



MONACAN INDIAN NATION HOUSING DEPARTMENT
PO BOX 960 AMHERST, VA 24521

ELIGIBILITY POLICY & PROCEDURES

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Chapter 1 PURPOSE AND SCOPE

1. Purpose. These Eligibility, Admissions and Occupancy Policies (these "Policies") have been adopted by the Monacan Indian Nation Housing Department (MINHD) to provide direction to the staff of MINHD to follow in administering housing assistance programs. This includes determining eligibility, selecting from among eligible applicants, and applying and enforcing standards for continued occupancy.
2. Scope. Unless otherwise stated, these Policies apply to all MINHD housing programs, including the Rehabilitation Assistance Program, Homeless Prevention Services Program, Rental Assistance Program, and Down Payment Assistance Program. Some of these programs also have program specific policies that must be applied in conjunction with these general Policies.

Chapter 2 DEFINITIONS

Annual Income

1. The definition of Annual Income shall be the anticipated income from all sources expected to be actually received during the next 12 months by all family members. The definition of income shall be the same as the definition of Adjusted Gross Income for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual Federal annual income tax purposes. The most recent IRS Instruction Publication for completing a Form 1040 shall be used to define income and adjusted income if an applicant or participant does not file a Form 1040 with the IRS. All IRS Publications can be found at web site www.irs.gov.
2. If an applicant or participant's annual income is sporadic and not consistent from one year to the next (farming, etc.), the MIN may use the average annual income earned over the most recent three (3) years when determining eligibility and calculating monthly payments.

Disabled Family

1. The term 'disabled family' means a family whose head of household (or his or her spouse), or whose sole member, is a person with a disability.

Drug Related Criminal Activity

1. The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 802 of Title 21 of the United States Code).

Elderly Families

1. The term 'elderly family' means a family whose head (or his or her spouse), or whose sole member, is an elderly person. Such term includes two or more elderly persons living together, and one or more such persons living with one or more persons determined by the MIN to be essential to their care or well-being.

Elderly Person

1. The term 'elderly person' means a person who is at least 62 years of age.

Family

1. The term 'family' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person. The family member completing the Application for Occupancy who will be signing the dwelling lease must be eighteen (18) years of age or older

Full-Time Student

1. A person who is carrying a subject load that is considered full-time for day students under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Grievance

1. Any complaint against a decision of the MIN that is allowed in accordance with the MIN's grievance procedures.

Governing body

1. The term 'governing body' means the Tribal Council of the MIN.

Indian

1. The term 'Indian' means any person who is a member of an Indian tribe.

Indian Area

1. The term 'Indian area' means the area within which the MIN operates housing assistance programs as described in the MIN's Indian Housing Plan.

Indian Housing Plan

1. The term 'Indian Housing Plan' means the plan submitted by or on behalf the MIN pursuant to the provisions of NAHASDA including any amendments to such plan.

Indian Tribe

1. The term 'Indian tribe' means a tribe that is a federally recognized tribe or a State recognized tribe.
2. The term 'federally recognized tribe' means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska

Native Claims Settlement Act 43 USC 1601 et seq.), 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 (25 USC 450 et seq.).

3. 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.

Low Income Family

1. 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.

Median Income

1. The term 'median income' means the greater of:
the median income for MIN Indian area, which the Secretary shall determine;
or
the median income for the United States that shall be an appendix to this policy.

MIN

1. The term MIN means the Monacan Indian Nation

NAHASDA

1. The Native American Housing Assistance and Self-Determination Act passed by the U.S. Congress in 1996.

Non- Low Income Family

1. The term 'non-low-income family' means a family whose income is between 80 and 100 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families.

Persons with Disabilities

1. The term 'person with disabilities' means a person who-
 - (1) has a disability as defined in section 223 of the Social Security Act;
 - (2) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which-
 - (a) is expected to be of long-continued and indefinite duration;
 - (b) substantially impedes his or her ability to live independently; and
 - (c) is of such a nature that such ability could be improved by more suitable housing conditions; or
 - (3) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for

acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted under NAHASDA, solely on the basis of any drug or alcohol dependence.

For purposes of this definition, the term "physical, mental, or emotional impairment" includes, but is not limited to:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
2. Any mental or psychological condition, such as mental retardation, organic brain syndrome, emotional, or mental illness, and specific learning disabilities.
3. The term "physical, mental, or emotional impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, and emotional illness.

Secretary

1. The term 'Secretary' means the Secretary of the U.S. Housing and Urban Development.

Tribal Member

1. An enrolled member of the MIN.

Veteran

1. A person who has served in active Military Service of the United States at any time and who shall have been discharged there from under conditions other than dishonorable.

