Sac & Fox Tribe of the Mississippi in Iowa

Meskwaki Housing Program

POLICIES & PROCEDURES

MANUAL

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SAC & FOX TRIBE OF THE MISSISSIPPI IN IOWA
HOUSING DEPARTMENT
[Revised 6/20/07] POLICIES & PROCEDURES MANUAL

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ARTICLE I - USE OF LAND FOR HOMESITE PURPOSES

CHAPTER 1 - IN GENERAL

Sec. 1-1. Applicability.

The policies and procedures contained in this Manual relate to the construction of new homes, the maintenance and improvement of existing homes and administration of the Mortgage Assistance Program under the Property Code. The Housing Department has adopted these policies and procedures with the approval of the Tribal Council. These Policies and Procedures shall apply to all applicants, including those approved by the Tribal Council prior to the adoption of the document.

Sec. 1-2. Policy.

The Housing Department shall provide decent, safe and sanitary housing to enrolled members of the Tribe who are eligible for land assignments for homesite purposes. All applications new houses, home improvements and maintenance, and mortgage assistance shall be processed by the Housing Department in a fair and equitable manner, following the requirements of the Property Code.

Sec. 1-3. Definitions.

The following terms, whenever used or referred to in this Article I, shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Applicant" means an eligible member of the Tribe who has applied for a house or mortgage assistance but has not yet been approved.

(b) "Assignee" means a person who has been granted a land assignment pursuant to Article II of Title 16, Sac & Fox Tribe of the Mississippi in Iowa Property Code.

(c) "Beneficiary" means the person listed in the written Agreement of Land Assignment and the Homeowner Agreement as the recipient of the home upon the death of the Assignee.

(d) "Caretaker" means an enrolled member who is appointed by the Tribal Council to care for a land assignment and the home until the land assignment and the home can be transferred to a qualified owner.

(e) "Documented special needs" refers to the needs of an applicant, or the needs of the enrolled adult child(ren) of an applicant, which merit special consideration from the Housing Department, Housing Committee and Tribal Council during the application process and the determination of the appropriate number of bedrooms in the home. The term shall include, but not be limited to, serious mental or physical impairment which has lasted or is expected to last for a period of at least 12 months.

(f) "Enrolled member" means a person who has received an enrollment number from the Sac & Fox Tribe of the Mississippi in Iowa.

(g) "Full-time student" means 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 education institution includes a vocational school with a diploma or certificate program, as well as an institution offering college degrees.

(h) "Homeowner" means an assignee for whom the Tribe has constructed and/or provided a home.

(i) "Housing Committee" means the group of enrolled members specifically appointed by the Tribal Council to aid the Housing Department in the development and application of policies and procedures.

(j) "Housing Department" means the Meskwaki Housing Department.

(k) "Housing Quality Standards" or "HQS" means the minimum standards for housing as set forth by HUD, which can be found at 24 C.F.R. 982.401.

(l) "Land assignment" means an assignment of Tribal land pursuant to Article XI of the Constitution and the Property Code.

(m) "Live-in aide" means a person residing with an elder or other person with documented special needs solely for the purpose of providing medical care.

(n) "Long term relationship" means a relationship involving two unmarried persons who have shared a home and family responsibilities for a period of at least two (2) years.

(o) "Minor" means a person less than eighteen years of age. However, a head of household, spouse, or an unborn child may not be counted as a minor.

(p) "Per capita payment" means the periodic payment of gaming revenues made by the Sac & Fox Tribe to its enrolled members pursuant to the Revenue Allocation Ordinance and Policy.

(q) "Proof of custody" means documents from the court system that show the designation of custody of minor enrolled children in the household. Notarized statements from each parent may be used if court documentation is not available.

(r) "Proof of insurance" means a copy of the insurance policy or insurance binder.

(s) "Property Code" means the Sac & Fox Tribe of the Mississippi in Iowa Property Code, Title 16, enacted on November 2, 2005, by Resolution No. 40-2005.

(t) "Service Area" means the geographical area designated for Tribal services.

(u) "Single person" means a person who is unmarried, divorced, or widowed, who lives alone or intends to live alone.

(v) "Spouse" means a man or woman joined in wedlock; a married person, either husband or wife. It also includes the partners in a common-law marriage.

(w) "Temporary military service" means recall to military service for a period of less than six (6) years.

(x) "Tribal Council" means the Tribal Council of the Sac & Fox Tribe of the Mississippi in Iowa.

(y) "Violent criminal activity" means any illegal criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force against the person or property of another. Violent criminal activity includes, but is not limited to, murder, assault, rape, burglary, arson, domestic abuse and child molestation.

(z) "Visitor" means any person who is not listed on the original housing application or listed with the Housing Department as an official occupant. Non-enrolled children reaching eighteen (18) years of age shall be considered visitors.

CHAPTER 2 - ELIGIBILITY REQUIREMENTS AND PRIORITIZATION OF APPLICATIONS

Sec. 2-1. Eligibility for New House Construction.

