



# Chehalis Tribal HOUSING AUTHORITY

RESOLUTION 2023        -07-01

## To Approve and Adopt Revised CTHA Admissions and Occupancy Policy

**WHEREAS**, the Chehalis Tribal Housing Authority ("CTHA") is duly chartered per Tribal Ordinance Number One of the Confederated Tribes of the Chehalis Indian Reservation ("Tribe") as approved by the voting members of the Tribe; and,

**WHEREAS**, the purposes for which the CTHA was established include: (1) remedying unsafe and unsanitary housing conditions that are injurious to the public health, safety, and morals; (2) alleviating the acute shortage of decent, safe, and sanitary dwellings for persons of low income; (3) managing and maintaining residential properties that are owned by the Tribe and/or the CTHA for the purpose of providing housing to Tribal members and Indians living in the Tribe through rentals, lease-to-purchase agreements, or homeownership or homebuyer agreements; and (4) providing employment opportunities through the construction, reconstruction, improvement, extension, alteration, or repair and operation of low income dwellings; and,

**WHEREAS**, the Board of Commissioners of the CTHA ("Board"), pursuant to Article V, section 3(r) of said Tribal Ordinance Number One, has been granted authority to take such actions as are commonly engaged in by public bodies of this character as the Board may deem necessary and desirable to effectuate the purposes of the CTHA; and,

**WHEREAS**, the CTHA has previously adopted an admissions and occupancy policy ("Admissions and Occupancy Policy") to aid the CTHA staff in determining eligibility and admissions to housing owned and operated by the CTHA; and,

**WHEREAS**, this Admissions and Occupancy Policy includes direction on applying and enforcing standards for continued occupancy; and,

**WHEREAS**, this Admissions and Occupancy Policy applies, unless otherwise stated, to all the CTHA housing programs, and some programs may have program specific policies that must be applied in conjunction with these general requirements of this Admissions and Occupancy Policy; and,

**WHEREAS**, the CTHA management has reviewed the Admissions and Occupancy Policy, attached at Exhibit A, which has been revised and reviewed, by legal counsel in consultation with the CTHA, for consistency with any statutes and regulatory guidelines; and,



**WHEREAS**, the Board has reviewed the Admissions and Occupancy Policy, and has determined that adopting the proposed revisions to the Admissions and Occupancy Policy is in the best interest of the CTHA; and,

**WHEREAS**, the Board has determined to rescind and supersede the prior authorized version of the Admissions and Occupancy Policy.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board hereby approves and adopts the revised Admissions and Occupancy Policy, as attached as Exhibit A to this Resolution; and,

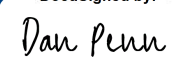
**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the revised Admissions and Occupancy Policy, attached as Exhibit A to this Resolution, shall rescind and supersede any and all prior versions of the Admissions and Occupancy Policy, including other policies addressing this same subject matter; and,

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that the CTHA does not waive, alter, or otherwise diminish its sovereign immunity, whether express or implied, by virtue of the enactment of this resolution or any administrative or legal action which may arise directly or indirectly from the same; and,

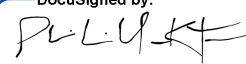
**BE IT FINALLY RESOLVED**, that the Board has hereby authorized and directed Chehalis Tribal Housing Authority Executive Director, Glenda Comenout, to take any and all steps necessary to implement the revised Admissions and Occupancy Policy.

### CERTIFICATION

I, Dan Penn, Secretary, certify the above resolution was adopted at a regular scheduled meeting of the Chehalis Tribal Housing Authority held on the 17<sup>th</sup> day of July, 2023, at which time a quorum was present, and was passed by a vote of: 3 FOR 0 AGAINST, and 0 ABSTAINED.

DocuSigned by:  
  
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 Secretary Dan Penn

July 21, 2023 | 3:28:34 PM PDT

DocuSigned by:  
  
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 Chair Philip Youckton

July 17, 2023 | 12:48:41 PM PDT

**CHEHALIS TRIBAL HOUSING AUTHORITY**



# **Chehalis Tribal HOUSING AUTHORITY**

**CHEHALIS TRIBAL HOUSING AUTHORITY  
RENTAL ADMISSIONS  
AND  
CONTINUED OCCUPANCY POLICY**

Approved: January 24, 2023  
Updated July 17, 2023, Resolution: 2023-07-01

CHEHALIS TRIBAL HOUSING AUTHORITY

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**CHEHALIS TRIBAL HOUSING AUTHORITY**

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**CTHA Rental Admissions and Continued Occupancy Policy**

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**Purpose**

This Policy is to set forth the approach for determining eligibility and admission to housing owned and operated by the Chehalis Tribal Housing Authority (CTHA) and selection for other CTHA Rental and Homeowner programs.

The CTHA was established for the following purposes:

- Remediating unsafe and unsanitary housing conditions on the Reservation that are injurious to the public health, safety, and morals.
- Alleviating the acute shortage of decent, safe, and sanitary dwellings for families of low income.
- Managing and maintaining residential properties that are owned by the Confederated Tribes of the Chehalis Reservation (“Tribes”) and/or the CTHA for the purpose of providing housing to Tribal members and Indians living in the Tribes through rentals, lease-to-purchase agreements, or homeownership or homebuyer agreements.
- Providing employment opportunities on the Reservation through the construction, reconstruction, improvement, extension, alteration, or repair and operation of low rent.

The Policy is intended to apply in all cases. However, where warranted in rare and unique circumstances a special Waiver of a particular requirement can be considered and approved by the CTHA Board. Such a Waiver may be made only if (1) Board Members with personal direct or indirect interests abstain from and are not present for both the Board’s deliberations and decision, (2) full and complete public disclosure of a Waiver request occurs before, during, and after a vote, (3) a two-thirds (2/3) favorable vote of all Board Members appointed is obtained, and (4) the waived Policy requirement is not required by federal or tribal law.

**Definitions**

**Annual Income**—means the Annual Income of the household for purposes of determining eligibility, calculated as follows: (1) the Department of Housing and Urban Development’s definition of annual income used for HUD’s Section 8 programs in 24 CFR 5.609 (except when determining the income of a homebuyer for an owner-occupied rehabilitation project, the value of the homeowner’s principal residence may be excluded from the calculation of Net Family assets); (2) annual income as reported under the Census long-form for the most recent available decennial Census; or (3) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes.

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Admission—means admission to occupy housing units owned or managed by the CTHA.

Applicant Family—means an individual or family applying to the CTHA for participation in one of CTHA’s housing programs.

CTHA—means the Chehalis Tribal Housing Authority.

Chehalis Tribal Rental Program—means rental units provided to CTHA from the Chehalis Tribe for the purpose of expanding housing opportunities for Chehalis Tribal Members.

Elderly Families and Near-Elderly Families—means a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include two or more elderly or a near-elderly persons living together, and one or more such persons living with one or more persons determined under the Chehalis Indian Housing Plan to be essential to their care or well-being.

Elderly Person—means a person who is at least sixty-two (62) years of age.

Eligibility—means being eligible for any program operated by the CTHA. It means only that an applicant has an opportunity to be awarded a unit and/or participate in a program, not that a unit will actually be awarded or that program participation will occur.

Grievance—means a grievance against a decision of the CTHA. *See* the CTHA’s Grievance Policy for when and how such grievances are considered.

General Welfare Exclusion—means any benefits shall be treated as nontaxable under Federal law so long as it satisfies the requirements for exclusion under Internal Revenue Code Section 139E, it is provided under a safe harbor program, or it meets the general test. *See Chehalis Tribal Code Title 28.02.010.*

Homeless Family—means a family who is without safe, sanitary, and affordable housing even though it may have temporary shelter provided by the community, or a family who is homeless as determined by the CTHA.

HUD—means United States Department of Housing and Urban Development.

Income—means the term “income” as defined by 25 U.S.C. § 4103(9) of NAHASDA, which includes income from all sources of each member of the household as determined in accordance with criteria prescribed by HUD, except that the following amounts may not be considered as income:

1. Any amounts not actually received by the family.
2. Any amounts that would be eligible for exclusion under Section 1382b(a)(7) of title 42. This relates to certain amounts received from the United States that are attributable to underpayments of benefits due for one or more prior months under the Social Security Act.

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3. Any amounts received by any member of the family as disability compensation under Chapter 11 of Title 38 or dependency and indemnity compensation under chapter 13 of such title. This relates to amounts received from the Department of Veterans Affairs by a family for service-related disabilities of a member of the family, and survivor benefits. (See PIH Notice 2011-15, as extended by PIH Notice 2012-05).
4. Exclude any payments that are expressly excluded from Annual Income under these NAHASDA exclusions.

