



National American Indian Housing Council

HOUSING POLICY DEVELOPMENT



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About NAIHC

- ▶ Founded in 1974 as a 501(c)(3) corporation
- ▶ 271 members representing 463 tribes
- ▶ 10-member Board of Directors representing nine geographical regions in the U.S.
- ▶ Advocacy
- ▶ Training (ONAP assigned)
- ▶ On-site technical assistance (ONAP assigned)
- ▶ Research
- ▶ <http://www.naihc.net/>

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Introductions

If you could have one of these superpowers, which one would you choose?

- Be invisible whenever you want
- Superhuman Strength
- Talk to animals
- Read minds
- Be able to fly



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What is a Policy?

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Is this a
policy or
procedural
matter?



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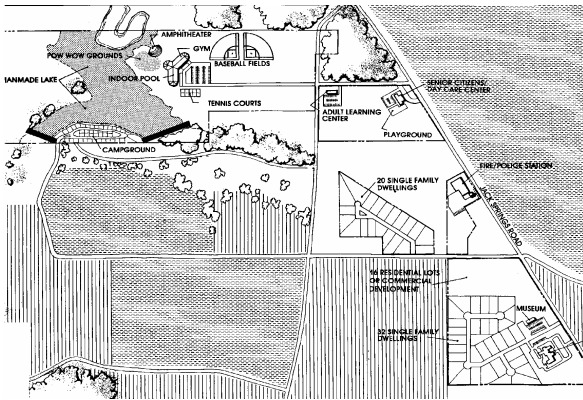
What is a Policy

- It clearly defines modes of conduct.
- It reflects the organization's values.
- It determines the cultural structure of your organization.
- Your policy is your organization's [action plan](#).

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Policies are a Response to

- A response to a community's needs
- A reflection of a plan to address community needs



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Policies and Procedures

- Policies and procedures are developed after a mission statement, goals, and objectives are established.
- Policies are prepared answers to anticipated problems.
- Policies inform institutions on what is expected and what will be done.
- NAHASDA program requirements for policies require the following:
 - Rents
 - Maintenance and Efficient Operation
 - Insurance Coverage
 - Eligibility for Admission
 - Management
 - Selection

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Tribe/TDHE Mission Statement

- Understand the mission: What is the organization seeking to accomplish?
- Mission statements are not definitions of goals and objectives.
- Before developing goals, procedures, and policies; an organization must understand their mission.
- A mission statement is required as part of the comprehensive Indian Housing Plan (IHP).

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QUIZ: A mission statement describes?

- A. Goals : “Be the Number 1 seller”
 - B. Procedures: “File applicant forms after applicant submission”
 - C. Objectives: “Complete Task A before moving on to Task B”
 - D. Policies: “Organize TDHE waiting list based on priority score”
 - E. Accomplish: “Provide housing assistance and opportunity”
- Accomplish: “Provide housing assistance and opportunity”**

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Goals and Objectives

- Statement of goals and objectives is required as part of a comprehensive IHP.
- Goals and objectives should state what the TDHE plans over a certain period of time.

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Framework for Policy Creation

In a fair, open, and accountable manner;

Considering a broad range of views;

Representing best practices in the industry; and

Reflecting the Recipient's overall goals and objectives.

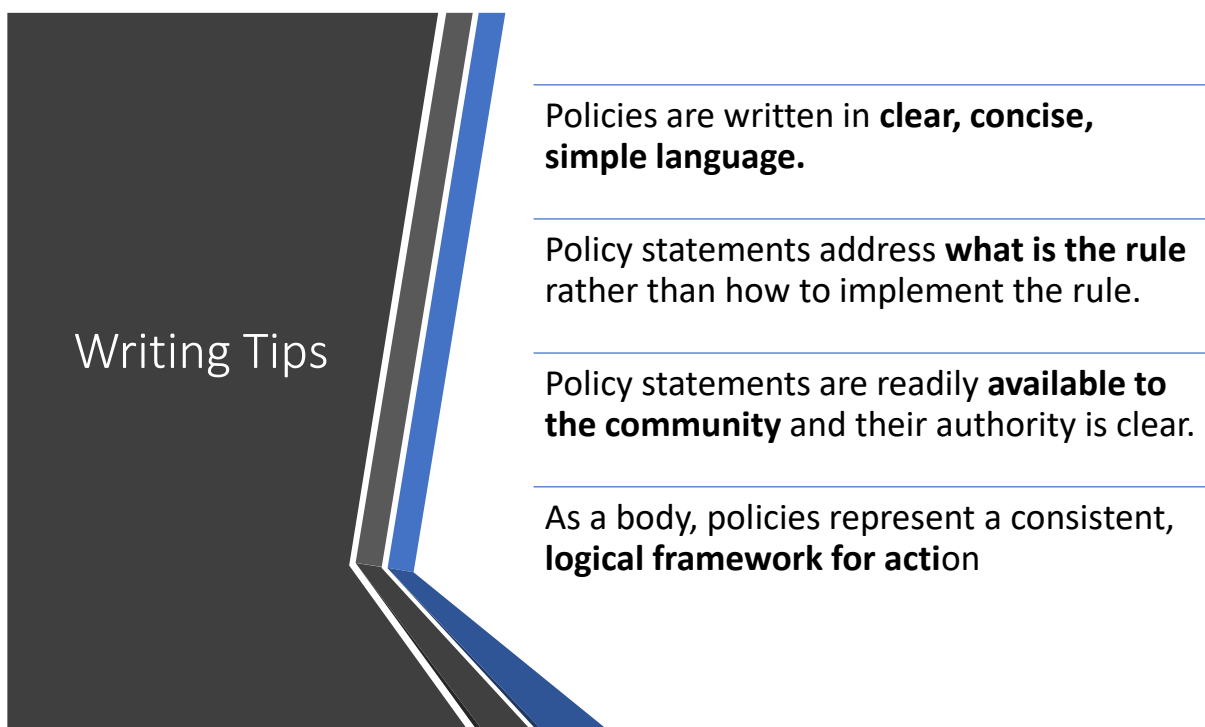
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QUIZ: Select a typical goal from the list below:

- A. Outreach and education for families in need of housing
- B. Development of a cooperative relationship with local business and organizations
- C. Sound and professional management of the TDHE to ensure the viability of all housing programs
- D. Perform activities that meet the needs of the community
- E. All of the above

E. All of the above

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A graphic with a dark grey background on the left and a white background on the right. The text 'Writing Tips' is written in white on the dark background. On the right, four blue horizontal lines separate four lines of text. The text includes bolded words like 'clear, concise, simple language', 'what is the rule', 'available to the community', and 'logical framework for action'.

Writing Tips

Policies are written in **clear, concise, simple language.**

Policy statements address **what is the rule** rather than how to implement the rule.

Policy statements are readily **available to the community** and their authority is clear.

As a body, policies represent a consistent, **logical framework for action**

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Level of Detail

- General rule is that the level of detail must be both sufficient and appropriate for your audience and your subject.
- Sufficient usually means the right type of information and the right amount of it.
- Appropriate usually means fitting for the topic and the audience.

