

**RENO-SPARKS INDIAN COLONY HOUSING DEPARTMENT**  
**"ADMISSIONS AND OCCUPANCY POLICY"**  
**Lease-to-Purchase and Mutual Help Program**

***INTRODUCTION***

The Reno-Sparks Indian Colony Housing Department (RSICHD) hereby establishes eligibility criteria for persons who apply to the RSICHD's HUD-assisted Lease-to-Purchase Housing Program. This Policy is adopted pursuant to requirement of the Native American Housing Assistance and Self-Determination Act of 1996, § 25 U.S.C. 4101 et seq. ("NAHASDA").

**I. OBJECTIVES.** It is the Policy of the RSICHD:

- A. To provide residency for applicants with a broad range of incomes. The income base for lease-to-purchase homes is determined by Income Limit guidelines prepared by HUD under NAHASDA. These guidelines are available upon request.
- B. To prevent admission of applicants and their household members whose habits and practices reasonably may be expected to have a detrimental effect on the families or the community. These may include, but are not limited to, any of the following:
  - (1) Employment history for the past 24 months.
  - (2) Must be current on all RSICHD financial obligations and utility obligations.
  - (3) Record of disturbance of neighbors, destruction of property, or housekeeping or living habits at prior residences.
  - (4) History of criminal activity within the last seven years involving crimes of physical violence to persons or property, drug-related criminal activity and other criminal acts. Criminal conviction is not required.
- C. To maintain the confidentiality of personal and financial disclosures required of applicants.
- D. To provide preferences to members of the Reno-Sparks Indian Colony.

**II. CONDITIONS GOVERNING APPLICATIONS AND ELIGIBILITY.**

- A. Application and Eligibility for Admission. In order to be eligible for admission to the HUD-assisted Housing Program operated by the RSICHD, applicants must:
  - (1) Meet the eligibility criteria per the RSIC Enrollment Ordinance for RSIC tribal members.
  - (2) Single persons are eligible for admission whose income and resources meet the HUD

- income eligibility guidelines.
- (3) Qualify as a family. A family shall be: two or more persons sharing residency whose income and resources meet the family's needs. The family must be related by blood, marriage, cohabitation, and have a stable family relationship.
- (4) Have an income which is the anticipated total income from all sources for a twelve-month period and does not exceed the applicable HUD income-limit guidelines.
- (5) Must be 18 years of age or older.
- (6) Provide all required information on all member(s) of the household and sign required forms.
- (7) Must have a minimum annual family income of \$10,000 per year.

B. Applicants shall disclose any conflict of interest, and the RSICHD shall avoid any conflict of interest prohibited from NAHASDA (*See 24 C.F.R. 1000.30*).

### **III. RECEIPT OF APPLICATIONS.**

- A. The initial application will be the basic record of each applicant applying for admission. Each applicant will be required to submit the required information as requested on the Application for Admission Form and sign the application and related forms attesting to the accuracy of the data provided. Each application and all documents relating to the applicant's eligibility shall be maintained in an active file. All information provided will be confidential and will not be released without the written consent of the applicant. All entries are to be made in ink or typed. Corrections or changes are to be made by lining thorough the original entry and entering the correct data. Such changes are to be dated and initialed by the person recording the change and the reason and authority for such changes shall be noted in the record.
- B. The following items are considered part of the application requirements for housing and the annual recertification process:
  - (1) Disclosure of Social Security Numbers. All household members must disclose and verify social security numbers at the time eligibility is determined and at later recertifications.
  - (2) Consent to obtain Wage and Claim Information. All household members over the age of 18 must sign consent forms for the purpose of obtaining wage and claim information from employers, state, federal, and wage agencies.
- C. If during the application review, it appears that the applicant is not eligible, the applicant is to be notified in writing within 30 days and the application will be classified as ineligible. A copy of the documentation outlining the applicant's ineligibility will be attached to the application.