Indian Area—means the area within which an Indian tribe or a tribally designated housing entity, as authorized by one or more Indian tribes to provide assistance under NAHASDA for affordable housing.

Indian—means any person who is a member of an Indian Tribe.

Indian Family—means a family residing in a single household consisting of one or more members who is an Indian. A family can be comprised of one or more persons. Provided, however, if the only member of the household who is Indian is a minor child (or children), to be considered an “Indian family” one of the following conditions must be met:

- The child(ren) are the biological child(ren) of at least one of the heads of household;
- The child(ren) are the legally adopted child(ren) of at least one of the heads of household;
- At least one of the heads of household has been appointed as the guardian of the child(ren) by a court of competent jurisdiction; or
- At least one of the heads of household has been appointed as the foster care provider of the child(ren) by a court of competent jurisdiction.

Indian Tribe—means a tribe that is a federally recognized tribe or a state recognized tribe.

The term “federally recognized tribe” means any Indian tribe, band, nation, or other organized group or community of Indians that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.

The term “state recognized tribe” means any tribe, band, nation, pueblo, village, or community—

- That has been recognized as an Indian tribe by any state; and
- For which an Indian Housing Authority had, before October 26, 1996, entered into a contract with the Secretary pursuant to the U.S. Housing Act of 1937 for housing for Indian families and had received funding pursuant to such contract within the five-year period ending on October 26, 1996.

Low-Income Family—means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development with adjustments for smaller and larger families.

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Median Income—means with respect to an area that is an Indian area, the greater of—

5. The median income for the Indian area, which the Secretary of HUD shall determine; or
6. The median income for the United States.

NAHASDA—means the Native American Housing Assistance and Self-Determination Act of 1996, codified at 25 U.S.C. §§ 4101 et seq.

Near-Elderly Persons—means a person who is at least fifty-five (55) years of age and less than sixty-two (62) years of age.

Non-Low Income Family—means a family whose income exceeds 80 percent of the median income for the area, as determined by the Secretary of Housing and Urban Development.

Operated—means owned or managed.

Program Participant—means the individual or family who is a homebuyer owner, tenant, borrower, or other person who participates in a CTHA program.

Person with Disabilities—means a person who meets the criteria set out in 24 C.F.R. § 8.3 for the term “individual with handicaps.”

Qualified Person with Disabilities—means a person who meets the criteria set out in 24 C.F.R. § 8.3 for the term “qualified individual with handicaps.”

Program Management—means the management and supervision of a particular program including such items as staffing, counseling, collection, inspections, property management, and general implementation of the program.

Rent—means an amount of monies to be paid to the CTHA on a monthly or other periodic basis by the Program Participant, for residing in a rental unit owned and operated by CTHA.

Tenant—means the individual or family participating in the Low Rent Program.

Tribe—means the Confederated Tribes of the Chehalis Reservation.

Tribal Member—means a member of the Tribe.

### **CTHA’S Requirements**

Fairness—Eligibility for housing services and admission to units owned or operated by the CTHA shall be fair at all times and in all respects. The CTHA Board Members and staff shall be fair and impartial in selecting people to participate in the housing programs. They are prohibited from making determinations based in whole or in part on family ties, political views, or personal bias. Selections made by the staff may be reviewed by the CTHA Board for Compliance with this Policy and other requirements.



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**Respect**—Program Participants and prospective Program Participants will always be treated by the CTHA Board and staff in a respectful manner.

**Nondiscrimination**—Pursuant to the NAHASDA law and regulations, the CTHA will comply with the following nondiscrimination requirements, as applicable:

- The Age Discrimination Act of 1975 (42 U.S.C. §§ 6101—6107) and HUD’s implementing regulations in 24 C.F.R. part 146.
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) and HUD’s implementing regulations at 24 C.F.R. part 8.
- The Indian Civil Rights Act (Title II of the Civil Rights Act of 1968; 25 U.S.C. §§ 1301—1303).

### **Applications**

**Publicity of Current CTHA Programs**. All current programs of the CTHA shall be publicized by posting announcements at the CTHA office.

### **Contents of Application:**

The Applicant must submit his or her application in writing to the CTHA, on a form provided by CTHA, at the CTHA office. The purpose of the application process is to gather the information necessary to allow a full assessment of the Applicant Family’s eligibility, consistent with Federal and CTHA requirements that apply at the time of submission. The Applicant is required to provide at least the following information:

- Date of the Application;
- Program(s) in which the Applicant Family wishes to participate;
- All household members over the age of 18 must sign a release of information;
- Applicant Family’s Annual Income;
- Tribal affiliation, if any;
- The names and ages for all family members living in the Applicant Family’s household;
- Social Security Card for each Applicant Family member;
- Documentation of preference eligibility, if any;
- Verification of U.S. citizenship or eligible immigration status (the CTHA cannot provide services to non-eligible non-citizens with federal funds);
- Current contact information for any prior or current landlords or lenders;
- Valid Washington State driver’s license or other valid Washington State identification, or a valid driver’s license or other valid identification from the United States, another state or an Indian tribe;
- If an applicant is claiming that his or her spouse is not a member of the household, acceptable documentation demonstrating divorce or legal separation;
- If any member of the Applicant Family’s household has a disability for which they wish to request an accommodation for, the Applicant Family should list the

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disability and provide supporting documentation to demonstrate the presence of the disability and the accommodations needed (if any); and

- Such additional information as CTHA may, at its sole discretion, deem necessary.

Each Applicant Family is required to provide all information requested on the application and to sign all necessary forms, documents, and certifications. Information that verifies all information that affects eligibility, family composition, selection, priority or preferences, Annual Income, unit size, determination of homebuyer payments or rent, and housing need is required. Failure to provide such verifying information may be grounds for a determination that the Applicant Family is ineligible. The Applicant Family is responsible for contacting the CTHA and making any corrections or updating the application if any of the information contained in the application changes.

The Applicant Family must certify that all information contained in the application is true and accurate. All information provided and/or any statements made by the Applicant Family are subject to verification. Intentionally providing false or misleading information is grounds for automatically denying eligibility for all CTHA programs, and grounds for termination from any program the Applicant Family has been admitted to.

CTHA shall reject and return any incomplete application with written explanation of the rejection and instruction how to correct the deficiencies.

**Verification and Documentation of Data**—All statements made in the application that may affect the determination of eligibility or level of payments are subject to verification by the CTHA. The CTHA shall assure accurate determinations of eligibility and payments while at the same time respecting the privacy of applicants. The following three (3) types of verification will occur as determined necessary by CTHA:

- 1) **Declaration by the Family**: This is the appropriate means for dealing with those statements regarding age, family composition, etc., are often adequate for verifying income.
- 2) **Documentation**: Documents furnished by the family such as assistance checks, pay stubs, etc., are often adequate for verifying income.
- 3) **Third Party Verification**: This entails contacts with Federal (FBI, BIA, INS, FTA, etc.), State, and Local agencies, employers, credit bureaus, previous landlords and similar sources to verify the family's statements. It is often necessary to use this method when verifying earned income, assistance payments, medical expenses, and other factors that may be difficult for the family to document itself. Third party verification may be done, with approval by the applicant, by mail or phone.

**Sporadic Income**: In situations of temporary, non-recurring, or sporadic income, efforts will be made to obtain verification of previous year incomes from income tax statements, where applicable or other documents which may be available.

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- 1) If no other means of verification of income is possible, the CTHA may accept an affidavit describing sources and estimated amounts of income certified by the applicant, or in the case of a reexamination, by the Tenant. Applicants must be able to prove their ability to pay bills and upkeep of unit.
- 2) Documentation will be maintained with respect to all verifications. For declarations, the appearance of the statement on the application signed by the family is sufficient. Copies of checks, when permitted by law, or a note by the CTHA employee who reviewed the document is sufficient when documentation is furnished by the applicant family.
- 3) Third party verification may be documented by keeping the written verification or by informal notes and recording telephone contacts. In all cases, the verification must be signed by the responsible CTHA employee.