1. Does it give the user sufficient information to complete the required action?
 Yes No
2. Does it provide sufficient information to guide the user in exercising good judgment and discretion?
 Yes No
3. Is the information of the right type, considering both subject and audience?
 Yes No
4. With this information, can the audience do what we want them to do?
 Yes No
5. Is the level of detail appropriate to the subject? (An ethics policy may not need the same detail as an inventory procedure.)
 Yes No
6. Is the level of detail appropriate to the type of audience—its experience, knowledge, and size (e.g., novice versus expert, customers versus employees)?
 Yes No
7. How comfortable is the audience with the subject?
 Very Somewhat Little Not at all

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Whose views should be reflected when writing policies?

Discussion unmute everyone.

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Purpose of Policies

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Developing Policies and Procedures

- Policies and procedures are based on two fundamental premises:
 - Tribes/TDHE's exist to make the world operate differently than it would if they did not exist.
 - It takes a good working knowledge of tribal/TDHE housing programs and the people being served along with practice and critiquing by others for a person to become an effective policy writer.
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Another Understanding of How Policies and Procedures Work?

Official Policy: A written statement of program direction and intent that is adopted by majority vote of each tribe's/TDHE's governing body and appears in the governing body's official minutes.

Actual Policy: program direction as actually practiced.

Effective Policy: one that works.

Effective Procedures: a set of specific, detailed and sequential steps that, when followed, cause the governing body's desired policy consequences to occur.

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Purpose of Policies:

Ensure	Ensure that all housing staff do things the same way, thus promoting consistency and fairness while also minimizing the potential for disputes or legal actions
Provide	Provide a foundation for sound management and supervision
Provide	Provide a basis for auditor justification
Ensure	Ensure transparency

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Required by Laws, Regulations



Native American Housing Assistance and Self-Determination Act (NAHASDA)



Uniform Administrative Requirements 2 CFR Part 200



Alaska Uniform Residential Landlord and Tenant Act



American Disabilities Act



Generally Accepted Accounting Principals



Uniform Relocation Act

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Components of a Policy

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Essential Components

Clear Title: Use as few words as possible and ensure that users at any reading level can understand.

Brief Description of the Policy: A description or introduction orients users to the scope and purpose of the policy.

Key Dates: Dates include the approval date of the original document, the annual review date, and the latest version date. Dates are important for tracking versions around legislative and other updates.

Policy Purpose: The purpose describes why the policy exists. This includes such concerns as legal and regulatory needs and problems or conflicts a policy aims to avoid.

Policy Statement: The core of the document and usually the lengthiest part. The policy statements specify the main audience for the policy, conditions and restrictions for applying the policy, expectations, and exclusions.

Scope: This concerns which roles or departments the policy covers.

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More Ideas

- **History:** Knowing the history is useful for understanding changes.
- **Scope:** This concerns which roles or departments the policy covers.
- **Responsibilities or Responsible Party:** Indicate what role, department, or group must maintain the policy. Alternatively, for some policies governed by regulations, this section lists roles responsible for executing the policy.
- **Definitions:** Describe key terms, jargon, or ambiguous terms. Always explain key terms in a separate definitions section or at first mention in the text of your policy or procedure to ensure that everyone has the same understanding of terms. Definitions are particularly important for terms that may have multiple meanings.
- **Related Documents:** Attach other policies, procedures, regulatory documents, forms, and guidelines for reference.

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Policy & Procedures

What is a Policy?

What is a procedure?

What are the Differences?

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What is a Procedure?

Procedures tell what to do when to do it, and who is responsible for doing it.

A procedure establishes the specific manner in which a function is to be performed, assigns responsibility, and describes specific action, whether it be answering a phone, setting up a file, determining income, inspecting a property, preparing a form, or writing a report.

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Identify examples of issues that must be implemented?

unmute everyone.

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Why are Procedures Necessary?

- A good set of written procedures increases the likelihood that programs will be:
 - Administered properly;
 - Delivered in a way that staff know their responsibilities;
 - Implemented in a manner that ensures performance objectives are met according to the established policies;
 - Consistently delivered;
 - Understood and trusted by the public;
 - Delivered efficiently, with as many households served as possible;
 - More easily delivered by new staff with little interruption to workflow; and
 - Understood and accurately described by staff, members of the board and/or tribal council.

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Whose views should be reflected when writing procedures?

unmute everyone.

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Policies and Procedures Compared

- Policies
 - Set of principles, rules, and guidelines formulated by an organization
- Procedures
 - Series of steps followed in a regular definite order

Policies	Procedures
Have widespread application	Have a narrower focus
Are non-negotiable, change infrequently	Are subject to change and continuous improvement
Are expressed in broad terms	Are a more detailed description of activities
Are statements of <i>what</i> and/or <i>why</i>	Are statements of <i>how</i> , <i>when</i> and/or <i>who</i> & sometimes <i>what</i>
Answer major operational issues	Detail a process

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Examples of Policies and Procedures?



Admission and Occupancy Policy Application Process

Policy: "Families must submit a completed application before they can be determined eligible for placement on a waiting list."

Procedure: "Upon receiving a completed application, staff members must notate the date and time of receipt of the application."



Admission and Occupancy Policy Maximum Low Rent Charges

Policy: "No low-income family will be charged more than 30% of adjusted gross income."

Procedure(s): "Calculate anticipated annual gross income; subtract permitted allowances/deductions; divide by 12 months; multiply by percentage of income being charged by program percentage."

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Policy or Procedure

- 1 "Fair market rents for the area as published by HUD annually will be used by the Recipient as the ceiling rents for low-rent units."
- 2 "Move-Out inspection must be conducted by the staff within 48 hours."
- 3 "The tenant will be notified by staff that there might be charges for repairs, which will be added to the new unit bill as additional rent."
- 4 "Recipient requires the completion of a move-in inspection prior to the signing of a lease agreement and tenant occupancy."

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Exercises

- What is the primary difference between policies and procedures?
 - A. Nothing
 - B. Policies are guiding principles, procedures are a series of steps
 - C. Policies are localized, procedures are universal
 - D. Policies are easily changed; procedures require approval from a governing body
 - E. Policies are specific, procedures are generalized

B. Policies are guiding principles; procedures are a series of steps.

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Sample Policy Provisions

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Policy Disclaimers

- Disclaimers are an important way to protect an organization.
- Policies and procedures are not contracts and may be changed at any time.
- Allow attorneys to review and approve disclaimers.

“This Policy is designed to assist in the resolution of complaints by program applicants and Residents and to afford them a fair and reasonable opportunity to have their responses heard and considered by the Recipient’s Manager. It is not intended to provide a forum for the aggrieved party to challenge the Recipient’s policies, tribal, federal, or state codes, requirements and/or regulations, to settle domestic disputes or resolve matters that are a police or court matter.”

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Acknowledgement Statements

- Signed acknowledgement is proof that policies and procedures were communicated to the stakeholders/lessees/users.
- Combine acknowledgement statements with handbook disclaimers for additional protection.
- Allow attorneys to review and approve acknowledgements.

“I have received a copy of the handbook/policy/procedure. I understand that it is my obligation to read and understand this material to abide by the rules established by the organization. I also understand that I am governed by these policies and procedures and that organization may change them at will.”

