

***NEZ PERCE TRIBAL
HOUSING AUTHORITY***

NON-LOW INCOME ASSISTANCE POLICY

FINAL

Adopted June 23, 2000

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| POLICY: | Assistance for Non-Low Income Families | | |
| SCOPE: | All Non-Low Income Applicants or NPTHA Participants | | |
| BOC ACTION | Submitted 4-20-2000 | ADOPTED | 6/23/00 |

POLICY: The NPTHA will provide assistance to non-low income families to the greatest extent feasible and in accordance with the Native American Housing Assistance and Self-Determination Act of 1996, hereinafter referred to as NAHASDA.

PURPOSE: This policy describes the exception to the low income requirement whereby non low-income Indian families may receive assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA). This policy also describes the following:

- The method for determining and documenting when housing need cannot reasonably be met without NAHASDA assistance;
- The process for NPTHA to request HUD approval to assist non low-income Indian families is also described.

APPLICABILITY: All non-low income families requesting housing assistance (except educational and advocacy assistance) in any of the NPTHA 1937 housing stock or housing assisted with NAHASDA funds.

POLICY:

1. NAHASDA Assistance to non-low income families may be made available under the following circumstances subject to the availability of funds
 - a. Through conditions specified in the NPTHA Indian Housing Plan under the following circumstances:
 - i. When a total of 10% of the total grant funds for a given IHP are designated by the NPTHA as being available for assistance to families who’s incomes are between 80% and 100% of median income;
 - ii. When the NPTHA has a HUD approved “model activity” to provide assistance to moderate and above income families.
 - b. Other conditions under which non low-income Indian families can receive benefits under the Indian Housing Block Grant (IHBG) Program include the following:

- i. Loan guarantee activities under Title VI of NAHASDA;
 - ii. Loan guarantee activities under Title VII of NAHASDA.
2. In order to provide assistance to non low-income Indian families, certain conditions must be met.
 - a. In all cases, NPTHA must determine and document that there is a need for housing for each family which cannot reasonably be met without assistance.
 - b. The NPTHA must state in the NPTHA IHP that it intends to use up to 10 percent of its annual grant amount to assist Indian families with incomes that fall within 80 to 100 percent of the median income without HUD approval.
 - c. HUD approval is required if the NPTHA plans to use more than 10 percent of its annual grant amount for such assistance or when a NPTHA plans to provide assistance to families with incomes over 100 percent of median income. In these cases a model activity would be required.
 - d. A non low-income Indian family cannot receive the same benefits provided to a low-income Indian family
3. **DETERMINATION OF NEED** for housing which cannot reasonably be met without IHBG assistance should consider but is not limited to the following:
 - a. Inadequate housing - A housing need exists if a family resides in inadequate housing. Inadequate housing includes substandard and overcrowded housing, and for the purposes of this notice, inadequate housing is defined as housing that:
 - i. is not safe, is not in a physically sound condition with all systems performing their intended design functions, or
 - ii. does not provide adequate space and privacy for all intended household members.
 - iii. Temporary housing and homelessness - Families living in temporary housing such as emergency shelters or transitional housing, or in a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for people have a housing need.
 - iv. Cost burden - When a family pays over 50 percent of their gross income for housing (including utilities) due to the lack of more affordable housing, it can be determined that there is a housing need or a need for housing that is more affordable.
 - v. Inaccessibility to financing

- b. When the NPTHA determines that a family seeking IHBG assistance does not have a legitimate housing need, the family will be notified, in writing, of the determination.
 - c. Inaccessibility to financing
4. DETERMINATION THAT HOUSING NEED CANNOT BE MET WITHOUT IHBG ASSISTANCE should consider but is not limited to the following:
- a. Rental and homeowner housing - In cases where a family is living in inadequate rental housing, the NPTHA should determine if the family could find adequate rental housing without requiring IHBG assistance before other options, such as homeownership, are considered. If a family can afford adequate rental housing without assistance, the NPTHA may not want to consider providing IHBG assistance for homeownership.
 - b. Income and assets - It should be determined if the family has sufficient income, creditworthiness, and/or assets that would enable them to obtain adequate housing (which may mean rental housing) without IHBG assistance.
 - c. Private and governmental programs - In cases involving homeownership, the NPTHA should determine whether the family could qualify for a conventional or government backed mortgage, e.g., Section 184, FHA, VA, or RDA. Are there any local or state programs available to the family? For a family who could qualify for a mortgage, but was rejected due to credit problems, the NPTHA should consider whether the family would be able to meet program requirements including repayment, if applicable.
 - d. Housing market conditions - What is the current availability of housing, both rental and homeownership units? Is there a sufficient number of affordable units on the market that would allow the family to find an adequate unit without IHBG assistance?
 - e. Housing location - For families who reside within the reservation/Indian area and would not consider moving from the reservation/Indian area, the NPTHA need only consider the availability of housing on the reservation/Indian area when determining if the housing need can be met without IHBG assistance.
 - f. Overcrowded conditions - In cases of overcrowded conditions, the NPTHA should determine if the situation exists due to choice or necessity. Does the family or families have adequate resources to alleviate the overcrowded conditions without IHBG assistance?
5. DOCUMENTATION of housing need and the need for IHBG assistance is required in all cases. NPTHA must carefully document their determination of housing need and the reasons why the housing need cannot reasonably be met without IHBG assistance. Because housing need and the inability to secure housing without IHBG assistance can occur due to a variety of different circumstances, the type of documentation required will vary depending on the

situation. The NPTHA should consider the documentation listed below and determine, based on the circumstances of the non low-income family, the type(s) of documentation that would best support its determinations.

Documentation supporting the determination of housing need and a determination that the need cannot reasonably be met without IHBG assistance could include, but is not limited to, the following:

- a. Property inspections (completed by the NPTHA or other reliable sources); code violation letters from a local government citing unsafe conditions; family information including size and the number, age, and sex of children living in the home.
 - b. A statement from a temporary housing facility stating that the family has been residing at the facility because they have no other reasonable alternative. For homeless families, the lack of any information indicating that the family has adequate housing along with an explanation from the family stating why they do not have adequate housing would be sufficient documentation.
 - c. A statement signed by the head of household explaining why the family has a housing need that cannot be met without assistance. The statement should be specific regarding the reasons why a housing need exists and the steps that the family has taken to secure housing without assistance. The family should provide the NPTHA with verification to support its statement.
 - d. Copies of tax returns, payroll stubs, rent receipts, utility receipts or canceled checks, etc. Third party verifications must be used to confirm information provided by the family
 - e. Rejection letters from financial institutions or landlords.
 - f. Letters from state, local or federal agencies stating that the family does not qualify for housing programs or that there are no programs available.
 - g. Notes including names and phone numbers of persons the family has contacted in an attempt to secure housing.
 - h. Poor credit by itself does not constitute need.
6. When HUD approval is required before a family can obtain assistance, a copy of the NPTHA's documentation and request for HUD approval is to be sent to the Area Office of Native American Programs (ONAP).
 7. When HUD approval is not required, the NPTHA's documentation should be kept on-site and be available for HUD review.