**B. There will be no application fee for any CTHA program.**

- C. CTHA will seek to verify Applicant Family information as soon as practicable after submission of an application.
- D. If unfavorable information is received about the Applicant Family during the assessment, consideration shall be given to the time, nature, and extent of the Applicant Family's conduct and to factors which might indicate a reasonable probability of favorable future conduct. Staff shall notify the Applicant Family in writing of the negative items found. The Applicant Family shall be given an opportunity to respond to any negative information derived from any source.
- E. Applications shall be considered and units shall be assigned based on established point system located in HDS system. CT Rental units shall be assigned on a first come first serve basis in accordance to the wait list in HDS.

### **Application Process:**

Families must submit a full and complete application, including authorization before they can be determined eligible or placed on a waiting list.

To be considered for occupancy in any housing program offered by the CTHA, a written (legible) application must be completed in consultation with a CTHA staff member. All applications processed by CTHA staff are entered in the Housing Data Systems (HDS) database. The staff member preparing an application must note the date and time (date & time) when the application was received.

All information provided in the application must be verified and documented before an application is considered complete. In the event there are concerns regarding the information obtained, the Tenant Services Coordinator will report the concerns to the Executive Director. The Executive Director will request information for review purposes from staff to make a decision.

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Once the application is complete and eligibility has been determined, the applicant data will be entered into the appropriate Waiting List database.

In the event of a rejection, the staff will notify the applicant in writing (certified mail return receipt requested) of the basis of the determination and the right to appeal the decision in accordance with the Grievance Policy.

The Tenant Services Coordinator will prepare a letter notifying the applicant of the resultant placement on the Waiting List.

### **Waiting List:**

The Waiting Lists will be updated to the greatest extent feasible on a biweekly basis; however, a minimum monthly update is required. The Tenant Services Coordinator will provide the Waiting Lists monthly to the Executive Director for inclusion in the report to the Board at the next regularly scheduled meeting.

Waiting Lists are confidential and are not to be posted for public view in the CTHA office. However, a person on the wait list may obtain their own information and their status on the active wait list by contacting the Tenant Services Coordinator.

### **Communications:**

All communications with the applicant must adhere to the following requirements:

- All official notices must be in writing and signed by a Tenant Services Coordinator with a copy to the Executive Director;
- All verbal communications are to be documented in the applicant file, indicating date, time, content, and disposition;
- All written communications or major inquiries from an applicant are to receive a written response within five (5) working days from the date of receipt;
- All phone calls are to be returned within a maximum of two working days;
- All appointments are to be confirmed in writing; and
- All phone reminders of appointments are to be documented in the applicant file, indicating date, time, content and disposition.

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### **Notification to Applicant Family—**

1. All Applicant Families who are determined not to be eligible for a program shall be notified in writing (**Form A– Notice of Ineligibility**). The Notice of Ineligibility shall contain a brief description of the reason(s) the Applicant Family was determined to be ineligible. A blank Ineligibility Exception Request Form (Form B) shall be attached to each Notice.
2. All Applicant Families that are initially determined to be eligible for a program shall be notified in writing. Eligibility means that an applicant has an opportunity to be awarded a unit and/or participate in a program, not that a unit will actually be awarded or that program participation will occur.
3. All notices to Applicant Families shall be mailed by United States first-class mail to last known address as reported on their application or the most recent update thereof (this applies to general delivery addresses as well).

### **Applicant File**

For each Applicant Family, CTHA shall establish a file containing all information supplied by the Applicant Family, and which must include at least the following material:

1. Application;
2. Verification documents including but not limited to, copies of identification, Birth Certificates, Tribal I.D. or Enrollment verification, Income Tax Returns, Pay stubs or work history print out and other income verification, and Social Security Cards;
3. All other documentation and contact information provided by the Applicant Family;
4. Copies of staff's Notification of Eligibility or Ineligibility; and
5. All correspondence and memoranda regarding the application.

### **Criminal Records Confidentiality**

Any criminal record (e.g., criminal conviction record information received from a law enforcement agency) received in order to administer this Policy must be:

1. Maintained confidentially;
2. Retained separate from all other housing records;
3. Kept under lock and key and in the custody and control of the CTHA Executive Director or his or her designee for such records;
4. Accessed only with the written permission of the CTHA Executive Director or his or her designee and used only for the purposes allowed under this Policy;
5. Used by CTHA only for applicant screening, lease enforcement, and eviction actions;
6. Disclosed only to any person who has a job-related need for the information and who is an authorized officer, employee, or representative of the CTHA or the owner of housing assisted under NAHASDA; and



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7. Destroyed once the purpose for which it was requested is fully accomplished.

### **Eligibility**

**Requirements**—The following eligibility requirements must be met **prior** to an Applicant Family being placed on a Waiting List for any CTHA program, and the requirements **must again be met at the time** the Applicant Family is selected from the Waiting List to participate in a particular program:

### **Low Income Program:**

The applicant must be at least 18 years of age and qualify as an Indian family as defined by this Policy, which includes a family with or without children, a single person, and a handicapped or disabled person, provided that a non-Indian family may be selected under certain limited circumstances subject to the requirements of this Policy and applicable federal law and regulations:

- The applicant must be a member of the Confederated Tribes of the Chehalis Reservation or another federally recognized Indian tribe;
- The applicant may be a parent raising a minor member of the Confederated Tribes of the Chehalis Reservation;
- Applicant must be a “Low-Income Family,” as that term is defined in 25 U.S.C. § 4103(14) of NAHASDA, which reads as follows: “The term ‘low-income family’ means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the findings of the Secretary or the agency that such variations are necessary because of prevailing levels of construction costs or unusually high or low family incomes.” A copy of the most recent calculation is posted at the CTHA main office;
- The applicant must not own a home, except for a home that has been declared as uninhabitable by the Chehalis Tribal Building Inspector;
- Not have any rental or credit history that, in the determination of CTHA (at its sole discretion), would indicate that the Applicant family is unlikely to be able to meet its obligations as a program participant in an CTHA program;
- Not have any members of the household who have criminal history that, in the determination of CTHA (at its sole discretion), would indicate that the Applicant Family would pose a threat to other CTHA program participants, any other neighbors, or CTHA staff; and

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- Demonstrate that they are willing and able to meet the obligations of participating in the program(s) applied for.

### **Chehalis Tribal Rental Program:**

The applicant must be at least 18 years of age and qualify as an Indian family as defined by this Policy, which includes a family with or without children, a single person, and a handicapped or disabled person, provided that a non-Indian family may be selected under certain limited circumstances subject to the requirements of this Policy and applicable federal law and regulations:

- The applicant must be a member of the Confederated Tribes of the Chehalis Reservation;
- The applicant must not own a home, except for a home that has been declared as uninhabitable by the Chehalis Tribal Building Inspector;
- Not have any rental or credit history that, in the determination of CTHA (at its sole discretion), would indicate that the Applicant family is unlikely to be able to meet its obligations as a program participant in an CTHA program;
- Not have any members of the household who have criminal history that, in the determination of CTHA (at its sole discretion), would indicate that the Applicant Family would pose a threat to other CTHA program participants, any other neighbors, or CTHA staff; and
- Demonstrate that they are willing and able to meet the obligations of participating in the program(s) applied for which includes the ability to make timely monthly payments.

**Grounds for Ineligibility** An Applicant Family will be deemed ineligible if any of the following criteria are present:

- The Applicant Family, or any member of the household, is a current Program Participant in another homeownership or rental program with another tribe or housing authority;
- The Applicant Family is currently housed in a decent, safe, and sanitary dwelling within the service area of the Tribe with housing payments within the percentages of income applicable to tribal assisted housing programs;
- The Applicant Family includes one or more family members who have a felony conviction or drug record as otherwise determined and defined by other CTHA rules;

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- Any member of the Applicant Family is in arrears to the CTHA. If they are, they must pay off that amount in full before the Applicant Family can become eligible;
- The Applicant fails to disclose or pay any previous outstanding debt to the CTHA, for rent payments, maintenance or repair, painting, cleaning, or any outstanding housing debt to the Community, for a previously leased property, any utility district, or any other tribe or tribally designated housing entity;
- The Applicant or any member of the Applicant Family has committed fraud in connection with any CTHA, Community, or HUD program, or has failed to disclose previously committed fraud in connection with any CTHA, Community, or HUD program;
- The Applicant has provided false information on the application that the CTHA determines to be material and important;
- The Applicant is not of legal age (18 years or older) or legally emancipated, or legally competent to enter into an agreement;
- For homeownership programs only, the Applicant Family who cannot provide evidence to the satisfaction of the CTHA of their ability to make payments for the unit;
- Any Applicant Family member is currently a registered sex offender in any jurisdiction. This includes sex offenders who are minors;
- Any Applicant Family member has been evicted or removed from housing for drug-related criminal activity (this would include the manufacture, sale, use, or possession of an illegal substance) within a period of three (3) years prior to the date of the application. *See Occupant and Resident Drug Policy*;
- Any Applicant Family member has been evicted from a CTHA unit (for reasons other than criminal activity) within a period of five (5) years prior to the date of the application;
- Any Applicant that previously leased from the CTHA or Tribal Housing that had excess damages, as determined by CTHA to be any dollar amount over \$5,000.00 in repair charges, excluding cleaning and painting, will be ineligible for CTHA housing programs;
- CTHA may waive the ineligibility, at its sole discretion, for individual applicants who have paid their past owing balance in full and agree, prior to placement in a CTHA unit, to random monthly monitoring activities to assure the unit is being maintained;
- In any event the applicant must have paid any amounts owed to CTHA to be eligible for a housing unit;
- CTHA in its sole discretion shall have the right to permanently bar an applicant or extend