“I have received the tenant handbook, which outlines both my obligations and my privileges as a tenant. I agree to familiarize myself with the contents of this book and to seek clarification of any item that I do not understand. I also agree to comply with the standards and rules outlined in this document.”

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Discretionary Wording

- Committing to a policy without the ability to make changes is an organizational problem.
- It is important to reserve the right to make changes throughout your policies and procedures.
- Include clear wording in the policy and procedure itself to build in flexibility.

“This policy is a guideline only. Circumstances may arise in which we find it necessary to take other steps not specifically designated here. We reserve the right to do so at our discretion.”

“The Recipient reserves the right to make modifications to these rules if needed for health or safety purposes, programmatic purposes, management purposes, or necessitated by a change in Tribal Code, and applicable federal law or regulations.”

“The reasons for a determination of ineligibility are based on the Recipient's policies and other applicable program concerns or regulations. Although an Applicant may meet the basic criteria for eligibility, any one of several reasons can form the basis of a determination of ineligibility.”

“The Recipient has the discretion to determine if any other group of persons qualifies as a family.”

“The following does not represent an exhaustive list of reasons an Applicant may be denied for final selection as a Tenant; however, it is illustrative of many common reasons for a determination of ineligibility.”

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Policy and Procedure Vocabulary

- Action verbs that are common in policies and procedures.
- Be sure to use simple, honest verbs.
- Choose words that are one to two syllables long – don't be complicated.
- Consistency is just as important as simplicity.

accept	distribute	maintain	restrict
aid	e-mail	make	review
approve	encourage	measure	rotate
ask	enforce	notify	schedule
assist	enter	obtain	select
attach	evaluate	open	send
buy	examine	operate	separate
charge	explain	participate	serve
check	fax	pay	show
claim	file	place	sign
close	fill out	plan	sort
compile	find	prepare	start
complete	finish	protect	submit
connect	follow up	prove	test
conserve	forward	provide	tighten
contact	gather	pull	total
contract	give	purchase	transfer
control	help	push	turn
correct	hold	read	use
decide	inspect	receive	validate
delete	issue	record	verify
deliver	install	reject	wait
describe	interview	release	weigh
detach	jog	remove	withdraw
determine	keep	repeat	write
develop	list	report	
discuss	mail	request	

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Calculating Readability in Procedures

- Gunning Fog Index helps determine the approximate reading level of a document.
- Use the Gunning Fog Index to minimize the number of actions per step in a procedure.
- Basic Rule: One action per step.

Steps:

1. Count the number of steps in the procedure.
2. Count the number of action verbs in the procedure.
3. Divide the number of action verbs by the number of steps.
4. If the number in step 3 is higher than 1.5, check the steps to see if they can be broken down further.

Example:

1. *After locating parts A and B, insert B into A.*
2. *While turning the handle to the left, tighten the screw.*

Calculations:

Number of steps = 2

Number of action verbs = 4

$4 / 2 = 2$ – TOO HIGH! MINIMIZE THE ACTIONS!

Example:

1. *Locate parts A and B.*
2. *Insert B into A.*
3. *Turn the handle to the left.*
4. *Tighten the screw.*

Calculations:

Number of steps = 4

Number of action verbs = 4

$4 / 4 = 1$ – JUST RIGHT!!!

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ACTIVITY: Policy or Procedure

A. POLICY B. PROCEDURE

“Fair market rents for the area as published by HUD annually will be used by the Recipient as the ceiling rents for low-rent units.”

A. POLICY B. PROCEDURE

“Usually we use two people to conduct a Move-In inspection.”

A. POLICY B. PROCEDURE

“The tenant will be notified by staff that there might be charges for repairs, which will be added to the new unit bill as additional rent.”

A. POLICY B. PROCEDURE

“File labels will be typed by the receptionist and affixed to the file folder.”

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Setting the Stage for Policy Development

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Organizing an A&O Department

- Who will define the organization's framework?
- What programs will be offered?
- How many functions will staff perform?
- Who will pass policies?
- Who will write the procedures?

WHO DEFINES THE CHAIN OF COMMAND?

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Process of Developing Policy Includes . . .

TASK	RESPONSIBLE PARTY
<ol style="list-style-type: none"> 1. Policy Analysis 2. Policy Review and Adoption 3. Implement Policies 4. Monitor Staff Actions to Ensure that Policies are Being Followed 	

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GOVERNING DOCUMENTS	REQUIRED BY	CURRENT STATUS	COMMENTS
Tribal Ordinance creating the HA	1937 Housing Act	Ordinance adopted by Res. # on	
HA designated as TDHE	NAHASDA	Tribal Res. # adopted on	
By-laws for BOC	Tribal Ordinance	Adopted by Res. # on	
POLICY			
Rent & Homebuyer Payments	NAHASDA 203(a)(1)	Included in the E, A & O Policy	
Eligibility, Admissions & Occupancy	NAHASDA 203(d)	Adopted by Res. # on	
Maintenance	NAHASDA 203(e)	Adopted by Res. # on	
Tenant & Homebuyer Selection	NAHASDA 207(b)	Included in the E, A & O Policy	
Procurement	24CFR 1000.26 & 2CFR 200	Adopted by Res. # on	
Indian Preference	24CFR 1000.52	Included in the Procurement Policy	
Conflict of Interest	24CFR 1000.30 & 2CFR 200	Included in the Procurement Policy	
Drug Free Workplace	24CFR 1000.46 & 24 CFR Part 21	Adopted by Res. # on	
Cash Management	24CFR 1000.26 & 2CFR 200	Adopted by Res. # on	
HUD Section 3	24CFR 1000.42	Included in the Procurement Policy	
Investment & Internal Control	PIH Notice 2015-08	Adopted by Res. # on	
Self-Monitoring & Evaluation	24CFR 1000.502	Adopted by Res. # on	
Real Property acquisition & relocation	24 CFR 1000.14	Adopted by Res. # on	
Rehab			
Lease with Option to Purchase			
Housing Counseling			
OTHER POLICIES			
Grievance <u>(Adopted or Recommended)</u>		Adopted by Res. # on	
Travel - <u>(Adopted or Recommended)</u>		Adopted by Res. # on	
Personnel <u>(Adopted or Recommended)</u>		Adopted by Res. # on	
Collection <u>(Adopted or Recommended)</u>		Adopted by Res. # on	
Housing Quality Standards		Adopted by Res. # on	
Code of Conduct		Adopted by Res. # on	
Capitalization		Adopted by Res. # on	
Disposition		Adopted by Res. # on	
Investment		Adopted by Res. # on	
Vehicle Use		Adopted by Res. # on	

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Sample: Jurisdiction

- Code
 - Participants and Guests are required to adhere to all applicable code and other applicable laws about their personal conduct when it influences their housing obligations and the rights of others.
 - The [Tribe] Police Department is responsible for receiving and investigating any suspicious or illegal acts. Participants must notify the [Tribe] Police Department for investigation and prosecution.
- Organization & Structure the NCIHA
 - The mission statement and organization chart is included in Attachment A.

