

# **SUMMIT LAKE PAIUTE TRIBE**

## **Eligibility, Admission and Occupancy**

### **Policy and Procedures**

These policies and procedures were adopted by the governing body by Resolution SL-12-2018 on JULY 21, 2018, revised by Resolution SL-05-2019, revised August 6, 2022 by Resolution SL-33-2022.

#### **1. ELIGIBILITY POLICY**

##### **Section 1: POLICY STATEMENT**

The governing body of the Summit Lake Paiute Tribe (SLPT) recognizes the need to set forth the approach for determining eligibility for housing assistance programs the SLPT may administer.

All of the policies and procedures regarding eligibility are to be in compliance with Title II of the Native American Housing and Self-Determination Act (NAHASDA) and the Final Rule (24 CFR 1000) implementing NAHASDA. This policy is intended to be fair and equitable to all applicants and residents participating in SLPT programs.

These policies and procedures apply to all of the housing assistance programs managed by the Summit Lake Paiute Tribe and funded with Indian Housing Block Grant funds including the Tenant Based Rental Assistance, Down Payment and Closing Costs Assistance, and Rehabilitation Programs.

##### **Section 2: DEFINITIONS**

###### **Adjusted Income Only applicable to SLPT's Tenant Based Rental Assistance Program.**

1. The term 'adjusted income' means the annual income that remains after excluding the following amounts:
  - (A). YOUTHS, STUDENTS, AND PERSONS WITH DISABILITIES- \$480 for each member of the family residing in the household (other than the head of the household or the spouse of the head of the household)-
    - (i) who is under 18 years of age; or
    - (ii) who is 18 years of age or older and a person with disabilities or a full-time student.
  - (B). ELDERLY AND DISABLED FAMILIES- \$400 for an elderly or disabled family.
  - (C). MEDICAL AND ATTENDANT EXPENSES- The amount by which 3 percent of the annual income of the family is exceeded by the aggregate of-
    - (i) medical expenses, in the case of an elderly or disabled family; and

(ii) reasonable attendant care and auxiliary apparatus expenses for each family member who is a person with disabilities, to the extent necessary to enable any member of the family (including a member who is a person with disabilities) to be employed.

- (D). CHILD CARE EXPENSES- Anticipated child care expenses for the care of children under the age of 18 to the extent necessary to enable another member of the family to be employed or to further his or her education. The expenses deducted cannot exceed the amount received from employment.
- (E). EARNED INCOME OF MINORS- The amount of any earned income of any member of the family who is less than 18 years of age.
- (F). TRAVEL EXPENSES- Excessive travel expenses, not to exceed \$25.00 per family per week if a full-time commuting student or for a full-time permanent employee to and from his/her education's program location or place of employment.
- (G). Other amounts: Such other amounts as may be provided in the Indian housing plan for an Indian Tribe.

### **Admission**

1. Admission means admission to occupy housing units owned or managed by the SLPT.

### **Annual Income**

1. The definition of Annual Income shall be the anticipated income from all sources expected to be actually received during the next 12 months by all family members. The definition of income shall be the same as the definition of Adjusted Gross Income for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. The most recent IRS Instruction Publication for completing a Form 1040 shall be used to define income and adjusted income if an applicant or participant does not file a Form 1040 with the IRS. All IRS Publications can be found at web site [www.irs.gov](http://www.irs.gov).
2. If an applicant or participant's annual income is sporadic and not consistent from one year to the next (farming, etc.), the SLPT may use the average annual income earned over the most recent three (3) years when determining eligibility and calculating monthly payments.

### **Disabled Family**

1. The term 'disabled family' means a family whose head of household (or his or her spouse), or whose sole member, is a person with a disability.

### **Drug Related Criminal Activity**

1. 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 802 of Title 21 of the United States Code).

### **Elderly Families**

1. The terms 'elderly family' means a family whose head (or his or her spouse), or whose sole member, is an elderly person. Such term includes two or more elderly persons living

together, and one or more such persons living with one or more persons determined by the SLPT to be essential to their care or well-being.