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the time period due to the nature of damages for the above actions. Applicant will be notified in writing when application is received of any issues or ineligibility;

- Notice must list reasons for this action and give the applicant an opportunity for an informal hearing with the Executive Director;
- The Executive Director shall notify the Board of Commission of the decision prior to making the final determination on this issue; or
- Any Applicant Family member has engaged in criminal activity that is a threat to the health, safety, or right to peaceful enjoyment of other residents or property of others. See subsection C below. Applicant Families will have the opportunity to remove from the application a member who has engaged in criminal activity in order to determine eligibility.

Discretionary Denial of Selection—CTHA may, at its sole discretion, determine that an Applicant Family is ineligible for one or more of the following reasons:

- Refusing or failing to complete or supply required forms or other information by the deadline date;
- History of poor payment of rent or utilities;
- History of failing to care for a unit and premises in which an Applicant Family member was a lessee, homebuyer, or an adult occupant;
- History of not respecting the rights of other residents to the peaceful enjoyment of their housing;
- History of repeated (one or more) violations of lease agreements or rules of occupancy within the past five (5) years;
- History of hostile conduct towards CTHA employees/contractors; or
- Applicant Families whose habits and practices may reasonably be expected to have a detrimental effect on other residents or on the housing project will be determined ineligible to participate in any CTHA Program. The CTHA Executive Director shall make this determination by considering the following:

Criminal records, including but not limited to conviction and arrest records, which records shall be requested from the Tribal Court and Tribal Law Enforcement, National Criminal Information Center (NCIC), and State and Local Law Enforcement (such criminal records shall be kept confidential pursuant to the requirements and processes), provided that the only misdemeanor criminal activity that would be the basis for a determination of ineligibility under this

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

section would be misdemeanors involving drug-related criminal activity, violence, domestic violence, dating violence, or stalking (see Addendum 1);

- Criminal records of previous place of residency;
- Judgments against the applicant in civil cases;
- Restraining and/or protective orders;
- Police reports involving the applicant family;
- References from previous landlords; or
- Any other information that may provide evidence of the detrimental habits and practices of the Applicant Family.

### **Criminal Background Affecting Eligibility**

Criminal background checks will be done on all applicants for CTHA housing in support of TRIBAL Resolution 2000-078 “Zero Tolerance”. Background checks for tenant screening will include a criminal records background check with a criminal record search and conviction report from state, federal and/or tribal agencies. CTHA is committed to maintaining safe and secure housing for its residents and community members, and running criminal records background checks and establishing related eligibility criteria is an important tool toward that end.

**Criteria:** CTHA establishes the following criteria for determining what criminal background elements would be grounds for disqualifying an applicant for CTHA housing. The criteria are based on the severity of the offense and the time that has elapsed since the conviction. Also set out below, in Sections “Eligibility Waiver Process” and “Exception to Disqualifying Factor,” are the factors that CTHA is to balance when considering a request to waive the criteria in a particular instance and at CTHA’s sole discretion.

**Disqualifying Offenses—No Time Limit:** Any applicant household that contains a member who ever was convicted, was found guilty, or entered a plea of guilty or nolo contendere (no contest), regardless of the adjudication, for any of the following offenses at any point in time shall be deemed ineligible for CTHA housing:

- Any Sex related crimes, including pornography, prostitution;
- Any conviction under the Major Crimes Act 18 USC §1153;
- Gang affiliation;
- Felony domestic violence;



## CHEHALIS TRIBAL HOUSING AUTHORITY

- Any crimes against children including but not limited to, child abuse, sexual exploitation of children, child abduction, child neglect, contributing to the delinquency or neglect of a child, enticing a child for immoral purposes, exposing a minor to pornography or other harmful materials, incest, or any other crime involving children as victims or participants;
- Kidnapping;
- Murder, attempted murder, intentional homicide, or attempted intentional homicide, manslaughter;
- Assault with a deadly weapon;
- Felony Harassment and/or stalking;
- Terrorism;
- Human Trafficking;
- Abuse, exploitation, or neglect of a vulnerable adult (disabled or elderly); or
- Trafficking of Illegal Narcotics and/or Firearms

**Disqualifying Offenses—10 Years:** Any applicant household that contains a member who ever was convicted, was found guilty, or entered a plea of guilty or *nolo contendere* (no contest), regardless of the adjudication, for any of the following offenses within the last ten (10) years shall be deemed ineligible for CTHA housing:

- a. Any crime involving violence against persons or threat of or attempt to commit violence against a person, other than assault with a deadly weapon or felony domestic violence;
- b. Any charge related to illegal drugs, such as (but not limited to) possession or drug paraphernalia;
- c. Grand theft; or
- d. Interfering with a law enforcement officer.

**Disqualifying Offenses—5 Years:** Any applicant household that contains a member who ever was convicted, was found guilty or entered a plea of guilty or *nolo contendere* (no contest), regardless of the adjudication, for any of the following offenses within the last five (5) years shall be deemed ineligible for CTHA housing:

- Misdemeanor theft;

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- Fraud and/or Larceny;
- Property Crimes;
- More than one offense for driving while impaired; or
- Any other criminal offense or misdemeanor not otherwise covered by any of the above sections or subsections.

**Required Information:** The criminal background records check will involve obtaining information from all databases available to CTHA. Applicants must supply the social security number and all identity verification information for all persons to be residing in the household.

**Notice of Denial:** If a determination is made that the Applicant does not qualify, the Applicant shall be notified in writing of the basis of denial.

**Exception to Disqualifying Factor:** Under certain limited circumstances, the Executive Director may, in his or her discretion, grant an exception to a disqualifying criminal background factor if the household can demonstrate to the satisfaction of the Executive Director that the member of the household with the disqualifying criminal background is sufficiently rehabilitated as to no longer pose a threat to the community. The Executive Director shall notify the Board of Commission of the decision prior to making the final determination on this issue.

CTHA and applicants will follow the Waiver Request procedures provided in Section V.G below. A request for such waiver must be made in writing, and must contain supporting documentation. In assessing such a request the decision will be made by assessing the nature and severity of the offense as well as a variety of surrounding facts and circumstances including, but not limited to:

- The age of the individual at the time of the offense;
- The number of offenses for which the individual was convicted;
- The time which has elapsed since the last offense;
- Whether the circumstances arose out of an employment situation;
- Completion of probation;
- Completion of parole supervision;
- In the case of a felony, not subject to parole supervision, if more than 10 years have elapsed after final discharge or release from any term of imprisonment without any subsequent conviction; or

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- In the case of a misdemeanor more than five (5) years have elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

**Factors Outweighing Disqualification:** If any one of the following factors exist, it shall mitigate against granting a waiver of the disqualifying criminal activity criterion:

- Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);
- Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;
- Falsification of an application with the CTHA; and
- Failure to furnish to the CTHA with additional information or failure to appear for a conference with the CTHA in relation to the Applicant's application.

**Executive Director's Decision is Final:** The Executive Director shall notify the Board of Commission of the decision prior to making the final determination.

**Inapplicable Records:** The following criminal history records shall not be considered in connection with an application for CTHA housing assistance:

- Juvenile adjudications which have been completely resolved and carried no obligation and/or accountability into adulthood;
- Convictions overturned by a higher court; and
- Convictions that have been the subject of a pardon or expungement. Please note that under such circumstances, applicants may respond on application as if the event(s) had never occurred.

### **Verification of Eligibility**

The CTHA shall verify information provided by the Applicant Family, including income to be verified through employers or other appropriate forms of obtaining such information at the time of application for program and upon any update.