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Sample: Applicability & Availability of Policies

- Staff and Officials Applicability
 - The NCIHA's governing body and staff will comply with all applicable laws, regulations, and policies governing funds granted or loaned to the NCIHA. Additionally, officials and staff must be in compliance with the NCIHA code and applicable state and federal laws and regulations. Failure to comply will be addressed through disciplinary action that could result in termination of employment or removal from office.
- Posting of Policies
 - A copy of these Policies shall be prominently posted at the NCIHA Office.
 - Additionally, a copy of these Policies shall be provided to all Participants. All Participants shall sign an acknowledgment that they have received a copy of, and read, these Policies. A copy of the acknowledgement shall be put in the Participant's file.
-

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Service of Notice

1. All notices from NCIHA to a Participant required under these Policies shall be served by one of the following methods:
 - Delivering the notice personally to the Participant or to any adult member 18 years of age or older residing in the dwelling unit. When the notice is served personally, the Participant or adult family member shall sign and date the Notice. If no adult is found at the home, the notice may be posted on the door by taping all four corners of the notice to the door: or
 - Mailing the notice (which may be by certified mail, return receipt requested) to the Participant's last known address. Where service is by mail, the notice shall be deemed to have been served three (3) days from the date of mailing; or
 - NCIHA may request the Hualapai Tribal Court to serve the notice when NCIHA determines that such is necessary to protect the safety of NCIHA staff.

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Service of Notice

2. Where the notice is served in person, it may be served anywhere the Participant is found, including the Participant's place of employment (if such is allowed by the employer) and any other public place. If the Participant is represented by legal counsel, the notice may be served on the counsel, either in person or by mail.
3. Any response from a Participant to NCIHA in response to a notice sent by NCIHA under these Policies shall be in writing, and either delivered to a NCIHA employee at the office of NCIHA or sent to NCIHA by regular mail or certified mail, return receipt requested, properly addressed, postage prepaid.

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Sample: Amendments

Amendments

- Proposed amendments to these Policies shall be posted prominently at the NCIHA office, the for a term of 30 days. The NCIHA shall also provide 30-days' notice to all Participants of the proposed amendments and provide a copy of the proposed amendments to Homebuyers/Participants upon request.

Waivers

- Requests for a waiver shall be in writing, clearly indicating the provision of the policies requesting to be waived and shall be supported by documentation of the pertinent facts and grounds.

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Poll

As the housing Recipient, we follow a written policy defining policy development and amendments.

YES

NO

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Compliance Requirements

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Compliance Requirements

- 2 CFR Part 200 – Administrative Requirements
 - Organization
 - Chain of Command
 - Process – Flow Chart
- Conflict of Interest
- Insurance
- Indian Preference
 - Tribal
 - Other

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Required Policies

- Section 203 of NAHASDA requires that certain policies be adopted.
 - Rent
 - Insurance
 - Admissions & Occupancy
 - Maintenance
 - Inspections
 - Conflict of Interest



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NAHASDA Policy Concerns

- | | |
|--|-----------------------------|
| • Application | • Maintenance & Inspections |
| • Eligible Families | • Insurance |
| • Tribal Preference in Selection | • Procurement |
| • Applicable Income Limits | • Construction standards |
| • Definition of Low-Income | • Environmental Review |
| • Definition of Adjusted Gross Annual Income | • Collections |
| • Eligible Activities | |
| • Conflict of Interest | |

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Exercises

- “In the case of any low-income family residing in a dwelling unit assisted with grant amounts under this Act, the monthly rent or home buyer payment (as applicable) for such dwelling unit may not exceed ___ percent of the monthly adjusted income of such family.”
 - A. 10
 - B. 30
 - C. 15
 - D. 25
 - E. 20

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WAITING LIST POLICY



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Minimum Occupancy Standards

- Not required by law
- Does applicant meet definition of “family?”
- Does family’s income fall within prescribed limits?
- Is applicant suitable customer and able to meet requirements of program?



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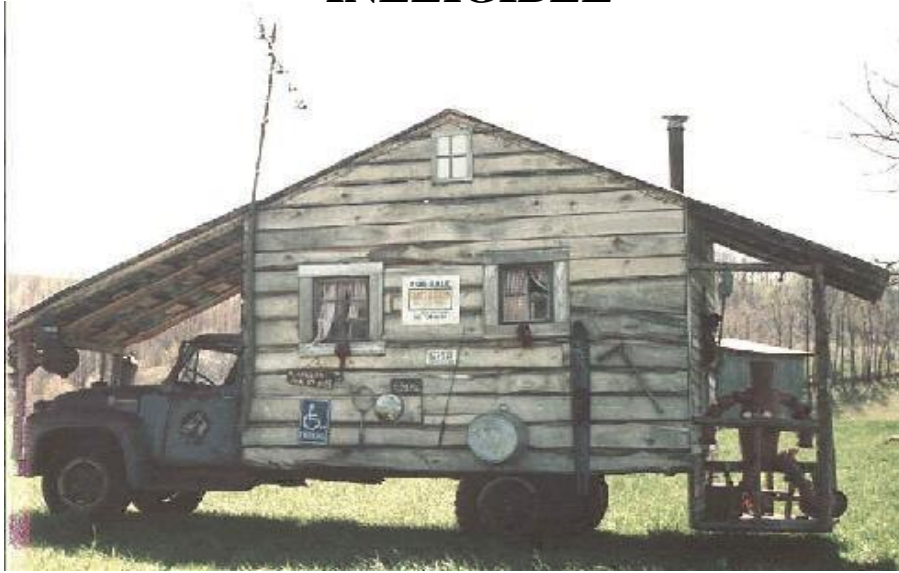


Building Codes

- Options
 - Residential code
 - International Building Code
 - State code
- Require building to code for
 - Homes
 - Buildings
 - Infrastructure
 - Site development

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INELIGIBLE



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Maintenance Requirements

- Who is responsible?
- What are the standards?
- What enforcement measures are prescribed?
- How frequently do you inspect?

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Covenants

- Provide a way for tribal governments or TDHEs to protect residential neighborhoods from homeowners doing whatever they want.
- For example, without covenants, your neighbor might decide to put in an unacceptable business enterprise or high-rise apartment building.
- Covenants go with the land.

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Quiz: What policies would address these photos?

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Selection Process

1. Applicant completes preliminary application to be determined eligible and placed on waiting list.
2. Applications updated annually.
3. When unit is available, top two applicants notified and asked to be interviewed.
4. Staff verifies applicant information.
5. After verification, eligibility confirmed, offer extended, and unit assigned.

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Selection

- Once determination is made, housing staff provides written notice with:
 - Description of determination
 - Time frame for receipt of response from family
 - Description of hearing appeals process
- If applicant rejects offer, your policy could require that they be removed for specified period of time, typically six months.

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Selection Process



Applicant completes preliminary application to be determined eligible and placed on waiting list.



Applications updated annually.



When unit is available, top two applicants notified and asked to be interviewed.



Staff verifies applicant information.



After verification, eligibility confirmed, offer extended, and unit assigned.