(a) New homes may be constructed for persons who meet the following qualifications:

(1) Male enrolled members;

(2) Female enrolled members who are not married to or cohabitating with an individual that is not an enrolled member;

(b) Except as otherwise set forth in the Property Code, to be eligible for a house, an applicant must be at least twenty-five (25) years of age as of the date of application.

(c) Once an applicant has been approved as eligible, a land assignment will be made.

Sec. 2-2. Individuals Ineligible for New Home Construction.

The following individuals are ineligible for new home construction:

(a) Female enrolled members who are married to or cohabitating with an individual that is not an enrolled member;

(b) Enrolled members upon reaching age 55, and who have participated in the Section 184 Program for a period of ten (10) years, and who otherwise meet the requirements for a land assignment, will be eligible to receive a land assignment, but shall bear all financial responsibility for any and all improvements necessary to occupy such land;

(c) Any enrolled member who has participated in the Mortgage Assistance Program for a period of ten (10) years and who otherwise meets the requirements for a land assignment, will be eligible to receive a land assignment, but shall bear all financial responsibility for any and all improvements necessary to occupy such land.

(d) Individuals who are delinquent on a debt owed to the Tribe;

(e) Individuals who have been convicted of possession of a controlled substance with intent to deliver, the manufacture of a controlled substance, or a similar offense involving a controlled substance and the sale or manufacture, or the intent to sell the same;

(f) Individuals who have been convicted of an offense involving violent criminal activity within the past ten (10) years.

(g) Individuals whose spouse has been convicted of possession of a controlled substance with intent to deliver, the manufacture of a controlled substance, or a similar offense involving a controlled substance and the sale or intent to sell the same.

(h) Individuals whose spouse has been convicted of an offense involving violent criminal activity within the past ten (10) years.

Sec. 2-3. Prioritization of Applications - Homesite Purposes.

(a) Eligible applicants will be categorized according to the following priority:

(1) Single persons age 55 and older;

(2) Married males, or males in a long term relationship, with enrolled member children in the household;

(3) Single males with physical custody of enrolled member children;

(4) Females who are not married to or cohabitating with an individual that is not an enrolled member, with enrolled member children in the household;

(5) Married males with no enrolled member children in the household; and

(6) Single persons ages 18-54.

(b) Once all of the applicants in group one have been served, group two applicants will be served, and so forth.

CHAPTER 3 - APPLICATION, APPROVAL AND SELECTION PROCESS

Sec. 3-1. Application Process for New Home Construction.

(a) Application for a new home shall be made in writing to the Housing Department. The application shall be made on a form proscribed by the Housing Director, which may be obtained from the Housing Department at 349 Meskwaki Road, Tama, Iowa 52339.

(b) No person shall be eligible to submit an application unless he/she has resided in the service area for a minimum of six (6) months.

(c) The applicant must fill out all required information on the application, which shall include the following:

(1) The name of the applicant;

(2) The eligibility of the applicant;

(3) Identification of the approved land assignment;

(4) Name(s) of all individuals who will reside in the home and their relationship to the applicant; and

(5) Other information as deemed necessary by the Housing Director.

(d) The applicant shall also provide documentation of family composition and residence to the Housing Department along with the application, including, but not limited to, proof of custody of children. Documents suitable to show proof of custody include a copy of the applicable Court order (when available), or a fully completed notarized form that is available from the Housing Department, from each parent stating the custody arrangements. Note: An applicant must have custody of the enrolled member child(ren) at least 50% of the time to utilize the child(ren) for purposes of qualifying for a home.

(e) The applicant must turn in the fully completed application to the Housing Department, along with any required documentation.

(f) The Housing Department shall date all applications upon receipt and shall send a letter to the applicant via first class mail acknowledging receipt of the application and explaining approval, selection and appeal procedures.

Sec. 3-2. Applicant Responsibilities.

The applicant is responsible for providing all the necessary information and accurately completing the application as required. The applicant must certify that all information contained in the application is true and accurate to the best of his/her knowledge. The applicant is responsible for making corrections and updating the application on an annual basis. Failure to update an application is grounds for placing the application in an inactive file and removing the applicant from the waiting list.

Sec. 3-3. Application File.

The Housing Department shall maintain a file for each applicant. All information supplied by the applicant, verification of information, and all relevant correspondence with the applicant, shall be contained in the file. Files will be placed in one of four categories.

(a) *Eligible.* This file contains those applications which have met initial eligibility requirements and have been placed on the waiting list.

(b) *Ineligible.* This file contains those applications which have not met initial eligibility requirements and have been determined to be ineligible.

(c) *Incomplete/Pending.* This file contains those applications which have not been sufficiently completed or verified for a determination of eligibility. Applicants submitting an incomplete application will be notified in writing and given sixty (60) days to submit the missing information. If the information is not submitted in a timely manner, the application will be placed in the inactive file.