#### **IV. DETERMINATION OF ELIGIBILITY.**

A. Process. This section describes the basic steps which shall be taken in obtaining and verifying information from applicants for the purpose of:

- (1) Determining whether they meet the conditions of eligibility for admission.
- (2) Applying the participant selection criteria.
- (3) Determining the required monthly payment to be charged.
- (4) Determining the size of dwelling unit required, based upon family composition.
- (5) Background Check
  - Credit
  - Criminal clearance

B. Verifying Application Data. To assure that the data determining eligibility, preference status, monthly payment and size of dwelling unit required are true and complete, the information submitted by each applicant will be verified. Complete and accurate records consisting of the following will be maintained:

- (1) Signed letters or other statements from employers and other pertinent sources giving information concerning income.
- (2) All required documents submitted by the applicant will be photocopied, signed and dated by the staff member who reviewed them, and, placed in the applicant file.
- (3) Copies of income tax returns will be provided when an individual's income is irregular or an individual is self-employed, such as salesmen or seasonal workers. If falsification of income information is discovered, penalties will apply under the Abuse and Fraud policy.
- (4) All information gathered will be documented to include date reviewed and the person receiving the information.

C. Certification of Data.

- (1) Data is to be reviewed and evaluated as received, for completeness, accuracy, and conclusiveness. Where the information received is not completely adequate, follow-ups to obtain such information will be made. If during the verification process it becomes evident that for one or more reasons applicants are not eligible, the review is to be discontinued. A designated RSICHD staff member is to complete and sign the application certifying eligibility.

(2) All ineligible applicants will be notified in writing of their ineligibility and the reasons clearly stated within 30 days.

## **V. APPLICANT SELECTION CRITERIA.**

A. Selection Criteria. In selecting eligible applicants, it shall be the policy of the RSICHD to follow the Tribal and other Indian preferences as set forth in the RSICHD's Indian Housing Plan (IHP). The first preference is for enrolled members of the RSIC. With respect to RSIC tribal preference (or other Indian preference in the IHP), the following sub-preferences may be applied:

- (1) Veterans.
- (2) Elderly 55 years and older and/or disabled.
- (3) Families without housing.

B. Non-Selection Criteria. Applicants may not qualify if they fail to meet the requirements of Section II A above, or may be disqualified under the criteria and considerations set forth in Section I B.

## **VI. OCCUPANCY STANDARDS.**

A. Bedroom Size. The RSICHD may rely on any guidance provided by HUD in consideration of occupancy standards. In order to avoid overcrowding and prevent waste of space, the RSICHD will assign units in accordance with the occupancy standards set below.

<u>Bedroom Size</u>	<u>Minimum Number of Persons</u>	<u>Maximum Number of Persons</u>
1	1	2
2	2	5
3	4	7
4	6	9
5	8	11

B. Occupancy with Respect to Persons of Opposite Sex.

- (1) Units are assigned so that it will not be necessary for persons of opposite sex, other than spouses, to occupy the same bedroom, except if necessary at the time of admission.
- (2) Two children of opposite sex under three years of age may occupy the same bedroom. Also, at admission, one child under one year of age may be permitted to occupy the parent's bedroom.

C. Units will be assigned so that the living room shall not be used for sleeping purposes.

D. Every family member, regardless of age, is to be counted as a person. An unborn child will be counted as a person.

## VII. LEASE-TO-PURCHASE WAITING LIST.

A. Procedures. In order to provide fair and equitable housing to all applicants, the RSICHD will adhere to the following procedures:

- (1) As applicants are determined to be eligible for admission, applicants shall be informed of their placement on the eligible lease-to-purchase waiting list.
- (2) The RSICHD shall maintain a lease-to-purchase waiting list for applicants who have applied and have been determined to meet the admissions requirements. The waiting list will be updated on an annual basis. All applicants are required to return completed applications by the specified deadline.
- (3) The waiting list will indicate the last four digits of the Social Security number, income and number of bedrooms for each applicant. The applicant shall be placed on the waiting list in chronological order according to the date the application was received by RSICHD.
- (4) If it becomes necessary to delay eligibility determinations, the applicant will be informed of the reasons in writing. Until a final determination is made, an applicant shall have the right to be advised of the status of the application upon request. The applicant whose application has been denied may reapply at a later time.
- (5) The RSICHD may not refuse to place an applicant on the waiting list if the applicant is otherwise eligible for admission.
- (6) Applicants must notify RSICHD of any changes in income, family composition, and mailing address, or of any conflict of interest with RSICHD decision-makers that exists or may arise on or after the original application was submitted.
- (7) Applicants who do not comply with updating their application or applicants that do not meet eligibility for admission will be removed from the waiting list. The applicant whose application has been denied may reapply at a later time.