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Verification

- Cuts across all occupancy areas
- All information in tenant file must be verified and properly documented
- Recipient needs to establish verification standards and procedures in the A&O Policy
- Documentation and verification is a joint responsibility of the Recipient and family
 - Family must provide required paperwork and sign release forms
 - Family must be responsive to requests

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What Must Be Verified

- Income, assets and asset income
- Income exclusions
- Allowances and deductions
- Family composition
- Social security numbers
- Income exclusions, if, without that verification, a Recipient would not be able to determine whether or not the income is to be excluded

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Deductions to be Verified

- Family members under 18
- Age or disability of head or spouse
- Disability of other family members
- Full time student status
- Child care costs
- Disability assistance expense
- Unreimbursed medical expenses

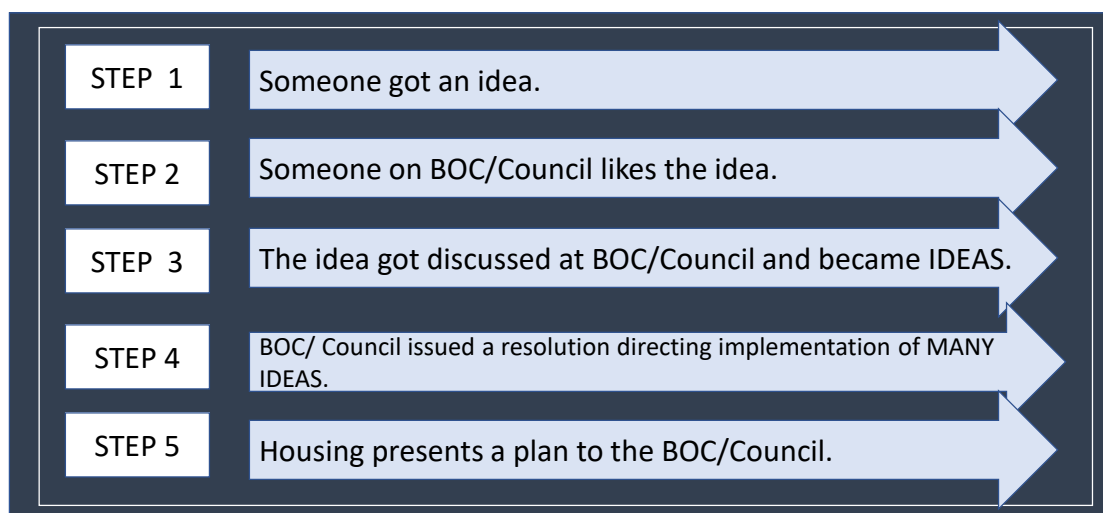
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Verification Standards

- Third party – preferred
- Second party – apply when third-party is unobtainable or not timely
 - Phone or interview by Recipient staff
 - Recipient records information
 - Date/time of contact
 - Name and source of information
 - Recipient staff name/signature
 - Summary of information
 - Rationale for using oral verification
- First party – least preferred

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Discussion: Our policy development process proceeds as follows:



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- ❖ Staff begins the planning process to ensure
 - ❖ Allowability
 - ❖ Allocable
 - ❖ Reasonable
 - ❖ Consistent with
 - ❖ Values
 - ❖ Mission
 - ❖ Goals
 - ❖ Performance standards



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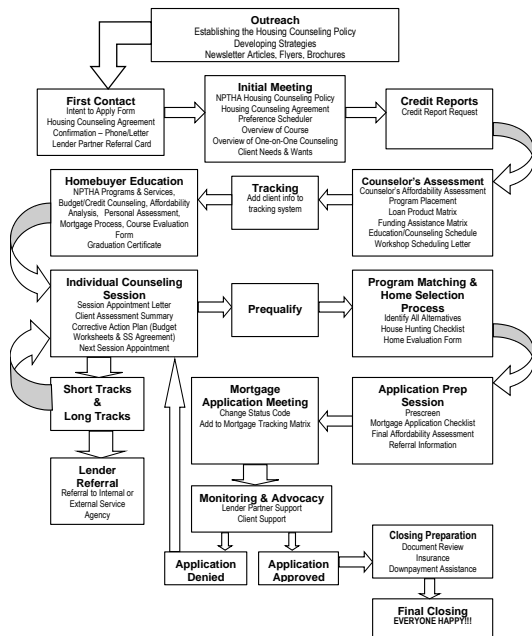
In the chat box, list at least five policies a full-service NAHASDA Recipient should possess.

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Examining Key Issues of an A&O Policy

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THE HOMEBUYER COUNSELING PROCESS



NOTE TO SELF



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Management Policies

- The four basic management policies are:
 - Personnel Management
 - Procurement Management
 - Financial Management
 - Travel
- Management policies will differ from organization to organization

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Personnel Policies

- Effective personnel management can ultimately lead to improved employee morale and performance
- It is essential that each employee feel certain that the personnel policies and practices are fair, equitable and consistent.
- Policies that accomplish these should serve several purposes:
 - Lead to increased employee morale, performance and productivity;
 - Provide a communication network through which employees can become more involved in the tribe/TDHE organization;
 - Minimize efforts in managing your employees; and
 - Keep the tribe/TDHE out of legal trouble.

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QUIZ: A goal of the personnel policy should be:

- A. To ensure employees know that they can be fired
- B. To list salary information for all employees
- C. To create inequity between employer and employee
- D. To lead to increased employee morale, performance, and productivity

D. To lead to increased employee morale, performance, and productivity

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ELIGIBILITY, ADMISSION, AND OCCUPANCY POLICIES

- Eligibility, admission, and occupancy policies are the framework for the daily administration of TDHE's activities.
- Federal requirements for eligibility, admission, and occupancy policies are described in NAHASDA and throughout 24 CFR Part 1000.
- Policies and procedures should be carried out in a way that respects the dignity of the families who participate in the program.

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Eligibility, Admission, and Occupancy Policies

Policies have several purposes:

- To provide guidelines enabling tribal/TDHE staff to administer programs consistently and fairly.
- To provide training and orientation for new residents and new staff.
- To provide answers to program questions beyond NAHASDA and 24 CFR Part 1000.
- To educate tribal members and clients, as well as the public, about the basis on which occupancy decisions are made.

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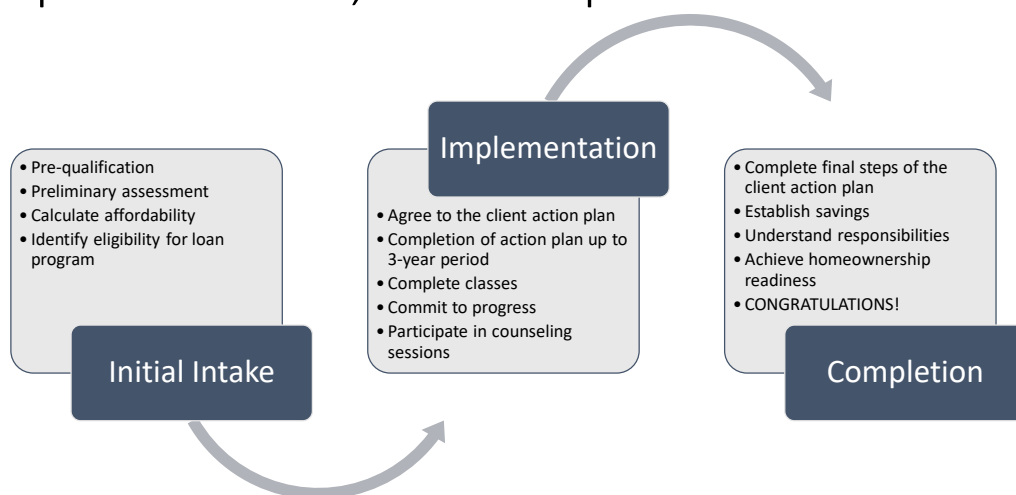
Quiz: Select all that apply.