(d) *Inactive.* This file contains those applications which have not been updated in a timely manner. Those applications will be removed from the waiting list and will have to re-apply in order to be placed back on the waiting list. Applicants who re-apply will receive a new application date, but will be permitted to maintain priority or selection preference if qualified. Incomplete applications which are not completed in a timely manner will be placed in this file.

Sec. 3-4. Waiting List Administration.

The Housing Department shall maintain a waiting list for new homes separate and apart from any other Tribal program. The list shall be comprised of applicants who have been determined to be eligible.

(a) Eligible applicants will be placed on the waiting list by order and priority. Within each priority group, the applicants will be placed in chronological order, with the oldest application being first and the most recent application being last.

(b) The waiting list shall be updated on a regular basis. It is the responsibility of each applicant to update their application at least annually. In order to remain on the waiting list, an applicant must continue to update his/her application and remain eligible for a land assignment and a new home. Applicants who fail to update their application within thirty (30) days of their annual eligibility date will be placed in the inactive file and lose their original application date.

(c) Any applicant on the waiting list who wishes to be removed from the list must submit a written request to the Housing Department. Otherwise, no eligible applicant may be removed from the waiting list except for failure to update in a timely manner.

(d) Any person contacted for a new home and the person does not wish to have the home built at the time of contact shall have their name moved to the bottom of the waiting list.

Sec. 3-5. Approval and Selection Process.

(a) The Housing Department shall review all applications in the order received and will verify all information provided as deemed necessary.

(b) If the Housing Department determines that an applicant meets the basic eligibility criteria, the application will be submitted to the Housing Committee for review. If ineligible, a certified letter with return receipt will be mailed within thirty (30) days of date of denial. Upon completion of its review, the Housing Committee will submit the application to the Tribal Council with a recommendation for approval or denial.

(c) In the case of an applicant approved prior to the passage of the Policies and Procedures, a six (6) month residency in Tama County is required prior to construction of a home.

(d) Once approved, the Tribe and the assignee shall enter into a written Homeowners Agreement which shall include:

(1) The location of the Tribal land assigned;

(2) A description by address of the Tribal land assigned;

(3) The amount of Tribal land assigned;

(4) The purpose for which the Tribal land is assigned;

(5) Designation of an eligible person to receive the land assignment upon the assignee's death (the "beneficiary");

(6) The signature of the assignee and the Chairman of Housing Committee and

(7) Any other relevant or necessary terms or information.

(e) Once the Tribal Council approves an application and a land assignment has been approved, the Housing Department will assist the assignee in the selection of a home plan and the assignee will be placed on a tentative construction schedule.

(f) If for some reason an assignee becomes ineligible during the construction phase, the Housing Department will provide notification of the change in status to the individual. Ineligibility may result from, but is not limited to, a change in family status or involvement in violent criminal or drug related activity. Notification of the change in status will be sent to the assignee by certified mail to the last known address.

Sec. 3-6. Specific Requirements for Beneficiaries and Caretakers.

(a) Upon the death of an assignee, the Realty Officer shall reassign the land assignment and the home to the beneficiary named in the Agreement of Land Assignment and the Homeowner's Agreement if the applicable requirements of the Property Code are met. *See* § 16-2210, Property Code.

(b) A beneficiary must be eligible for a land assignment and a home under the Property Code.

(c) If the beneficiary is a minor residing in the home at the time the home is inherited, the Tribal Council shall be the Trustee for the home until such time that the beneficiary reaches the age of eligibility. The Tribal Council shall appoint a caretaker for the home on behalf of the beneficiary.

(d) Any such caretaker shall be required to sign a letter of agreement outlining the requirements and responsibilities of the position. Should the appointed caretaker fail to comply with the terms of the agreement, the Tribal Council shall revoke the agreement and name a replacement caretaker.

(e) No individual can be named as a beneficiary for more than one (1) home.

(f) No person can be named as a beneficiary if they already have been granted a land assignment and/or a home.

CHAPTER 4 - SELECTION AND DELIVERY OF THE HOME

Sec. 4-1. Selection - Materials, Additional Amenities and Number of Bedrooms.

(a) Approximately three (3) months prior to the start of construction on the home, the assignee/homeowner will be notified and a pre-construction meeting will be scheduled. In conjunction with the pre-construction meeting, a class will be held for all adult members of the household on the responsibilities and maintenance of the new home.

(b) At the pre-construction meeting, choices regarding construction materials will be finalized.

(c) If the homeowner determines that he/she wishes to include additional amenities to the home, payment for those items must be received prior to release of the home to the new owner.

(d) The size of the home, including the number of bedrooms, will be determined at the time of the pre-construction meeting. No bedroom assignment will be made for any household member who is not an enrolled member.

(e) In order to prevent overcrowded conditions and wasted space, homes shall be assigned in accordance with the following schedule. The Housing Department may make exceptions due to unusual circumstances. Factors include age and gender of children and potential changes in family composition, etc.

