from the date their last application was approved.

400.4 Previous Debts. An applicant who has a previous debt owed YNHA may be considered for the Program only if the applicant enters into a Payback Agreement with YNHA. Applicants who already have a Payback Agreement with YNHA must be in compliance with the Payback Agreement. The unit for which the applicant is receiving assistance must not be a YNHA unit.

400.5 Disqualifying Factors. YNHA will disqualify an applicant for this program if it is determined during the application or verification process that:

- A. anyone in the household has engaged in Criminal Activity involving acts or threats of physical violence to persons or property, or Drug-related Criminal Activity, within the last twenty-four (24) months.
- B. anyone in the household has caused or permitted damages of over \$500 in repair charges, cleaning, or painting on YNHA property (or lodging paid for by YNHA) within the last twenty-four (24) months.
- C. anyone in the household was convicted of a felony and sentenced or released from prison within the last five (5) years.
- D. anyone in the household is subject to a registration requirement under any sex offender registration program;

400.6 YNHA may, at its sole discretion, waive the requirements and disqualifying factors of Sections 400.3 – 400.5 in order to provide assistance under this Policy to a family or individual at risk of infection by or transmission of COVID-19.

400.7 Documentation. Disqualification may not be based on rumor and innuendo, but must be supported by documented evidence, such as by reports, letters, memoranda, and records of interviews with reliable sources (e.g., landlords, employers, court records , police departments).

400.8 Criminal Background Checks. YNHA is not a landlord under this program and does not assume any responsibility to run a criminal background check to determine whether an applicant would be an acceptable tenant for any entity other than YNHA. If a criminal background check is done, then YNHA shall not use any criminal history information for any purpose other than to determine eligibility under YNHA programs, and will not disclose such information to any person except YNHA officers, authorized agents and staff who have a job-related need for access to the information.

Chapter 5 PROCESSING APPLICATIONS

500.1 Submitting an Application. Application forms for the Emergency Housing Assistance Program are available from the receptionist at the YNHA Housing Office.

500.1.1 First-come, first-served. Applications are approved on a first-come, first-served basis. There is no active waiting list for this program. This program is separate from the YNHA housing programs, which have waiting lists. Persons wishing to be considered for YNHA housing also need to complete a general YNHA Application and ask to be listed on each of the waiting lists for which they wish to apply. Notwithstanding any of the foregoing, if a person or family is at risk of infection by or transmission of COVID-19 due to their current living conditions, YNHA may prioritize assistance under this Policy to that person or family.

500.1.2 No occupancy before approval. An applicant who takes possession of the requested emergency housing (rental unit, motel room, trailer, etc.) before YNHA approves his or her application will have his or her Application summarily denied. Taking possession includes accepting the keys, signing an agreement, moving into the unit, or otherwise accepting occupancy of the requested emergency housing before YNHA approves an Application. Applicants are responsible to make sure the requested housing is acceptable and meets their needs, *see* paragraph 600.4, but YNHA will not pay for emergency housing that is accepted by the applicant without first having an approved Application from YNHA.

500.2 Processing Applications. Once an Emergency Housing Assistance Program Application is received by YNHA, staff will review the application for completeness and determine eligibility. YNHA may verify any information provided on or with the application, consistent with YNHA policies and reasonable expectations of privacy.

500.3 Notices.

A. Staff will notify the applicant of the status of the application within five (5)

working days from the date it is received. If the application is incomplete, YNHA will notify the applicant in writing of the information still needed to complete the application. The applicant will have fourteen (14) days from the date of that letter to respond and complete the application.

- B. Once the application is complete, staff will notify the applicant in writing whether or not the application has been approved. If the application is approved, YNHA will notify the applicant of any steps that need to be taken to obtain the assistance. If the application is rejected, then YNHA will notify the applicant of the reason for the rejection and the right to grieve the decision.

500.4 Persons with Disabilities. If during the application process, an individual with a Disability requires a reasonable accommodation, YNHA will provide such accommodation consistent with the YNHA Eligibility, Admission and Occupancy Policies.

500.5 Fraud. If YNHA determines at any time that any person in the household has made a false or fraudulent statement in the application documents, it shall be grounds for immediate disqualification of the application, and shall also subject that person to the penalties provided by law (U.S. Code, Title 18, Section 1001).