All Applicant Families shall provide a release of information form which will allow the CTHA to verify any and all information required for an Applicant Family to participate in the program. Such information to be released may include, but shall not be limited to: family income, family composition, and doctor's certificates.

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Failure to provide the information verification or allow the CTHA to obtain the verification, may result in the following:

- A charge of the maximum amount to be charged to a family for the purposes of establishing Payments, or
- Not allowing occupancy until such information is obtained; or
- Placing the Program Participant back on the Waiting List until the information can be obtained and another home comes available.

Failure of an Applicant Family to provide or allow the CTHA to obtain the necessary information will prevent the Applicant Family from participating in a program until such time as the necessary documentation is provided and may cause the Applicant Family to be disqualified.

The CTHA shall request information from Applicant Families regarding any felony or drug conviction and independently check the criminal records of all Applicant Family members who are applying to reside in CTHA housing prior to admission, and request updated reviews each year the Applicant Family(s) remain on Waiting List(s).

Calculating Annual Income for the Purposes of Eligibility:

(1) The Department of Housing and Urban Development's definition of Annual Income used for HUD's Section 8 programs in 24 C.F.R. part 5, subpart F (except when determining the income of a homebuyer for an owner-occupied rehabilitation project, the value of the homeowner's principal residence may be excluded from the calculation of Net Family assets);

(2) Annual Income as reported under the Census long-form for the most recent available decennial Census; or

(3) Adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal Annual Income tax purposes, using the method that is most beneficial to the Program Participant.

### **Non-Low-Income Families**

In cases when a CTHA program is limited to low-income families but that program permits certain exceptions to the rule, the following exception shall apply:

- The CTHA may provide housing or housing assistance to a non-Low-Income Family if it determines that there is a need for housing for the family which cannot reasonably be met without such assistance;
- The determination described in part (a) shall be made by written resolution of the Board before the family may be determined to be eligible;

## CHEHALIS TRIBAL HOUSING AUTHORITY

- Under certain circumstances set out in 24 CFR §1000.110(c), CTHA may provide assistance to a Non-Low-Income Family with HUD approval-in all other circumstances, CTHA is required to obtain HUD approval before providing services to a Non-Low-Income Family (unless the assistance is being provided with funds other than those appropriated under NAHASDA); and

*See Appendix for Capped Rents passed by Resolution of the Chehalis Tribal Housing Authority Board of Commissions.*

**Non-Indian Families**—In cases when a CTHA program is limited to Indian families but that program permits certain exceptions to the rule, the following exception shall apply:

- Consistent with the CTHA Essential Family Policy, the CTHA may provide housing or housing assistance to a non-Indian family within the reservation/Indian area if it determines that the presence of the family on the reservation/Indian area is essential to the well-being of Indian families (such as, but not limited to, health care personnel, teachers, and law enforcement personnel) and the need for housing for the family cannot reasonably be met without such assistance; or
- The determination described in part (a) shall be made by written resolution of the CTHA Board before the family may be determined to be eligible; however, the determination described in part (b) shall be made based on all other normal eligibility criteria for placement in the low-income rental housing for elderly.

### **Eligibility Waiver Process.**

Under certain limited circumstances, the Executive Director may, in his or her sole discretion, provide an exception to a disqualifying eligibility criteria if the household can demonstrate to the satisfaction of the Executive Director that the household meets one of the following exceptions:

- The household is a Non-Low-Income Family or Non-Indian Family and meets an exception provided above;
- The household includes a member with a disqualifying criminal background and the household meets the exception requirements provided above; or
- The household does not meet one of the other eligibility requirements provided in of this Policy and the Executive Director, at their sole discretion, determines that other circumstances exist that support an exception.

The following process applies to any exception to of an eligibility criteria:

**Step 1:** Applicants shall fill out and submit to CTHA an Ineligibility Exception Request Form (**Form B**) and provide documentation to verify the reason(s) for the Ineligibility Exception request.



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**Step 2:** CTHA will consider the Applicant's Ineligibility Exception Request Form and supporting documentation and decide whether to provide an exception to a disqualifying eligibility criteria. CTHA will not consider any Ineligibility Exception Request Form that is not supported by documentation verifying the reason(s) for the ineligibility exception request. For an Ineligibility Exception based on criminal activity, CTHA will follow the procedures provided above.

- HUD approval and CTHA Board approval is required for the provision of federally funded housing assistance to Non-Low-Income Families;
- CTHA Board approval is required for the provision of federally funded housing assistance to Non-Indian Families; and
- CTHA will determine whether to approve the Ineligibility Exception Request for CTHA federally funded housing. If CTHA approves the Request, CTHA will send the Applicant a Letter of Approval of Ineligibility Exception Request (**Form C1–Federally Funded Housing**).

If CTHA makes a determination to deny the Ineligibility Exception Request for CTHA's federally funded housing, CTHA will immediately consider whether to approve the Ineligibility Exception Request for CTHA's Tribally funded housing. If CTHA approves the Request, CTHA will send the Applicant a Letter of Approval of Ineligibility Exception Request (**Form C2–Tribally Funded Housing**).

If CTHA makes a determination to deny the Ineligibility Exception Request for both CTHA's Federally funded and Tribally funded housing, CTHA will send the Applicant a Letter of Denial of Ineligibility Exception Request, which will contain a brief summary of the reason(s) for the denial of Federally and Tribally funded housing. (**Form D**).

**Step 3:** CTHA will mail the Applicant either a (1) Letter of Approval of Ineligibility Exception Request (**Form C1–Federally Funded Housing** or **Form C2–Tribally Funded Housing**); or a (2) Letter of Denial of Ineligibility Exception Request (**Form D**).

- All Letters to Applicant Families shall be mailed by United States first-class mail to the last known address of the Applicant Families as reported on their application or the most recent update thereof; and
- The Executive Director's decision as to whether to grant or deny an Ineligibility Exception Request is final.

## SELECTION

Written Waiting List—When demand for a particular program or for units is anticipated to exceed anticipated availability, eligible Applicant Families shall be placed on a written Waiting List for that program in the order based on the date that each such family was deemed to be eligible by CTHA. When there is a vacancy for that program, an Applicant Family shall then be selected for program participation from the Waiting List, with the Applicant Family of the

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

suitable household size (if applicable) with the earliest application being selected, subject to the preferences and point system selection set out below.

**Conflicts of Interest**—CTHA, its employees, and its Board members are bound by and shall follow the standards and procedures for avoiding or mitigating conflicts of interests as set out in 24 C.F.R. §§ 1000.30 – 1000.32.

### **Preference and Point System Selection**—

- In selecting eligible applicants to fill vacancies, the CTHA will use a point system for placement on the Waiting List. Points will be awarded to each Applicant household according to the Admissions Point System attached as Appendix B; and
- For Applicant Families ranked according to the point system, the date of application is a secondary consideration on the approved Waiting List ranking. Consequently, households with children under the age of 18 will be ranked above families/individuals without children irrespective of the application date.

### **Victims of Domestic Violence, Family Violence, Dating Violence, Sexual Assault, or Stalking:**

Victims of Domestic Violence, Family Violence, Dating Violence, Sexual Assault, or Stalking who are in an Emergency Situation, as defined by the Domestic Violence Policy Addendum, attached as Appendix A to this Policy, will be given first, immediate priority for the next available house, over those already on the Waiting List, regardless of the points that the Victim has under the point system and no matter what length of time they have been on the Waiting List. Victims must still meet the other eligibility requirements of this Policy. To the extent any provision the Domestic Violence Policy Addendum is inconsistent with any provision of this Rental Admissions and Continued Occupancy Policy, the Domestic Violence Policy Addendum provision shall apply.

Victims of Domestic Violence, Victims of Fire and/or Flood will be given second, immediate priority for the next available house, over those already on the Waiting List, regardless of the points that the Victim has under the Point System and no matter what length of time they have been on the Waiting List. Families must be eligible according to the program requirements, be tribal members and a 90-day limit for those families who may be from 80–100 percent of national median income.

**List of Special Program Requirements (If Any)**—The CTHA has made one or more Special Program Requirements for certain CTHA programs. These Special Program Requirements are identified below and are part of this Policy.