Household Size and Type	Finished Square Footage of Home	Type of Home
Single Person	No greater than 1200sf	Apartment/Single Family
Two Persons	No greater than 1500sf	Apartment/Single Family
Three Persons	No greater than 1800sf	Single Family
Four Persons	No greater than 2000sf	Single Family
Five or More Persons	No greater than 2400sf	Single Family

(f) Site and soil conditions often dictate whether a basement is feasible, or if a crawlspace foundation is more practical. Moisture content, water table levels and elevations of certain locations may determine foundation requirements.

(g) Enrolled unmarried adult children under the age of 25, with no other permanent address and who are full time students or are serving in the military may be considered as dependents when determining the number of bedrooms for the home. Documentation of the status of such adult children shall be in the form of school registration forms or verification of military status.

(h) Enrolled adult children with documented special needs that reside with the applicant shall be considered when determining the number of bedrooms. Documentation of special needs shall be in the form of a written evaluation from a physician.

Sec. 4-2. Occupancy Standards.

(a) Homes will be assigned so as not to require the use of the living room for sleeping purposes.

(b) Every enrolled family member, regardless of age, is to be counted as a person.

(c) When it is found that the size of the dwelling is no longer suitable for the family, the family may apply for an addition to the existing home.

Sec. 4-3. Delivery.

(a) Approximately one week prior to the completion of the home, the homeowner will be notified of the scheduled date for the home orientation tour that will be provided by the Housing Department staff.

(b) Following the tour, if all homeowner requirements have been met, including the proof of insurance requirement, the keys to the home will be presented to the new homeowner.

(c) All homeowners shall be required to provide proof of insurance for a one (1) year period before the keys to the new home are released. The insurance policy must list the Tribe as the assigned payee for the policy. A waiver must be signed by each applicant to provide for payment of insurance through the per capita payment system should the homeowner's insurance be cancelled.

(d) If the homeowner is for some reason unable to be present for any of the activities listed above, the Housing Department may accept a signed, notarized statement designating a representative to act for the homeowner.

(e) Approximately one (1) week following the delivery of the home to the new homeowner, a follow-up call will be made to the family to assure there are no unanswered questions or complaints.

(f) Within one (1) month of the delivery of the home, a survey form will be sent to the homeowner to determine customer satisfaction with the process and the product.

(g) If the new home is built to replace an older home or a mobile home, the vacated unit shall be demolished or removed as soon as possible after the new dwelling is occupied, which shall occur no later than three (3) months after delivery of the new home.

(h) A one (1) year warranty on all parts and labor are extended to the homeowner. Damages due to abuse or neglect by the homeowner are not covered by warranty.

(i) Approximately two (2) weeks prior to the one-year anniversary of the homeowner's move-in date, Housing Department staff will tour the home to review any problems that might exist.

CHAPTER 5 - OCCUPANCY OF THE HOME

Sec. 5-1. Change in Family Status.

(a) In the event the homeowner's family status changes due to a breakdown of the marriage or long term relationship, and the household includes enrolled member children, the Housing Committee may review the occupancy status for the home. In order to serve the best interests of the children, the Housing Committee, in consultation with Meskwaki Family Services, may recommend which parent should remain as the occupant of the home.

(b) In the event of such a family status change, the Tribal Council shall make the final decision regarding the occupancy of the home.

(c) If the Tribal Council determines that the mother should remain in the home with the children (after a change in family status), she will not be allowed to bring another adult male, whether an enrolled member or not, into the home. Should another adult male be brought into the home, the mother's right to occupancy shall be voided.

(d) If the mother is given the occupancy of the home, she is responsible for the repair and maintenance of the home.

(e) If the mother is given occupancy of the home, the individual who is forced to leave the home will qualify for the use of temporary housing, if available, until such time as the occupancy of the home is restored to that person.

(f) If the parents share joint custody of the children, the right to occupancy of the home shall stay with the parent having physical custody of the children, unless the Tribal Council determines otherwise.

Sec. 5-2. Cohabitation Prohibited.

(a) Cohabitation by female adult household members and individuals who are not an enrolled member is strictly prohibited. Violators of this policy shall face eviction from the home and termination of the land assignment.

Sec. 5-3. Visitors.

(a) Homeowners may have visitors in their home only on a temporary basis of no more than two (2) weeks, unless the housing office has granted previous approval. Any changes in the occupants living in the house from those listed on the original application must be reported to the Housing Department. Any non-enrolled person in the household who has reached the age of eighteen (18) shall be considered a visitor in the home.

(b) Approvals for extended visits shall be submitted in writing to the Housing Office and the Tribal Council for review.

CHAPTER 6 - RESIDENCY IN THE HOME

Sec. 6-1. Primary Residence.

(a) The home constructed on the land assignment shall be the homeowner's primary place of residence. The homeowner shall reside in the home at least nine (9) months of each year.