- Eligibility, Admission, and Occupancy policies would be developed for which of the following programs?
 - A. Existing low-income rent program
 - B. New rental program
 - C. Existing Mutual Help Homeownership program
 - D. A home fair
 - E. All of the above

A, B, and C.

83

Write a policy for the initial intake, implementation, and completion.



84

Maintenance Policies

The goal and objective of each tribe/TDHE's maintenance policies should be to:

1. Maintain the dwelling units in decent, safe and sanitary condition, and the related facilities and equipment in a safe and workable condition that fulfills their intended functions and life expectancy;
2. Identify and correct conditions which may lead to an injury or accident to residents or employees;
3. Conduct timely inspections, regular and preventive maintenance, timely repairs and replacements to ensure the structural integrity of the development and proper functioning of all equipment.

85

Maintenance Policies



TDHE's should develop and adopt a comprehensive maintenance policy for all housing programs.



Specific responsibilities for each program should be spelled out.



A good maintenance policy should include the procedures, rules, and TDHE regulations on:

Rental Housing Programs

Homeownership Housing Programs

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Maintenance Policies – Rental Housing Program

- **Procedures for Rental Housing Program:**
 - **A statement specifying the responsibilities of residents for normal care and maintenance of the home and common property.**
 - **Procedures for handling maintenance service requests from residents**
 - **Procedures for inspection of the sites, dwelling units, grounds and equipment.**
 - **Procedures for charging maintenance costs which the resident is responsible for paying.**
 - **Special arrangements, if any, for obtaining maintenance services from outside workers or contractors.**

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Maintenance Policies – Homeownership Housing Program

- **Procedures for Homeownership Housing Program:**
 - **A statement specifying the responsibilities of the homebuyer for maintenance and care of the home, grounds and common areas.**
 - **Procedures for tribe/TDHE performance of homebuyer maintenance responsibilities in the event that the homebuyer has failed to satisfy such responsibilities.**
 - **Procedures for inspection of the home and grounds. Such inspections are performed as often as the tribe/TDHE determines necessary.**
 - **Procedures for providing advice and technical assistance to homebuyers to enable them to meet their maintenance responsibilities.**
 - **Special arrangements, if any, for obtaining maintenance services from outside workers or contractors.**
 - **Procedures for charging homebuyers for damage for which they are responsible.**

88

Quiz: Which of the following policies are programs that are optional?

	OPTIONAL	
	YES	NO
• Housing Counseling	<input type="checkbox"/>	<input type="checkbox"/>
• Finance	<input type="checkbox"/>	<input type="checkbox"/>
• Low-rent housing	<input type="checkbox"/>	<input type="checkbox"/>
• Rent-to-own	<input type="checkbox"/>	<input type="checkbox"/>
• Collections	<input type="checkbox"/>	<input type="checkbox"/>
• Travel	<input type="checkbox"/>	<input type="checkbox"/>

89

89

Exercises

- Policies and procedures are based on two fundamental premises:
“Tribes/TDHE’s exist to make the world operate differently than it would if they did not exist.” and “It takes a good working knowledge of tribal/TDHE housing programs and the people being served along with practice and critiquing by others for a person to become an effective policy write”
 - A. True
 - B. False

90

Exercises

- Housing policies are?
 - A. Statement of program direction and intent
 - B. Program direction as actually practiced
 - C. One that works
 - D. All of the above

91

Exercises

- Choose an effective policy statement:
 - A. “Monthly payments are due and payable before the first day of each month.”
 - B. “Effective April 1, residents are required to make a 25% lump sum payment as an expression of good faith...”
 - C. “TDHE employees will accept applicant files no later than the end of business, June 1, 2020.”
 - D. None of the above

92

Exercises

- Policy development does not include the following step:
 - A. Policy Analysis
 - B. Policy Review
 - C. Monitoring
 - D. Policy Trial
 - E. Implementation

93

Exercises

- Eligibility, Admission, and Occupancy policies would be developed for which of the following programs?
 - A. Existing low income rent program
 - B. New rental program
 - C. Existing Mutual Help Homeownership program
 - D. One for each new homeownership program
 - E. All of the Above

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Exercises

- A maintenance policy for a rental program would include the following: (Select all that apply)
 - A. Procedures for handling maintenance requests
 - B. Procedures for the tenant move-in process
 - C. Statement explaining proper use of the pool
 - D. Procedure for inspection of dwelling
 - E. Procedure for charging maintenance costs

95

Exercises

- List the management policies that should be developed in order to operate a sound and consistent property management business.

96



ORGANIZING AN ADMISSIONS & OCCUPANCY POLICY

97

POLICY (TEMPLATE)

- Policy Statement
- Purpose of the Policy
- Authorization
- Applicable Laws, Regulations, Resources
- Jurisdiction
- Applicability – Who does this policy apply to?
- The Policy

Policy Name:					
Section #:		Section Title:		Formerly Book:	
Resolution # Approval		Adopted:	Date		
Responsible Executive:		Original	Date	Modification	Date

98

Divide Policy by Parts or Sections

Part 1 – Overview of the Plan

- Overview of the Recipient
- Organization and Structure of the Recipient
- Mission
- Ethics, Conflict of Interest
- Funding Relationships
- Applicable Regulations
- History of Recipient
- Organization Chart
- Mission statement
- Insert chart regarding appropriations
- List of laws and regs

99

Divide Policy by Parts, Chapters, or Sections

Part 1 – Overview of the Programs

This part contains information about

- Indian housing operation,
- Roles and responsibilities, and
- Partnerships.

100

Part 1: Purpose of the Admissions and Occupancy Policy

General Requirements Outline

- Purpose of A&O
- Policy development
- Mandatory polices
- Optional policies
- Applicability
- Jurisdiction
- Interpretations

Content Guidance

- Guided by mission statement
- Governing body of the Recipient (BOC for TDHE, TC for housing department, passing policy by resolution, etc.)
- Those driven by laws and regs
- Those reflection Recipient's requirements

101

Part 2: General Requirements for Admissions

General Requirements Outline

- Overview of Programs, Direction
- Indian preference
- General Eligibility/Ineligibility
- Income
- Application Process
- Screening
- Waiting list management
- Verification
- Tenant selection

Content Guidance

102

Part 3: General Occupancy Requirements

General Requirements Outline

Content Guidance

- Leasing
- Insurance
- Maintenance
- Housekeeping Standards
- Inspections
- Reexaminations
- Transfers
- Abandonment

103

Part 4: Non-Compliance

General Requirements Outline

Content Guidance

- Collections
- Termination
- Appeal

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Sample: Purpose

- The purpose of the policy is to:
 - Provide transparency.
 - Provide daily guidance to housing staff in the performance of routine activities.
 - Make decisions more transparent to staff and the community.
 - Are more defensible than unwritten policies when challenges arise.
 - Ensure that all housing staff does things the same way, thus promoting consistency and fairness while also minimizing the potential for disputes or legal actions.
 - Provide a foundation for sound management and supervision.
 - Provide a basis for auditor justification.