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### **Failure to Act on an Offer**

If, after an applicant is notified that they have been selected for a unit, the applicant fails to contact the office within a given deadline date or refuses a unit, their name will be moved to the bottom of the Waiting List

- A notation will be made on the Waiting List of the date the applicant failed to contact or refused the unit;
- The applicant's name will remain on the regular wait list for a six (6) month period following the date they were moved before consideration for preference will be accepted;
- The applicant will be required to submit an updated application at the six (6) month period. After the six (6) month period and a determination to move the applicant from the Regular Wait List to the Preference List, as long as the criteria for preference exists;
- The applicant will be listed in order of the date they are eligible again for preference with a notation on the wait list;
- The original date of certification will remain the same; and
- An applicant whose name is moved to the bottom of the regular wait list will not be allowed to voluntarily remove their name and make re-application so as to receive consideration for preference during this six (6) month period.

Notice of Ineligibility— Each applicant determined to be ineligible shall be notified in writing with the reasons and of their right to an informal conference within ten (10) days with the CTHA Executive Director and the CTHA staff person determining the ineligibility. The decision of the CTHA Executive Director shall be final.

### **Requirements For CTHA Housing Programs**

#### **General Requirements for All Programs**

Utilities—Prior to move in, Program Participants must provide the CTHA with written proof that the utilities have been unit transferred to the Program Participant's name. It shall be the responsibility of the Program Participant to provide any and all utilities to the unit. The CTHA may establish utility allowances for its Program Participants. If any monies accrue due to the negative rents, such accrual in monies shall be that of the CTHA and not the Tenant. The CTHA may set off other funds owed to the CTHA against any utility allowance.

Annual Recertification—At any time when the Program Participant's income or family composition changes during occupancy, the Program Participant is to notify the CTHA within ten (10) days of the change so that the rents may be recalculated, if necessary. In any event all Program Participants shall recertify periodically with the CTHA when requested by CTHA.

## CHEHALIS TRIBAL HOUSING AUTHORITY

Such recertification shall include filing income adjustment statements and change in family composition.

Rules—The rules for occupancy shall be those required by law. The Tribal Residential Landlord Tenant Code, leases, and CTHA Rules of Occupancy may also set out rules that Program Participants must comply with.

Controlled Substances and Other Criminal Activity—No controlled substances (as that term is defined by federal law) or criminal activity (including drug-related criminal activity) shall be allowed in, on, or around the premises by the Program Participant, member of Program Participant's household, or any guest or other person under the control of the Program Participant. Furthermore, as long as it is prohibited by Chehalis Tribal law, no sale of alcohol shall be allowed. Violation of the requirements of this paragraph shall be grounds for termination whether or not a criminal conviction occurs.

Disturbances or Threats—No disturbances or threats to other CTHA program participants, other neighbors, or CTHA staff shall be allowed in, on, or around the premises by the Program Participant, member of Program Participant's household, or any guest or other person under the control of the Program Participant.

Move-In Inspections—Prior to occupancy, repairs and scheduled renovation work will be completed to ensure a safe and sanitary environment. The CTHA will conduct move-in inspections with the Program Participant to determine the condition of the unit. The inspection report will be signed by the Program Participant and the CTHA Inspector. The Program Participant will be given a copy of the report for his/her files. A video inspection may be conducted by the CTHA. If such inspection occurs, the video is to be kept in a safe place at the CTHA.

Scheduled Inspections—The scheduled inspections shall take place as follows:

Move-Out Inspections—The CTHA will notify the Program Participant of the date and time of the move-out inspection. The Program Participant does not have to be present although it is encouraged. The CTHA shall submit to the Program Participant a written statement of the costs of any and all damage or maintenance required by the Program Participant to put the home back in a satisfactory condition. Such costs may be deducted from the Program Participant's security deposit.

Annual Inspections—The CTHA shall conduct a complete interior and exterior examination of the premises once a year. The CTHA shall notify the Program Participant to establish a date and time for such inspection. Re-inspection shall be conducted per notification from CTHA, if Annual inspection failed. If re-inspection failed, then tenant will enter into a Plan of Action to include other inspections and follow-up action as agreed upon in the form of a retention agreement.

Decent, Safe, and Sanitary Conditions—Notwithstanding any other provision of this or any other CTHA Policy, the CTHA has the right and obligation to make inspections of a unit at any time, with prior notification to the Program Participant, if the CTHA has reason to believe that part of

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

the interior or exterior of the unit is not maintained in a decent, safe, clean, and sanitary condition. Notification will be in writing giving the Program Participant at least forty-eight (48) hours prior to the time of the inspection.

**Emergency**— CTHA shall have the right to enter the unit without prior notice to Program Participant if the CTHA reasonably believes that an emergency exists which requires immediate entrance.

### **Rental Program Requirements (Low Income & CT Rentals)**

The CTHA Rental Program involves the rental of affordable housing units to qualified program participants. The units are owned and managed by CTHA.

- A security deposit equal to the first month's rent, must be paid by all tenants at the time of signing the lease agreement;
- The security deposit shall not be used except in the situation where a tenant has moved out and owes the CTHA past rents or where the tenant has moved out and there is damage to the property which must be repaired or where the tenant has other outstanding charges owed by the tenant;
- Security deposits shall be returned to the tenant where the tenant has moved out and all past rents are paid and where the tenant has moved out and the interior & exterior premises is left in a reasonably clean standard with no damage other than ordinary wear and tear;
- After the tenant returns the keys to the CTHA, the CTHA shall forward to the vacating tenant a written accounting of the use of the security deposit plus a check for the unused amount; and
- Abandoned or inoperable vehicles are not permitted on CTHA property. Such will be towed away at the registered owner's expense after a ten day notice is given.

### **Rental Lease**

A Rental Lease will be entered into between the CTHA and each qualified tenant family. The agreements are to be kept current at all times in accordance with reexamination requirements found in each Rental Lease and in this Policy.

Upon qualification to rent from the CTHA a responsible member or both adult members, if applicable, of each family accepted as a tenant is required to sign the Rental Lease in duplicate prior to actual admission. The Rental Lease shall be reviewed with the tenant by the appropriate CTHA staff to explain the terms and conditions of the Rental Lease, and such copy kept on file in the tenant's file in the CTHA office.

- Within seven (7) working days of tenant signing the Rental Agreement the tenant information shall be entered into the HDS automated tenant file system.



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- In the event the signatories of the Rental Agreement cease to be members of the tenant family, the remaining adult family member shall notify the CTHA and, if possible, procure a Tenancy Release Form signed by the adult member no longer living in the unit.
  - The remaining adult member in the household shall provide a forwarding mail address of the adult that vacated the unit for notification of the date that they were removed from the household composition.
  - Cancellation or termination of Rental Agreements will be in accordance with the provisions contained in such Rental Agreements.
- Subletting of CTHA Rental units by tenants is not allowed.

### Successive Remaining Adult Members to Rental Leases

In the case all signers of the Rental Lease no longer continue to reside in the housing unit, any remaining adult member, eighteen years old or older, shall notify CTHA as soon as possible. If there is no original signatory of the Rental Lease remaining in the unit.

The Rental Lease may be terminated by CTHA, and the other remaining members of the household shall be in unlawful detainer unless CTHA decides, at its sole discretion, to execute a new Rental Lease with the remaining members of the household.

### Caregiver Ineligibility to Assume Unit

In the event the original lessee(s) vacate the unit, a caregiver that is not a family member, is not eligible for continued occupancy.

A caregiver is defined as a person who resides in the home and who:

- Is determined to be essential to the care and well-being of the tenant(s);
- Is not obligated for the support of the tenant(s); and
- Would not be living in the unit except to provide the necessary supportive services.

### Caregiver Ability to Assume Continued Occupancy

A caregiver who is a family member may be eligible for continued occupancy, at CTHA's sole discretion, provided the following terms are met:

- The tenant has notified the CTHA of the addition of the caregiver to their household ***and states the familial relationship***;
- The caregiver maintained full-time occupancy of the unit at the time that original lessee vacated the unit; and
- The caregiver must meet all the same eligibility requirements per NAHASDA regulations and this policy for rental housing.

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### **Reasonable Accommodation For Persons With Disabilities**

The CTHA's mission is to provide safe, sanitary, and affordable housing to low-income Tribal members and other American Indians. The CTHA is a housing provider and not a provider of health care or other social or supportive services. Program Participants are expected to be able to meet their requirements under their lease or homebuyer agreements, and a failure to do so may result in termination and eviction.

There are occasions, however, where a change in a Program Participant's circumstances may render the Program Participant a person with disabilities who is unable to meet his or her requirements to remain in the unit, particularly in circumstances where the Program Participant resides in the unit by him or herself.