(b) As a courtesy, if a homeowner plans to be absent from his home for a period of time greater than four (4) weeks, notification of the absence should be provided to the Housing Department. The notification should include the name and telephone number of a person or persons that will be looking after the home during the homeowner's absence.

(c) Absence due to documented medical need may be exempted from the residency rule. Documentation shall be in the form of a signed communication from a physician, stating the reason for the medical exemption. Documentation regarding medical circumstances that require absence from the home must be renewed every six (6) months.

(d) Absence due to temporary military service is exempted from this rule.

(e) If a homeowner is incarcerated for a time period greater than nine (9) months, but less than ten (10) years, other enrolled members of the family may remain in the home, subject to compliance with these policies and procedures, as well as any requirements set forth by the Tribal Council. If the mother of enrolled children is not an enrolled member, the Tribal Council shall become the trustee for the home and shall appoint a caretaker. This provision does not apply if the homeowner is incarcerated for possession of a controlled substance with intent to deliver, the manufacture of a controlled substance or for violent criminal activity. For such convictions, the land assignment shall be terminated as provided for under Tribal law and these policies and procedures.

(f) Should an assignee die or wish to voluntarily relinquish his/her land assignment and home, non-enrolled members of the household shall be allowed to remain in the residence for up to ninety (90) days, unless the land assignment and home is leased by the Tribe to a non-enrolled member spouse of the assignee. If the residence is not vacated in the required time period, eviction proceedings will begin as set forth under Tribal law and these policies and procedures.

(g) If the homeowner does not meet the required residency standard, the Housing Committee may recommend to the Realty Officer that the land assignment be terminated.

CHAPTER 7 - MAINTENANCE OF THE HOME

Sec. 7-1. Maintenance Requirements.

(a) The homeowner is required to maintain the home at a standard considered safe and secure in accordance with the Housing and Urban Development Housing Quality Standards.

(b) It is the responsibility of the homeowner to mow seeded areas surrounding their home. Failure of the homeowner to maintain this area will result in the Housing Department staff mowing the area and the cost of the service shall be deducted from the homeowner's per capita payment.

(c) It is also the expected that the homeowner will keep the area surrounding his/her home free of trash and debris.

(d) In the instance of un-mowed or unsightly areas the Housing Department will notify the homeowner by letter of the problem, giving a specified time for correction. If the homeowner fails to comply, corrective action will be taken, and all associated costs will be assessed to the homeowner.

Sec. 7-2. Request for Maintenance Services.

(a) Only a homeowner or a previously approved agent for the homeowner may request maintenance services from the Housing Department.

(b) A homeowner may request maintenance services for his/her home by visiting the Housing Department to complete a Request for Service form, or by calling the Housing Department to request the same. A Housing Department service technician will review the request and contact the homeowner to schedule an appointment.

(c) After a review of the requested service, the nature and cost of the repairs will be determined. At that time, the Housing Department will make a decision regarding the relative distribution of the costs between the Tribe and the homeowner.

(d) Costs associated with defective materials or installation shall be the responsibility of the Tribe, and costs associated with homeowner neglect or negligence shall be the responsibility of the homeowner.

(e) In the case of normal wear and tear, the cost of materials and labor shall be the responsibility of the homeowner. Cost of labor shall be determined by the following fee schedule:

(1) Minimum Service Charge (based on more than1 hour) - $10.00;

(2) Hourly Charge after 2 hours - $5.00;

(3) Maximum Charge for Service Call - $25.00; and

(4) Labor Charges for All Work, including additions, except those required due to medical necessity or disability (which must be established by providing documentation substantiating the medical necessity) or increase in the number of enrolled minor children residing in the home, per man hour - $15.00.

(f) Costs assessed to the homeowner must be paid prior to the service being performed. In case of an emergency, i.e., no heat or water leaking, the service will be completed after the homeowner signs a release allowing the cost of the service to be withdrawn from his/her per capita payment. Unless a caretaker is residing with a person 55 or older, the caretaker will be responsible for the cost of materials and labor.

(g) The Housing Director may approve a waiver of immediate payment for non-emergency items if circumstances appear to warrant such action, and if an agreement is signed by the homeowner allowing the cost of the service to be deducted from the next per capita payment. If the deduction of the cost of the service in one (1) payment will be a hardship, the Housing Director may approve a payment schedule.

Sec. 7-3. Additional Services for Persons Age 55 and Older.

(a) In the fall of each year, the Housing Department will offer certain maintenance services to persons age 55 and older. These will include, but not be limited to, change of furnace and air exchanger filters and cleaning of gutters.

(b) From time to time, special maintenance services may be offered to persons age 55 and older if circumstances appear to warrant such action.

CHAPTER 8 - INSPECTIONS

Sec. 8-1. Interior and Exterior Inspections.

(a) To ensure housing quality standards are met, the exterior of each home shall be inspected at least once every year and the interior shall be inspected at least once every three (3) years.