105

Sample: Policy Statement

- It is the policy of NCIHA to provide safe, decent, and sanitary housing to Northern Circle Indian low-income families who could not otherwise afford housing. These Policies are enacted to ensure that housing programs are managed in compliance with applicable federal laws and regulations.
- Mission Statement and Guiding Principles: To help tribal governments with the development of their communities. To do so in a way that is consistent with the tribe's social, cultural, and economic values. To alleviate some of the effects of poverty by providing quality housing to Native Americans in Northern California.
- Northern Circle Indian Housing Authority will support tribes that establish standards for their community and stand by them. NCIHA supports residents to be responsible members of their community. NCIHA acknowledges that the purpose of policy is to guide and direct the organization and provide a foundation for community security. In order to have effective policies, the Board needs to be knowledgeable, realize the importance of policies that are enforceable and evaluated periodically.
- NCIHA is committed to be timely, consistent, and dependable. sharing responsibility towards the common goal of creating healthy Indian communities, working as resources and allies. NCIHA will provide well-constructed, well maintained, affordable homes and will promote healthy communities.

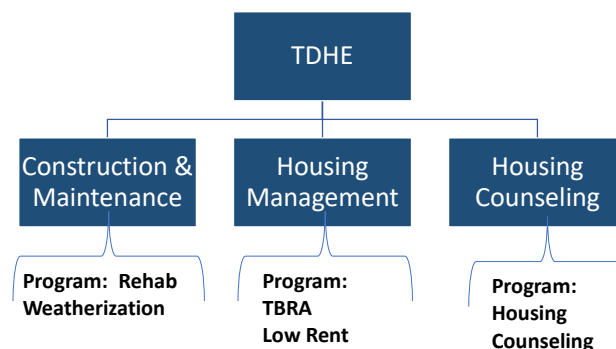
106

Sample: TDHE Designation

- NCIHA is empowered as the tribally designated entity (TDHE) to develop and manage housing for the following member tribes: Guidiville Rancheria, Hopland Band of Pomo Indians, Tyme-Maidu Tribe of Berry Creek Rancheria, Mooretown Rancheria of Maidu Indians, Manchester Point Arena Band of Pomo Indians, Sherwood Valley Band of Pomo Indians, and Little River Band of Pomo Indians.
- **Laws and Customs of the NCIHA Tribes**
 - The laws and customs of the NCIHA tribes apply to the programs operated by the NCIHA. Non-Indian and non-member spouses may join in the application process and have their income considered; however, the non-Indian or non-member spouse cannot be the beneficiary or remain in possession of the unit without the qualifying tribal member. The parties or the Courts may not allow the non-Indian or other non-member Native spouse to remain in possession of the unit in the event of divorce or death unless they qualify per the application process as a tribal member.
- **Jurisdiction**
 - The following maintains exclusive jurisdiction over disputes that arise with the NCIHA:
 - The Mendocino County Municipal Court,
 - Butte County Court, and/or
 - The Federal District Court for the Northern District of California

107

Each Program Requires a Policy



108

108



THIS IS A PROJECT

109



**THIS IS A PROGRAM!
WHAT POLICIES
DO WE NEED?**

110

Housing Policy Outline

Sample

111

THE RECIPIENT

INTRODUCTION

- A. Summary
- B. Laws & customs of the tribe
- C. Prohibited use of premises
- D. Law enforcement
- E. Jurisdiction
- F. Overview and history of the program
- G. Recipient mission

MANAGEMENT CAPACITY

- A. Organization and structure of the recipient
- B. The recipient's commitment to ethics and serv
- C. Conflict of interest
- D. Applicable codes & laws
- E. Other APPLICABLE REQUIREMENTS
- F. PARTNERSHIPS

112

POLICY & PROCEDURES

OVERVIEW

- A. Purpose of the policy
- B. Contents of the policy
- C. Applicability of policies
- D. Program applicability
- E. Staff and officials' applicability
- F. Updating and revising the policy
- G. Number and gender
- H. Authorization of executive director

INDIAN PREFERENCE

- A. Tribal requirements
- B. NAHASDA requirements

113

ELIGIBILITY

DEFINITIONS OF FAMILY & HOUSEHOLD MEMBERS

- A. Overview
- B. Family and household
- C. Family break-up; remaining member of tenant family
- D. Head of household
- E. Spouse, cohead, and other adult
- F. Dependent
- G. Full-time student
- H. Elderly and near-elderly persons, and elderly family
- I. Persons with disabilities and disabled family
- J. Guests
- K. Foster children and foster adults
- L. Absent family members
- M. Live-in aide
- N. Guardian
- O. Successor

114

ELIGIBILITY CRITERIA

- A. Income eligibility and targeting
- B. Social security numbers
- C. Family consent to release of information

DENIAL OF ADMISSION

- A. Overview
- B. Required denial of admission
- C. Reasons for denial of admission
- D. Use of illegal substances
- E. Screening
- F. Criteria for deciding to deny admission
- G. Prohibition against denial of assistance to victims of domestic violence, dating violence, and stalking
- H. Consideration of derogatory findings
- I. Notice of eligibility or denial

115

APPLICATIONS, WAITING LIST AND TENANT SELECTION

THE APPLICATION PROCESS

- A. Application forms
- B. Application process
- C. Charges
- D. Communication
- E. Accessibility of the application process
- F. Placement on the waiting list
- G. Essential information for waiting list placement

APPLICANT FILES

- A. Filing requirements
- B. File management
- C. Inactive file
- D. File retention
- E. Confidentiality

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MANAGING THE WAITING LIST

- A. Overview
- B. Waiting List Organization
- C. Basics
- D. Priorities
- E. Preferences
- F. Opening and closing the waiting list
- G. Placement on the waiting list
- H. Entering new applicants
- I. Family outreach
- J. Reporting changes in family circumstances
- K. Updating the waiting list
- L. Removal from the waiting list
- M. Reporting requirements

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TENANT SELECTION

- A. Waiting list selection
- B. Selection method
- C. Priorities
- D. Preferences
- E. Notification of selection
- F. The application interview
- G. Final eligibility determination

118

OCCUPANCY STANDARDS AND UNIT OFFERS

OCCUPANCY STANDARDS

- A. Overview
- B. Determining unit size
- C. Exceptions to occupancy standards

UNIT OFFERS

- A. Overview
- B. Number of offers
- C. Time limit for unit offer acceptance or refusal
- D. Refusals of unit offers
- E. Accessible units
- F. Designated housing

Occupancy Use

- A. Authorized occupants
- B. Exclusive use
- C. Guests or visitors
- D. Unauthorized occupants
- E. Temporary absence from unit