As a condition of accepting funding pursuant to NAHASDA, the CTHA is prohibited from excluding qualified persons with disabilities from participating in the CTHA's housing programs and from discriminating against qualified persons with disabilities. In this context, this prohibition means that the CTHA is required to provide qualified persons with disabilities with "reasonable accommodation," if available, to allow them to continue to reside in their unit.

### **USE OF CTHA UNITS**

Program Participants and the CTHA are jointly responsible to the Community and future generations for ensuring that the CTHA assisted units are used properly and are well maintained, consistent with applicable program regulations.

CTHA rental units are leased in accordance with the occupancy standards set forth below per number of persons per bedroom size unit:

- 1 bedroom:    1 minimum    2 maximum
- 2 bedroom:    1 minimum    4 maximum
- 3 bedroom:    3 minimum    6 maximum
- 4 bedroom:    4 minimum    8 maximum
- 5 bedroom:    6 minimum    10 maximum

These minimum and maximum limits may be waived when necessary to make temporary use of available vacant units; or to house families during cases of emergencies however the use of units for emergency shall not exceed 6 months without further review of the circumstances revolving around the emergency.

Should an extension be necessary, Tenant Services shall report the reasons for extension to the Executive Director for review and approval of the extension.

When it is found that the size of the rental unit is no longer suitable for the family, i.e.; composition of family increases or decreases, the family shall be directed to move to a dwelling of appropriate size when a unit of such size becomes available. The following procedures shall be followed for the purposes of unit transfers:

## CHEHALIS TRIBAL HOUSING AUTHORITY

- An inspection and a cost damage assessment shall be prepared and will become the responsibility of the tenant upon vacating the unit upon transfer to the next assigned unit;
- Rental units will, to the extent units of appropriate size are available, be assigned so it will not be necessary for children of opposite sex to share the same bedroom;
- An exception may be made in cases of foster care placement, ICW placement, permanent placement, guardianship placement although must be approved by the Executive Director with prior BOC notification;
- Except that, if necessary, two children of opposite sex under four years of age may share the same bedroom, one child under two (2) years of age may be permitted to occupy the parents' bedroom and if necessary, during continued occupancy one child under four (4) years of age may be permitted to share the parent's bedroom;
- During the time the applicant or applicant's family is on the wait list and in the event of a pregnancy with appropriate information received verifying the pregnancy, the bedroom size listed for the family will automatically increase by one. This will address the issue of transferring families in overcrowded situations.

It shall be the responsibility of each Program Participant to show respect for the units provided by the CTHA and appreciation for the low housing cost by keeping the unit and grounds in a decent, safe and sanitary condition at all times. Program Participants shall keep the unit continually occupied and shall keep it neat, clean and in good condition. The Rental Agreement shall detail the terms and conditions of maintenance requirements. Failure to maintain the unit and grounds in a safe and sanitary condition may result in termination of the rental agreement, and tenant will be charged the costs for clean-up if CTHA carries out the clean-up.

When the need for maintenance arises, Program Participants shall inform the CTHA as provided in applicable program regulations and the lease or lease/purchase agreements.

Instances of serious abuse or misuse of the unit (including but not limited to damaging, defacing, vandalizing, destroying, or removing part of the unit), or failure to provide basic routine or non-routine maintenance as provided in the specific program policy, lease or lease/ purchase agreements shall be sufficient cause for termination from the CTHA program.

Program Participants in CTHA programs shall use their unit as their principal residences during the term of the lease or lease/purchase agreement for at least nine months out of the year. A Program Participant may own or use a residence other than the CTHA unit, but only if permitted under the applicable program policy. Failure to use the unit as the primary residence may disqualify a Program Participant from the program.

**CHEHALIS TRIBAL HOUSING AUTHORITY****Pets:**

Pets are allowed with prior written permission by the CTHA. All pets are required to be registered with the Chehalis Tribal Public Safety Department pursuant to the Animal Control Code 11.25

Written permission may only be provided to rental tenants who are sixty-two (62) years of age or older, for a pet that does not weigh more than twenty-five (25) pounds and that is up-to-date on its vaccinations (with written confirmation of same to be provided to the CTHA). Any Program Participant who is authorized by the CTHA to keep a pet on his or her premises must submit a non-refundable pet deposit of \$150 per pet.

Note: This may be restricted to a NO PET Clause for participants should CTHA find that the pet damage is excessive.

This amount is not transferable if the Program Participant moves to another unit; a new pet deposit will be required for the new unit. Any Program Participant who is found to be in violation of this requirement will be assessed in an amount of **\$250.00** for each violation. No dog commonly referred to as a “dangerous breed” dog as classified by the Insurance Information Institute shall be permitted in any units (whether rental or homebuyer) owned or managed by the CTHA. Nothing in this paragraph shall apply to “assistance animals” for persons with disabilities, which shall be evaluated under a reasonable accommodation.

All pets are required to be registered with the Chehalis Tribal Public Safety Department pursuant to the Chehalis Tribal Animal Control Code 11.25

**Cigarettes/Cigars/Marijuana/Smoking Devices**

The use of cigarettes, cigars, marijuana, and all other smoking devices is prohibited inside any CTHA unit, and in the common areas.

**Unit Modifications or Alterations**

Program Participants shall not make any modifications or alterations to the unit. If Program Participants make modifications without the CTHA’s written approval, such modifications must be removed at the Program Participant’s expense. If the CTHA removes the modifications, the cost of such removal will be immediately due and owed by Program Participant to the CTHA.

Program Participants shall not erect any aerial, antenna, or TV dishes on the exterior of the unit without written permission of the CTHA. Program Participants will not install or have installed any additional wiring on the exterior or interior of the unit for telephones, televisions, or any other electrical appliances without the express permission of the CTHA. Electrical or communications equipment of any kind that interferes with neighboring residents are not allowed.

Program Participants may not install any window brackets or rods, additional locks on any of the interior or exterior doors or install cameras. Program Participant may not re-key any of the

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

locks. Program Participants may have keys provided by the CTHA duplicated by a licensed locksmith, but all keys must be given to the CTHA if the Program Participant vacates the unit

Program Participants must also abide by any other use restrictions specific to the CTHA program in which Program Participant is participating.

### **Sublease/Assignment/Transfer Generally Prohibited**

Program Participants may not sublease, assign, or otherwise transfer their interest in any unit, except where specifically permitted under the policies for the specific program in which they are participating.

### **Guests**

Program Participants are permitted to have overnight guests stay on or in their premises with the written permission of the CTHA. Program Participants must provide information regarding the potential overnight guests to the CTHA, who, at the discretion of the CTHA Management, may carry out a background check to determine whether the person is suitable to be on CTHA grounds. No overnight guest may stay in a Program Participant's premises for more than fourteen (14) days cumulatively over the course of a calendar year.

## **RENTAL AND HOMEBUYER PAYMENTS**

This section and the procedures set out herein are intended to be implemented in concert with the applicable program agreement. The purpose of this section is to inform Program Participants of the CTHA guidelines for the collection of rent, homebuyer, and other payments. The objective of these procedures is to collect the amounts owed to the CTHA and to ensure the continuation of adequate housing services while providing for the safety and well-being of all Program Participants.

Rental/Homebuyer Payments—Program Participants will make monthly rental payments or homebuyer payments to the CTHA as follows:

### **Low-Income Program:**

Monthly rental payments shall be an amount equal to Thirty (30) percent of the monthly adjusted gross family income less a utility allowance if permitted. For purposes of determining a family's income, the Annual Income of the household will be calculated as follows:

The amount of assistance that a Non-Low-Income Family may receive will be determined as follows:

- The rent or homebuyer payment to be paid cannot be less than (the Income of the Non-Low-Income Family divided by the income of the same size family at eighty (80) percent of median income) multiplied by (the rental or homebuyer payment of the same size family at eighty (80) percent of median income);

## CHEHALIS TRIBAL HOUSING AUTHORITY

As an example, assume that the median income is \$1000, and that the income of the Non-Low-Income Family is \$1000/month. The income of the same size family at 80% of median income would be \$800 (80% of \$1000). You would divide the Non-Low-Income Family's income (\$1000) by the income of the same family at 80% (\$800) which would give you 1.25. Then, you multiply that figure by 30% of the Low-Income Family's income (\$800 x 30% = \$240), which gives you the figure of \$300.

The rental payment of the Non-Low-Income Family under this scenario may not be less than \$300.

- In no case shall the rent or homebuyer payment exceed the fair market rent or value of the dwelling.