Chapter 6 ELIGIBLE USES

600.1 Use of Funds. Assistance under this program may be used for one of the following:

- Deposit plus first and last month's rent not to exceed \$1,500.
- One month's rent in a trailer/mobile home park mortgage/rent and space rent, combined total not to exceed \$1,500.
- One month's rent in a nursing home, group home, transitional living center, motel, or other room in an established business, not to exceed \$1,500.
- One month's delinquent rent, with any documented late fee, assistance not to exceed \$1,500.
- One month's delinquent mortgage payment, with any documented late fee, not to exceed \$1,500.
- One-time reimbursement for a rental application fee up to \$35.00. Original receipt must be provided to YNHA for records.

600.2 Impermissible Uses. Assistance may not be used to pay rent to an immediate family member (i.e., father, mother, son, daughter, husband, wife, sibling, or grandparent) or to any person with whom the applicant resides.

600.3 No Direct Payments. No payments will be issued directly to the applicants. YNHA will process check requests to the landlord, financial institution or business based on documentation provided by the applicant. YNHA will require the applicant to report back to YNHA about the how he/she was served by the use of funds, for example, whether the applicant completed the entire stay and, if not, the reasons why the applicant did not complete the stay.

600.4 Applicants Must Inspect Lodging. YNHA is not able to inspect each residence prior to move-in. Applicants for assistance with rent are responsible for selecting lodging that meets their needs and should inspect the residence prior to submitting the Verification of Landlord/Lender to YNHA for processing. Applicants are prohibited from taking possession of the requested emergency housing before YNHA approves their Application, *see* paragraph 500.4.

600.5 Lead-based Paint. YNHA must determine whether the residence identified for assistance has already been assisted under this Policy, and if so, whether federal lead-based paint laws and regulations may apply to that unit. In general, residential properties constructed after January 1, 1978, are subject to requirements for lead-based paint, with certain exemptions. Emergency rental assistance or foreclosure prevention assistance are exempt; however, the exemption applies to the unit and expires 100 days after the initial payment or assistance to that unit. If a residence is determined to be subject to lead-based paint requirements, YNHA may require that the applicant find other lodging before approving the Application.

Chapter 7 GRIEVANCES

700.1 Disputes. The YNHA Grievance Policy and Procedures applies to any dispute brought by a person who applies for or participates in a YNHA program or service, 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 of the YNHA Grievance Policy and Procedures may be obtained from the YNHA receptionist.

RESOLUTION

To Approve Amended Emergency Housing Assistance Program Policy

WHEREAS, the Yakama Tribal Council established the Yakama Nation Housing Authority ("YNHA") as a tribally-chartered corporation, pursuant to Resolution No. T-94-77 (June 21, 1977), as amended, to be under the direction of a Board of Commissioners (the "Board"), and

WHEREAS, the Yakama Tribal Council is the governing body of the Yakama Nation of the Yakama Reservation, by the authority delegated by Resolution No. T-38-56, and

WHEREAS, YNHA is the Tribally Designated Housing Entity ("TDHE") of the Yakama Nation, for purposes of the Native American Housing Assistance and Self-Determination Act of 1996 (P.L. 104-330), as amended ("NAHASDA"), and

WHEREAS, The Board has authority to adopt this policy and any amendments to this policy shall be effective only upon adoption by Resolution of the Board, and

NOW, THEREFORE, BE IT RESOLVED, by the YNHA Board of Commissioners, acting in a special meeting at the YNHA Offices in Wapato, Washington, with a quorum being present, that the Board hereby approves the amended Emergency Housing Assistance Program Policy, which shall be effective as of the date of this Resolution, and

BE IT FURTHER RESOLVED, that the YNHA Interim Executive Director shall distribute copies of these revised policies to the Chief Financial Officer, Housing Manager and Department Managers, and

BE IT FURTHER RESOLVED, that YNHA does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or indirectly from the same, nor does the YNHA waive, alter, or otherwise diminish any rights, privileges, remedies, or services guaranteed by the Treaty of 1855.

DONE AND DATED on the 23 day of June, 2020, by the Yakama Nation Housing Authority by a vote of 4 for, 0 against, and 0 abstaining.



Elmer Schuster, Chairman
Yakama Nation Housing Authority

Attest:



David Northover, Secretary
Yakama Nation Housing Authority