(b) Approximately one (1) month prior to the interior inspection of the home, the homeowner shall be notified by first class mail of the date and time for the scheduled inspection.

(c) For routine interior inspections of a home, the Housing Department will call the homeowner forty-eight (48) hours before the inspection as a reminder of the scheduled inspection.

(d) If the notification of inspection letter is returned to the Housing Department as undeliverable, an immediate inspection shall be scheduled. Notice for this inspection shall be made by posting a notice of inspection on the door of the home at least twenty-four (24) hours prior to entry by Housing Department staff.

Sec. 8-2. Failure to Meet Standards.

(a) If the basic housing quality standards are not met at the time of the inspection, a list of actions needed to bring the home into compliance will be provided to the homeowner, along with a time limit for completion.

(b) The time limit for bringing the home into compliance shall be not less than two (2) weeks and not greater than two (2) months.

(c) A second, follow-up inspection will be done at the end of the specified time period to check for completion of the items on the list. If items from the list remain in substantial noncompliance, the land assignment may be terminated by action of the Tribal Council, as set forth in Sec. 16-2403 of the Property Code. Substantial noncompliance shall be defined as failure to complete at least 90% of the required corrections.

Sec. 8-3. Additional Construction on Tribal Lands.

(a) Any new construction on Tribal land must be approved by the Housing Department prior to the building start. This includes, but is not limited to, garages and storage buildings.

(b) No new construction shall commence until the One Call System (i.e. a call to the free service offered by the utility company) has been utilized to check for power lines. Iowa One Call – 1-800-292-8989

(c) The Housing Department's building inspector will inspect all new construction at specified intervals, for compliance with national building, electrical and plumbing codes.

(d) Failure to build to or maintain compliance with national building, electrical and plumbing codes will result in the removal of any non-complying structure, and all associated costs will be assessed to the homeowner.

CHAPTER 9 - INSURANCE.

Sec. 9-1. Proof of Insurance.

(a) All homeowners must maintain homeowner's insurance on their home and must provide documentation of the insurance to the Housing Department.

(b) The insurance policy shall list the Tribe as the assigned payee on the policy.

(c) The Housing Department may request proof of insurance if none is on file. The request for proof of insurance shall be in the form of a letter sent by certified mail, return receipt requested, asking the homeowner to provide the required documentation within fifteen (15) days from the time the letter is sent.

(d) If a homeowner fails to provide proof of insurance upon request from the Housing Department, insurance shall be purchased for the homeowner and the cost of the insurance for the home will be deducted from the next per capita payment of the homeowner.

(e) In case of a major disastrous event, such as a fire, which destroys part of or the entire home, the dwelling will be replaced only if the homeowner has insurance coverage.

CHAPTER 10 - ADDITIONS TO HOME

Sec. 10-1. Request for Addition.

(a) If family composition or special family circumstances so warrant, a homeowner may submit a request for an addition to their home. A request for such an addition must be made in writing to the Housing Department. The request should state the reason behind the need for the additional space and should give an approximation of the size of the addition and any special requirement(s).

(b) The Housing Department will review the request and submit it to the Housing Committee with a recommendation for approval or denial. The Housing Committee will approve or reject the request after consideration of the Housing Department recommendation.

(e) All requests for additions that are approved by the Housing Committee shall be submitted to the Tribal Council for review, which shall have the authority to overturn the approval.

(f) Request that are denied by the Housing Committee may be appealed to the Tribal Council.

Sec. 10-2. Costs of Addition.

(a) All costs associated with building additions, garages or other buildings shall be the responsibility of the homeowner. *See* Sec. 7-2(e) for the schedule of labor costs.

(b) The retrofit of homes for enrolled member elders to provide necessary handicap accessibility shall be exempt from charges to the homeowner.

(c) Construction for documented special needs shall be exempt from charges to the homeowner. Special circumstances, including but not limited to the addition of enrolled members to the household, may be presented to the Housing Committee for review and recommendation to the Tribal Council regarding additional space requirements.

Sec. 10-3. Construction of Addition.

(a) If the Housing Committee approves the request for the addition (and the approval is not overturned by the Tribal Council), the Housing Department will assign the homeowner a place on the construction schedule.

(b) The homeowner may choose to hire a private contractor for construction of an addition, repair/remodeling, or another building such as a garage. All charges associated with such construction shall be the responsibility of the homeowner unless a waiver of such costs is approved by the Tribal Council.

(c) If the homeowner decides to use a private contractor, all construction plans must be submitted to the Housing Department for review and approval prior to the start of construction.

(d) All construction or remodeling must meet the building and inspection standards as set forth in Chapters 7 and 8 herein.

ARTICLE II – HOUSING DEPARTMENT PROCEDURES

CHAPTER 1 - ORGANIZATION

Sec. 1-1. Housing Director.