These assistance limitations do not apply to non-low-income, CT Rentals, Essential Families, and non-Indian families obtaining housing or housing assistance pursuant to the applicable provisions of this Policy.

CTHA will also establish a maximum monthly rent for each type and size of unit it manages. The maximum monthly rents will be based on the fair market rents for such units in the vicinity. The maximum monthly rents are subject to periodic revision. No tenant will be charged more than the maximum monthly rent established for the unit they are renting.

Decreases in rent resulting from rent reviews are to be effective the first of the month following report and verification of the changes; Increases in rents shall become effective the first of the second month following the changes resulting from rent reviews.

If the tenant intentionally misrepresents any required information at the time of admission, annual reexamination, and a rent review caused a family to pay a lower rent than called for by calculation of rents because of the intentional misrepresentations by the tenant, such tenant will be required to pay the difference between the rent they paid and what they should have paid. If an applicant or resident knowingly misrepresents their income they are committing fraud, which makes them subject to federal penalty under the law.

Monthly rental payment for Senior Citizens (fifty-five (55) years of age and older) shall be an amount equal to fifteen (15) percent of their monthly adjusted gross family income less a utility allowance if permitted.

Utilities—In addition to monthly rental or homebuyer payments, Program Participants are expected to pay the cost of utilities to their premises, including water, electric, garbage pickup, and wastewater sewage.

Where a multi-family dwelling unit has a single meter for any or all utilities, the CTHA shall assess each Program Participant a pro-rated utility charge based on the number of people in each household in the multi-family dwelling unit and the overall cost of usage, subtracting out the cost of utilities usage that is for the CTHA common areas or facilities. Enforcement of this utility

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

charge is subject to the CTHA Board approval of the methodology and matrix for allocating such charges.

### **Payments & Fees: (See Collections & Compliance Policy)**

- **Due Date:** Rent and homebuyer payments are due on or before the first day of each month.
- **Late Payments:** Rent and homebuyer payments are considered late if no payment was received by end of business on the 15<sup>th</sup> day of each month, at which time a \$35.00 late fee charge shall be assessed to the tenant's monthly statement.

### **Where and How to Make Payments**

- Rent and homebuyer payments may be made at the Chehalis Tribal Housing Authority administrative offices located at 10 Petoie Lane Oakville WA 98568 or sent by mail to PO Box 314 Oakville WA 98568. Cash should not be sent via mail.
- Payments may be made by cash, money orders or personal checks, credit/debit cards.
- Tenants shall be strongly encouraged to participate in employer payroll deduction programs so that rent and homebuyer payments are automatically paid each month.
- The amount of monthly rent or homebuyer payments is defined in the Chehalis Tribal Housing Authority Eligibility, Admissions, and Occupancy Policy.

**Partial Payments:** When a resident presents credible evidence that clearly shows an inability to make full payment, the Chehalis Tribal Housing Authority may accept partial payment although the partial payment shall be no less than the monthly utility amount to ensure that garbage disposal may be continued.

Partial payments shall not be accepted more than twice within a 60-day period. Repayment agreements shall not be allowed more than twice within a 6-month period.

The Executive Director shall have the ability to waive any assessed late fee on a case-by-case basis.

## **PROGRAM VIOLATIONS**

**Program Violation**—Program Participants commit a Program violation by committing any of the following, or when any member of the Program Participant's household, guest, or other person under Program Participant's control commits any of the following (whether or not Program Participant is aware of the activity):

- Failing to submit requested verification in a timely manner;
- Failing to provide verification of social security numbers by providing a copy of their social security card;

## **CHEHALIS TRIBAL HOUSING AUTHORITY**

- Failing to complete recertification;
- Failing to report changes in income and/or assets of household members within twenty (20) days of the change;
- Vacating the unit in violation of the applicable program agreement and Policy;
- Failing to use or maintain the unit as required under the applicable program agreement and Policy;
- Conducting themselves personally or permitting members of the household or any guests or any other persons under their control to conduct themselves in a manner that:
  - Is criminal activity, including drug-related criminal activity;
  - Is disruptive of their neighbors' right to "quiet enjoyment" of their units (the CTHA will maintain a record of all complaints);
  - Is activity that threatens the health and safety of, or right to peaceful enjoyment by, other residents or employees of the CTHA (the CTHA will maintain a record of all complaints);
  - Is activity that threatens the health and safety of, or right to peaceful enjoyment by, persons residing in the immediate vicinity of the Premises; or
  - Having hostile interactions with CTHA Staff and/or contractor(s).
- Failing to make payments required under the applicable program agreement and Policy;
- Failing to abide by the terms and conditions of the applicable program agreement and Policy;
- Failing to abide by all applicable legal requirements for possession of any firearms, and failing to register any firearms present in the premises with CTHA;
- Knowingly allowing a registered sex offender into their premises no matter what the duration of time such person is on the premises;
- Using a CTHA unit for a purpose prohibited by this Policy;
- Failure to keep the grounds and dwelling units in a safe and sanitary condition;
- Violations of Program Participant Code of Conduct; or
- Violating other CTHA Policies.

**Fraudulent Crime Violation.** Program Participants commit a Fraudulent Crime Violation by:



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- Knowingly omitting income or assets of self or household members;
- Knowingly under reporting income or assets of self or household members;
- Transferring income or assets to obtain or retain false eligibility;
- Overstating deductions, allowances or expenses;
- Using a false identity or false social security number;
- Using false documents; or
- Falsifying the number of household members, etc.

Program Participants in any CTHA program providing rental assistance may not be renting from a member of the immediate family of any person residing in the Program Participant's household. The phrase "immediate family member" is to have the definition used in Chehalis Tribal law and policy.

### **TERMINATION AND EVICTION**

Any Program Participant may terminate their agreement by providing the CTHA with a thirty (30) day written notice of his or her intent to terminate their participation in a CTHA program, unless the rental agreement, lease, or other agreement provides for another timeline. This notice must be personally served on the CTHA or in electronic form to the Executive Director. Text messaging is not acceptable. (See Mediation & Eviction Policy Adopted June 14, 2023)

### **ABANDONMENT OF UNIT**

Where a dwelling has been abandoned, the CTHA, without further notice to the Program Participant, may post a notice on the dwelling stating that the CTHA intends to take possession and that the Program Participant's possessions will be inventoried and removed within ten (10) days from the posting. If the tenant's possessions are not claimed within thirty (30) days from their removal from the abandoned dwelling, the CTHA may dispose of the possessions. The Program Participant shall be responsible for any costs associated with the storage and/or disposal of possessions under this section.

- If the abandoned property is of cultural, religious, or ceremonial significance, the CTHA shall have an affirmative duty to locate next of kin and/or contact the Community to return these items.
- Notwithstanding any other provision of this Policy, the CTHA staff may enter the premises immediately if there is an emergency in which the CTHA Executive Director (or his or her designee) determines it is necessary to prevent damage or harm to the premises or to any neighboring persons or premises.

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- The landlord need not comply with the judicial eviction procedures set forth in Chapter 12.15 of the Chehalis Tribal Code to obtain possession of a dwelling unit if that dwelling unit has been determined to be abandoned consistent with these procedures.
- As used in this Section, a unit is abandoned when the Program Participant has vacated without notice and does not intend to return, as evidenced by removal of possessions, nonpayment of rent, disconnected utilities, or intent expressed to the CTHA or third party.
- If repairs are necessary, the Program Participant will be responsible for all costs of those repairs. A copy of the charges will be forwarded to the last known address of the Program Participant.
- If adequate payment arrangements are not made by the Program Participant, the CTHA shall bypass any forbearance procedures and file a claim in the Chehalis Tribal Court against the Program Participant for arrears and/or damages.

### **LEAVING WITH A DELINQUENCY**

- Program Participants that have debt balances (including fees) after termination shall be processed through court proceedings for a judgment if a payback agreement with the Program Participant cannot be executed or successfully followed.
- Program Participants who have been terminated and who have debt balances with any Indian Tribal Housing Authority or Tribal housing program will not receive future housing assistance from the CTHA until those debts have been paid in full.
- The CTHA will charge all costs incurred in the collection of debts to the Program Participant through the Program Participant's account.
- Upon vacating the unit, Program Participants will be responsible for the costs of all necessary repairs to place the unit in satisfactory condition for the next Program Participant.
- Upon failure of a Program Participant to fulfill their maintenance obligations, the CTHA will perform the required maintenance and charge the Program Participant's accounts accordingly.

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**Appendix A  
Domestic Violence Policy**