B. Notification of Selection for a Lease-to-Purchase Housing Unit.

- (1) When a unit becomes available, the applicant on the waiting list will be selected in accordance with selection criteria in Sections II, IV and V set forth above.
- (2) Upon notification, the applicant must qualify for the unit size available, and be given a reasonable opportunity to respond to the offer to enter into a lease-to-purchase agreement.

- (3) If the applicant refuses a unit offered, they must provide written justification for their refusal.
- (4) A second decline of a unit shall result in placement at the bottom of the waiting list. A record of all changes in the waiting list shall be maintained by the RSICHD.
- (5) The notification of a selected applicant shall be in writing and contain, at the minimum, the following information:
  - (a) A statement indicating the applicant has been selected for an available Housing Unit, the unit address, and bedroom size.
  - (b) A statement regarding preoccupancy counseling requirements.
  - (c) A statement identifying time and place designated for completion of the Lease-to-Purchase Agreement.

## **VIII. THE LEASE-TO- PURCHASE AGREEMENT.**

- A. Execution. The RSICHD Lease-to-Purchase Agreement will be completed and signed by both parties. A duplicate copy of the original will be given to the homebuyer, while the original will be retained in the RSICHD homebuyer file.
- B. Homebuyer Monthly Required Payment.  
Each tenant shall be required to make a monthly payment to be calculated on their adjusted income as defined in Section 4 of the Native American Housing Assistance and Self determination Act of 1996. Such payment may not exceed 30 percent of the monthly adjusted income of such family. (Sec .203 Program Requirements (a) Rents, (2) Maximum rent.)
- C. In determining income eligibility, the following allowances may be considered:
  - (1) Dependent(s)
  - (2) Elderly 55 years and older and/or Disabled
  - (3) Travel
  - (4) Child Care deductions
  - (5) Utility Allowance
- D. Termination of Lease-to-Purchase Agreement. Termination of the Lease-to-Purchase Agreement will be in accordance with the provisions of the RSICHD's Collection and Termination Policy and the Lease-to-Purchase agreement.

E. Eligibility for Continued Occupancy. To be eligible for continued occupancy in the HUD-assisted housing unit operated by the RSICHD, the head of household must:

- (1) Utilize the unit as the primary residence.
- (2) Be in full compliance with all provisions of the Lease-to-Purchase Agreement, the requirements of NAHASDA, and policies of the RSICHD.
- (3) Participate in any required counseling sessions.
- (4) Provide all required information at annual recertification.
- (5) Participate in the annual inspection.
- (6) Maintain utilities and current mailing address.

IX. **RECERTIFICATION OF FAMILY INCOME.** For the purpose of determining the required monthly payments, the RSICHD will verify the Homebuyer family income prior to initial occupancy (to determine eligibility) and will periodically reexamine it at least once a year (to determine amount of monthly payment). An Administration fee will be assessed to each unit. This fee will not be considered as rent.

A. Recertification Schedule. The Annual recertification will be completed by the anniversary date of the Lease-to-Purchase Agreement or as otherwise set by the RSICHD each year while the agreement is in effect.

B. Recertification Procedures. Data gathered for the recertification process is to be maintained in the Homebuyer's official file and may include income verification and other support documents as required by the RSICHD. The recertification shall include the following:

- (1) All entries are to be made in ink.
- (2) Changes or corrections are to be initialed and dated by the person making them.
- (3) The completed application must be signed by the Homebuyer and the RSICHD staff.
- (4) The required certification will be completed by the RSICHD staff.
- (5) Evidence of income of all applicant and household members and any additional documents verifying reported income.

C. Interim Re-determination of Family Income.

- (1) No adjustments of monthly payments are to be made between the dates of the annual re-examination except as follows:
  - (a) Homebuyers are required to report within ten days, the loss of family members

through death, divorce, or other unexpected changes, and to report the addition of family members by marriage, birth or other circumstances.

- (b) Homebuyers are required to report within ten days a change in family circumstances such as a change in the family composition or an increase or decrease in income.
- (c) The Homebuyer shall be given an interim income redetermination and upon verification, the monthly payment will be adjusted.
- (d) Failure to report the occurrence of changes may result in retroactive charges and other consequences as outlined in the Abuse and Fraud policy.

- (2) The homebuyer will be given 30 days written notice of any changes in the monthly payment.
- (3) Any instance of misrepresentation or non-compliance with the lease-to-purchase agreements, NAHASDA, or RSICHD Policies shall be grounds for terminating the Lease-to-Purchase Agreement and could also result in a monetary assessment against the Homebuyer.