### **Elderly Person**

1. The term 'elderly person' means a person who is at least 55 years of age.

### **Family**

1. The term 'family' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person. The family member completing the Application for Occupancy who will be signing the dwelling lease must be classified as an adult.

### **SLPT**

1. The term 'SLPT' means the Summit Lake Paiute Tribe.

### **Full-Time Student**

1. A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

### **Grievance**

1. Any complaint against a decision of the SLPT that is allowed in accordance with the SLPT's grievance procedures.

### **Governing body**

1. The term 'governing body' means the Summit Lake Paiute Tribal Council.

### **Indian**

1. The term 'Indian' means any person who is an enrolled member of an Indian tribe.

### **Indian Area**

1. The term 'Indian area' means the area within which the Summit Lake Paiute Tribe operates housing assistance programs as defined in the individual housing programs policies or the area described in the SLPT's Indian Housing Plan.

### **Indian Housing Plan**

1. The term 'Indian Housing Plan' means the plan submitted by or on behalf the SLPT pursuant to the provisions of NAHASDA including any amendments to such plan.

### **Indian Tribe**

1. The term 'Indian tribe' means a tribe that is a federally recognized tribe or a State recognized tribe.
2. The term 'federally recognized tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act 43 USC 1601 et seq.), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975 (25 USC 450 et seq.).
3. The term 'State recognized tribe' means any tribe, band, nation, pueblo, village, or community that has been recognized as an Indian tribe by any State.

### **Low Income Family**

1. The term 'low-income family' means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

### **Median Income**

1. The term 'median income' means the greater of:  
the median income for SLPT Indian area, which the Secretary shall determine; **or**  
the median income for the United States that shall be an appendix to this policy.

### **NAHASDA**

1. The Native American Housing Assistance and Self-Determination Act passed by the U.S. Congress in 1996.

### **Non- Low Income Family**

1. The term 'non-low-income family' means a family whose income exceeds 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families.

### **Persons with Disabilities**

1. The term 'person with disabilities' means a person who-
  - (1) has a disability as defined in section 223 of the Social Security Act;
  - (2) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which-
    - (a) is expected to be of long-continued and indefinite duration;
    - (b) substantially impedes his or her ability to live independently; and
    - (c) is of such a nature that such ability could be improved by more suitable housing conditions; or
  - (3) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency

syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under NAHASDA, solely on the basis of any drug or alcohol dependence.

For purposes of this definition, the term “physical, mental, or emotional impairment” includes, but is not limited to:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological condition, such as mental retardation, organic brain syndrome, emotional, or mental illness, and specific learning disabilities.
3. The term “physical, mental, or emotional impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, and emotional illness.

### **Resident**

1. The term ‘Resident’ means anyone living in a unit assisted by the SLPT.

### **Secretary**

1. The term ‘Secretary’ means the Secretary of the U.S. Housing and Urban Development.

### **Tribal Member**

1. An enrolled member of the Summit Lake Paiute Tribe.

### **Veteran**

1. A person who has served in active Military Service of the United States at any time and who shall have been discharged from service under conditions other than dishonorable.

### **Violence Related Criminal Activity**

1. The term “violence-related criminal activity” shall mean criminal activity that resulted in a conviction of the crime itself, an attempt to commit the following crime, or a conspiracy to commit: murder, manslaughter, rape, assault, aggravated assault, riot, robbery, theft, burglary, arson, kidnapping and any other felony in the commission of which the perpetrator used force, or used or was armed with a dangerous weapon, or used any explosive or destructive device.

## **Section 3: ELIGIBILITY**

### **Fairness and non-discrimination**

1. Eligibility for programs and admission to units operated by the SLPT shall be fair at all times and in all respects. The SLPT employees shall be fair and impartial in selecting people to participate in programs of the SLPT. They are prohibited from making determinations based in whole or in part on family ties, political views, or personal bias.
2. Pursuant to the NAHASDA law and regulations, the SLPT will comply with the following nondiscrimination requirements, as applicable:
  - (1) The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107) and HUD's implementing regulations in 24 CFR part 146
  - (2) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and HUD's implementing regulations at 24 CFR part 8.
  - (3) The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968; 25 U.S.C. 1301-1303).
3. The SLPT shall also comply with the relocation and real estate acquisition policies described at 24CFR 1000.14.