The Housing Director shall be the head of the Housing Department. The Housing Director shall report directly to the Tribal Council and shall work in close cooperation with the Housing Committee and assist applicants for housing in the preparation of applications and other papers. The Housing Director will, upon request, advise applicants of the conformance and nonconformance of the application to the provisions of the Property Code. The Housing Director will be responsible to insure that the bookkeeping, clerical work, records, reports, securing of required forms, filing, recording and administrative details necessary for the proper operation of the Housing Department are handled correctly. The Housing Director shall take all steps necessary to insure the financial stability of the Housing Department.

Sec. 1-2. Staff.

All employees of the Housing Department shall be under the direct supervision of the Housing Director. The staff may consist of both full-time and part-time employees.

Sec. 1-3. Compensation.

The compensation for the services of the Housing Director and his/her staff shall be paid from Tribal funds and reflected as an expense against Tribal housing programs. All other necessary expenses of the Housing Department shall be paid from housing funds, except for capitalized expenditures authorized by the Tribal Council. The Housing Director shall present to the Tribal Council for approval a budget for each year of the Housing Department.

Sec. 1-4. Personnel Policies.

The Housing Department shall provide uniform standards of conduct for its employees. Housing Department employees are subject to the policies set forth in the Personnel Policies Handbook adopted by the Human Resources Department of the Tribe, which is incorporated herein by reference.

CHAPTER 2 - PROCUREMENT

Sec. 2-1. Policy.

It is the intention of the Housing Department to provide fair and equitable treatment to all persons and/or firms involved in purchasing and contracting with the Housing Department; to ensure that quality supplies, services and construction are procured efficiently, effectively, and at the most favorable prices available to the Housing Department; promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and to ensure that Housing Department purchasing actions are in full compliance with Tribal laws and applicable federal requirements. The following procedures shall apply to all procurement actions taken by the Housing Department.

Sec. 2-2. Bidding Procedures.

(a) Whenever possible, three (3) bids should be solicited prior to the purchase of equipment, materials and services. Re-bids for all services should be done no less than annually.

(b) All bids must include the name, address, and telephone number of the provider.

(c) All bids must show detail regarding the materials/services to be provided.

(d) To be considered, bids must be received by the deadline established by the Housing Department.

(e) When required, the bid must include proposed start and finish dates.

(f) The lowest qualified bid will be accepted.

(g) All subcontractors used for housing construction must provide proof of liability insurance. Proof of the insurance must be submitted with any bid.

(h) References may be required from any provider of services or materials.

Sec. 2-3. Purchase Orders - Requests for Payment.

(a) Once a bid is accepted the Housing Department will process a purchase order. The Finance Officer must sign all purchase orders. The Executive Director must sign any purchase order greater than $10,000.00.

(b) No materials or services shall be purchased until a signed purchase order is submitted to the provider.

(c) The provider shall submit an itemized billing following the delivery of the materials/service. The purchase order number must be included on all billings.

(g) When the materials/services have been inspected and deemed satisfactory by the construction supervisor or the Housing Director, a request for payment shall be processed.

CHAPTER 3 - VEHICLES, TOOLS AND EQUIPMENT.

Sec. 3-1 Use and Care

(a) Employees shall not remove equipment or tools from Tribal lands for personal use.

(b) Employees shall utilize safety procedures and safety equipment at all appropriate times. This includes, but is not limited to, the use of seat belts while traveling in any vehicle and the use of hard hats, safety glasses and/or hearing protection when appropriate.

(c) Employees must document any damage to vehicles, equipment or tools through the use of an incident/property damage report form, which is available through the Housing Director.

(d) Employees must provide documentation for any tools or equipment determined to be obsolete, inoperable or to have failed for any reason. The Housing Director or Construction Supervisor must sign off on any such item removed from inventory.

(e) The Construction Supervisor shall be responsible to see that all tools and equipment are marked with an appropriate identifying name or symbol at the time of purchase. Presence of the identifier shall be checked at the time of inventory.

(f) The Construction Supervisor shall ensure that an inventory of all tools and equipment is done annually.

ARTICLE III – MORTGAGE ASSISTANCE PROGRAM

CHAPTER 1 - IN GENERAL

Sec. 1-1. Definitions.

The following terms, whenever used or referenced in this Article III, shall have the following respective meanings, unless a different meaning clearly appears in the context:

(a) "Federal Agency" means a Section 184 Indian Housing Loan Program that provides federal loan guarantees to private sector lenders who make mortgage loans to eligible borrowers for the construction, acquisition or rehabilitation of single-family homes within an Indian Area.

(b) "Indian Area" means the area off the Settlement within which the Tribe operates affordable housing programs or the area in which the Tribe or Housing Department has the authority to provide housing for purposes of Section 184 of the Housing and Community Development Act of 1992.

(c) "Section 184 Program" means the Section 184 Indian Housing Loan ("Section 184") Program created by the Housing and Community Development Act of 1992 to provide federal loan guarantees to private sector lenders who make mortgage loans to eligible borrowers for the construction, acquisition or rehabilitation of single-family homes located within an Indian Area.