119

INCOME AND RENT DETERMINATIONS

ANNUAL INCOME

- A. Overview
- B. Household composition and income
- C. Annual income
- D. Earned income
- E. Earned income disallowance
- F. Business income
- G. Assets
- H. Periodic payments
- I. Payments in lieu of earnings
- J. Welfare assistance
- K. Periodic and determinable allowances
- L. Additional exclusions from annual income

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ADJUSTED INCOME

DETERMINING ADJUSTED INCOME

- A. Dependent deduction
- B. Elderly or disabled family deduction
- C. Medical expenses deduction
- D. Disability assistance expenses deduction
- E. Childcare expense deduction
- F. Permissive deductions
- G. Other deductions

121

CALCULATING RENT

OVERVIEW OF INCOME-BASED RENT CALCULATIONS

- A. Minimum rent
- B. Financial hardships affecting minimum rent
- C. Utility allowances
- D. Prorated rent for mixed families
- E. Flat rents and family choice in rents

EXHIBITS

- A. Annual income inclusions
- B. Annual income exclusions
- C. Treatment of family assets
- D. Earned income disallowance
- E. The effect of welfare benefit reduction

122

VERIFICATION

GENERAL VERIFICATION REQUIREMENTS

- A. Family consent to release of information
- B. Overview of verification requirements
- C. Up-front income verification
- D. Third-party written and oral verification⁵
- E. Self-certification

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VERIFICATION

1. VERIFYING FAMILY INFORMATION

- A. VERIFICATION OF LEGAL IDENTITY
- B. SOCIAL SECURITY NUMBERS
- C. DOCUMENTATION OF AGE
- D. FAMILY RELATIONSHIPS
- E. VERIFICATION OF STUDENT STATUS
- F. DOCUMENTATION OF DISABILITY
- G. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS
- H. VERIFICATION OF PREFERENCE STATUS

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VERIFICATION

VERIFYING INCOME AND ASSETS

- A. Earned income
- B. Business and self employment income
- C. Periodic payments and payments in lieu of earnings
- D. Alimony or child support
- E. Assets and income from assets
- F. Net income from rental property
- G. Retirement accounts
- H. Income from excluded sources
- I. Zero annual income status

VERIFYING MANDATORY DEDUCTIONS

- A. Dependent and elderly/disabled household deductions
- B. Medical expense deduction
- C. Disability assistance expenses
- D. Child care expenses

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LEASING AND MOVING IN

LEASE/RENTAL AGREEMENT REQUIREMENTS

- A. Overview
- B. Orientation
- C. Execution of lease/agreement
- D. Modifications to the lease/agreement
- E. Security deposits
- F. Payments under the lease
- G. Rules and regulations for safety and quiet enjoyment
- H. Signor of dwelling lease no longer living in unit
- I. Transfer of family to another unit

126

MOVING IN

MOVE-IN PROCESS

- A. Mov-in inspection
- B. Purpose
- C. Defects Discovered
- D. Photos
- E. Documentation requirements
- F. Punch list items
- G. Warranty period

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MAINTENANCE AND INSPECTIONS

OVERVIEW

- A. Types of inspections
- B. Notice and scheduling of inspections
- C. Inspection results

EXHIBITS

IDENTIFICATION AND QUIET ENJOYMENT RULES
HOUSEKEEPING RULES AND REGULATIONS
TRESPASS POLICY AND PROCEDURE

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REEXAMINATIONS

ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS

- A. Overview
- B. Scheduling annual reexaminations
- C. Conducting annual reexaminations
- D. Effective dates

REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS

- A. Overview
- B. Full reexamination of family income and composition
- C. Reexamination of family composition (“annual update”)

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REEXAMINATIONS

INTERIM REEXAMINATIONS

- A. Overview
- B. Changes in family and household composition
- C. Changes affecting income or expenses
- D. Processing the interim reexamination

RECALCULATING TENANT RENT

- A. Overview
- B. Changes in utility allowances
- C. Notification of new tenant rent
- D. Discrepancies

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PETS

ASSISTANCE ANIMALS

- A. Overview
- B. Approval of assistance animals
- C. Care and handling

PETS

- A. Overview
- B. Management approval of pets
- C. Standards for pets
- D. Pet rules
- E. Pet deposits
- F. Non-refundable nominal pet fee
- G. Other charges

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TRANSFERS

EMERGENCY TRANSFERS

- A. Overview
- B. Emergency transfers
- C. Emergency transfer procedures
- D. Costs of transfer

RECIPIENT REQUIRED TRANSFERS

- A. Overview
- B. Types of recipient required transfers
- C. Adverse action
- D. Cost of transfer

TRANSFERS REQUESTED BY TENANTS

- A. Overview
- B. Types of resident requested transfers
- C. Eligibility for transfer
- D. Security deposits
- E. Cost of transfer
- F. Handling of requests

Transfer processing

- A. Overview
- B. Transfer list
- C. Transfer offer policy
- D. Good cause for unit refusal
- E. Deconcentration
- F. Reexamination policies for transfers

132

TERMINATION

TERMINATION BY TENANT

- A. Tenant chooses to terminate the lease

TERMINATION BY RECIPIENT – MANDATORY

- A. Overview
- B. Failure to provide consent
- C. Failure to document citizenship
- D. Failure to provide social security documentation
- E. Failure to accept the recipient's offer of a lease revision
- F. Methamphetamine conviction
- G. Noncompliance with community service requirements.
- H. Death of a sole family member

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TERMINATION

TERMINATION BY RECIPIENT – OTHER AUTHORIZED REASONS

- A. Overview
- B. Mandatory lease provisions
- C. Other authorized reasons for termination
- D. Alternatives to termination of tenancy
- E. Criteria for deciding to terminate tenancy
- F. Prohibition against terminating tenancy of victims of domestic violence, dating violence, and stalking

134

TERMINATION

NOTIFICATION REQUIREMENTS, EVICTION PROCEDURES AND RECORD KEEPING

- A. Overview
- B. Conducting criminal records checks
- C. Disclosure of criminal records to family
- D. Lease termination notice
- E. Eviction
- F. Notification to post office
- G. Record keeping

FAMILY DEBTS TO THE RECIPIENT

- A. Overview
- B. Repayment policy
- C. Incentives for timely rent payment

135

GRIEVANCES AND APPEALS

INFORMAL HEARINGS FOR RECIPIENT HOUSING APPLICANTS

- A. Overview
- B. Informal hearing process

GRIEVANCE PROCEDURES FOR RECIPIENT HOUSING RESIDENTS

- A. Requirements

EXHIBITS

HACA GRIEVANCE PROCEDURE FOR RECIPIENT HOUSING RESIDENTS

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PROGRAM INTEGRITY

INTRODUCTION

CORRECTIVE MEASURES AND PENALTIES

- A. Under- or overpayment
- B. Family-caused errors and program abuse; recipient-caused errors; or program abuse
- C. Criminal prosecution
- D. Fraud and program abuse recoveries

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VIOLENCE AGAINST WOMEN ACT (VAWA)

NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY

- A. Overview
- B. Definitions
- C. Notification
- D. Documentation
- E. Confidentiality

EXHIBITS

NOTICE TO RECIPIENT HOUSING APPLICANTS AND TENANTS REGARDING THE VIOLENCE AGAINST WOMEN ACT (VAWA)

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