### **Application**

1. All applications for admission to SLPT housing programs shall be in writing on a form provided by the SLPT which shall include, at a minimum, the date of application, name and contact information for the applicant. The application form will be designed by SLPT staff to gather enough information to allow a full assessment of the family's eligibility and preferences in accordance with the requirements described in this policy at the time of submission.
2. The SLPT staff member receiving the application shall sign and date the application when it is received at the SLPT office.

### **Eligibility Criteria**

1. To be eligible for programs operated by the SLPT, an applicant must meet the following requirements:
  - 1). Must be a 'family' as defined in this policy.
  - 2). Must meet the statutory low-income requirements.
  - 3). Demonstrate that they are willing and able to meet the obligations of participating in the program.
  - 4). If an applicant or a member of the applicant's household listed on the application is registered under the Sex Offender laws of the State of Nevada or, if applicable, the Summit Lake Paiute Tribe's Law Enforcement Code, the applicant will be determined ineligible.
  - 5). The Housing Program Director or his/her designee may determine an applicant to be ineligible if the applicant has any history of violence-related or drug-related criminal convictions with the last five (5) years.
  - 6). Applications from tribal members who owe money to the SLPT will not be eligible for housing assistance.
2. Applicants are required to update their applications at least annually in order to remain on the waiting lists. If an applicant fails to update their application, the applicant will be removed from the Waiting List and their application placed in an 'inactive file'

### **Verification of Eligibility**

1. The SLPT shall verify information provided by applicants through employers or other appropriate means.
2. Applicants shall sign a release of information form allowing the SLPT to verify any and all information required to participate in any SLPT housing assistance program.
3. False, fraudulent, or misleading applications, or refusal of an applicant to allow the SLPT to obtain the necessary information, will prevent the applicant from being eligible to participate in a housing assistance until such time as the necessary documentation is provided.
4. The SLPT, in accordance with NAHASDA and 24 CFR 1000, may conduct criminal background checks using the social security numbers required on the application form.
5. Applicants shall be responsible for submitting information affecting their eligibility for occupancy.
6. It is the responsibility of the applicant to notify the SLPT if any of the information on the original application changes, including changes in family status and change of address. If the applicant does not update his/her application when there is change of address, it will not be the SLPT's responsibility to locate the applicant if the applicant does not respond to any correspondence sent to the applicant to the address listed on the application. If the applicant does not respond within the time frame stated in any correspondence, his/her application will be removed from the waiting list.
7. Applicants are responsible for providing proof of tribal membership if they wish to have tribal or Indian preference in the selection process. Tribal membership must be verified by submitting enrollment verification or a Tribal Enrollment Card.

### **Social Security Number Procedures**

1. All applicants, residents, and all family members must provide verification of their Social Security numbers for household members two (2) years of age or older in one of the following ways:
  - 1) Photocopies of valid SSN cards issued by the Social Security Administration.
  - 2) Copies of IRS Tax Forms with SSN's listed.
  - 3) Statements or verifications received from Social Security Administration disclosing the SSN.

### **Notification of Eligibility or Ineligibility**

1. The SLPT shall promptly notify all applicants who are determined not to be eligible for a housing assistance program in writing. A written Notice shall contain a brief description of the reason(s) the applicant was determined to be ineligible and explain his/her right to request an informal hearing on the determination of ineligibility, within 10 calendar days from the date of Council's determination.
2. The SLPT shall promptly notify in writing applicants who have been determined eligible.

### **Preferences**

The SLPT's governing body may establish preferences in the selection of applicants in each individual program policies. In general, selection will be made based on the date of application

on a first come first served basis. The number of eligible applicants selected to participated in each of SLPT's housing assistance programs will be defined in SLPT's IHP.