Sec. 1-2. Purpose of Mortgage Assistance Program.

The purpose of the Mortgage Assistance Program is to provide homeownership opportunities for eligible enrolled members who are not eligible for land assignments or who choose not to live on tribal lands. The Mortgage Assistance Program provides mortgage and down payment assistance to eligible enrolled members who intend to purchase, rehabilitate or construct a new home in an Indian Area.

CHAPTER 2 - ELIGIBILITY

Sec. 2-1. Who May Apply?

The following individuals may apply for Tribal mortgage and down payment assistance:

(a) Female enrolled member who are not eligible or do not wish to apply for a land assignment under the Article XI of the Constitution, and who have reached the age of twenty-five (25) or are married or cohabitating with an individual that is not an enrolled member may apply for mortgage assistance under Article III of the Property Code.

(b) Male enrolled members who would be eligible for a land assignment, but who reside off the Settlement, may also apply for mortgage assistance under Article III of the Property Code.

Sec. 2-2. Application for Mortgage and Down Payment Assistance.

(a) In order to be considered for assistance, you must submit the following items:

(i) A completed Down Payment Assistance Program application (including all supporting documentation);

(ii) Verification by the lender as to your qualification for a Section 184 Program loan, the terms of the loan (if qualified), and the purchase price and closing costs associated with the loan;

(iii) Verification of the status of the existing mortgage;

(iv) Verification of the approval for a mortgage.

(b) Program resources will be distributed until moneys reserved for the program are exhausted.

Sec. 2-3. Eligibility for Individuals Participating in the Section 184 Program.

Except as otherwise set forth in the Property Code, to be eligible for mortgage and down payment assistance, an applicant must meet all of the following requirements at the time of application:

(a) Must qualify to obtain a loan guarantee under the Section 184 Program.

(b) Must be a first time homebuyer who intends to purchase, rehabilitate or build a home in an Indian Area.

(c) Must reside within an Indian Area for six (6) months prior to participation in the Mortgage Assistance Program.

(d) Must use the home as his/her primary residence.

Sec. 2-4. Eligibility for Individuals Not Participating in the Section 184 Program.

Except as otherwise set forth in the Property Code, to be eligible for mortgage assistance, an applicant must meet all of the following requirements at the time of application:

(a) Must hold an existing mortgage in good standing, be approved for a mortgage, intend to purchase, rehabilitate or build a home in an Indian Area, but need not be a first time homebuyer.

(b) Must reside within an Indian Area for six (6) months prior to participation in the Mortgage Assistance Program.

(c) Must use the home as his/her principal residence.

CHAPTER 3 - TERMS AND CONDITIONS OF MORTGAGE ASSISTANCE PROGRAM

Sec. 3-1. Mortgage Assistance.

(a) Qualified applicants shall be eligible to receive mortgage assistance from the Tribe in the form of a deferred loan in the amount of FIFTY THOUSAND DOLLARS ($50,000) to be disbursed in a stream of monthly payments over a ten-year period beginning on the first date the mortgage is due. No interest is charged on this deferred loan.

(b) The deferred loan will be secured by a lien against the property with the condition that the applicant maintains residence in the home for the ten-year period. If the applicant fulfills the occupancy requirement, the deferred loan is forgiven and the lien released at the end of the ten years.

(c) If the applicant does not or cannot maintain occupancy for the full ten years, the deferred loan must be paid back to the Tribe. If the applicant sells the home the deferred loan shall be paid back from the proceeds of the sale, unless the proceeds are used to purchase another home in which the Tribe maintains a lien for the full amount of the outstanding balance of the deferred loan. If the applicant moves out, but does not sell the home, the deferred loan becomes immediately due and payable.

(d) After the first year of residence, the deferred loan amount will be reduced by one tenth ($1/10^{th}$) at the end of the second year and the end of each succeeding year thereafter, provided the applicant is maintaining residence. There is no reduction if the applicant does not maintain residence in the home or the replacement home for the ten-year period.

(e) The Tribe must subordinate the deferred loan to the loan guaranteed under the Section 184 Program.

Sec. 3-2. Down Payment and Closing Costs Assistance.

Qualified applicants shall be eligible to receive a portion of the deferred loan not to exceed 20% of the value of the home in a lump sum payment to be used towards down payment and closing costs on the purchase of a home, and the remainder of the deferred loan will be disbursed in equally monthly payments over the ten-year period, as provided in Sec. 3.1 above.

Sec. 3-3. Section 184 Program.

Eligible borrowers may apply for a federal loan guarantee under the Section 184 Program to finance the purchase, rehabilitation and/or new construction of a principal residence within an Indian Area. The Tribe and the Housing Department will to the maximum extent possible, assist the lender and the Federal Agency in its efforts to manage the Section 184 Program.