Violence Related Criminal Activity

1. The term "violence-related criminal activity" shall mean criminal activity that resulted in a conviction of the crime itself, an attempt to commit the following crime, or a conspiracy to commit: murder, manslaughter, rape, assault, aggravated assault, riot, robbery, burglary, arson, kidnapping and any other felony in the commission of which the perpetrator used force, or used or was armed with a dangerous weapon, or used any explosive or destructive device.

Chapter 3 ELIGIBILITY FOR HOUSING

1. The purpose of this section is to determine who is eligible to participate in MINHD programs. Applicants must meet the applicable eligibility requirements to be eligible for the MINHD's housing programs:
 - A. An applicant must qualify as an Indian family, defined by the MINHD as a family whose head of household or spouse is an enrolled member of a federally recognized tribe.
 - B. Non-Indian Families (See 24 CFR §§ 1000.106, 108, 118 & Section 201(b) (3) of NAHASDA, 25 U.S.C. § 41351(b) (3) (exception to Indian family requirement)) If an applicant qualifies as a family but does not qualify as an Indian family, the MINHD may determine the family to be eligible, if the family demonstrates to the MINHD's satisfaction that their presence in the community is essential to the well-being of other Indian families and their need for housing cannot reasonably be met without participation in the MINHD program.
2. Income Limits.
 - A. Maximum Income- The applicant must qualify as a low income or non-low-income family, per the MIN's IHP for each individual housing assistance program.
 - B. Minimum Income Participants in MINHD programs must have income sufficient to comply with program requirements. Under MINHD housing assistance programs, participants are required to satisfy obligations such as administration fees, user fees, utilities, maintenance, etc. The applicant must demonstrate the ability to meet these requirements. Household income should be sufficient to cover utilities and other fees of the program(s) if applicable.
3. Exception to Maximum Income Limit. The family that was low-income at the times described in § 1000.147 but subsequently becomes a non-low-income family due to an increase in income may continue to participate in the housing assistance program in accordance with these policies. The 10 percent limitation for non-low families in 1000.147 paragraph (c) shall not apply to such families. Such families may be made subject to the additional requirements, and low-income families cannot receive the same benefits provided to low income Indian families. The amount of assistance for non-low-income families will be based on the most current HUD established income limits.
4. Income Verifications and Other Verification Documents. In order to determine that data upon which determination of eligibility, selection, preference, and any applicable program payments to be charged are accurate, such data must be

verified. Accurate verification records, consisting of but not limited to, the following are to be maintained:

A. A copy of the IRS form 1040 for each adult household member.

B. Letters or other statements from employers and other pertinent sources giving authoritative information concerning all amounts of income.

C. Copies of documents in the applicant's possession that substantiate his or her statements or a brief summary of the pertinent contents of such documents signed and dated by the staff who viewed them.

D. Certified statements or summary data from bank accounts, from self-employed persons and from persons whose earnings are irregular, such as salesmen, taxi drivers, etc., setting forth gross receipts, itemized expenses, and net income.

E. Memoranda of verification data obtained by personal interviews, telephone, or other means, with source, date reviewed and the person receiving the information clearly indicated.

5. Social Security Number Requirements. The applicant must furnish the MINHD with social security numbers and copies of social security cards for each family member or person listed on the application.

6. Restrictions on Assistance to Non-Citizens. The MINHD restricts housing assistance to U.S. Citizens and non-citizens who have eligible immigration status. The applicant must verify citizen or non-citizen eligibility in order to receive assistance.

7. Additional Criteria for Admission. The MINHD eligibility requirements include: proof of tribal affiliation, proof of date of birth, and satisfactory clearance of a criminal background check according to applicable programs and ordinances.

8. Dependents. All dependents listed on the application must be the lawful dependents of the applicant. Applicants must show proof of custody. In the case of joint custody, in order for a dependent child to be counted as a member of the applicant's household for eligibility purposes, the applicant must show proof that the applicant has primary physical placement of the child. Proof must be shown by one of the following:

A. An agreement between the parents bearing the notarized signatures of both parents, assigning primary placement of the child to the applicant; or

B. A certified copy of a court order, currently in effect, assigning primary physical placement of the child to the applicant.

Chapter 4

RECEIPT OF APPLICATIONS AND DETERMINATION OF ELIGIBILITY

1. Application. This Section outlines the basic steps to be followed in the application process and in obtaining and verifying information for the purpose of determining eligibility.

2. Application Process. The application is the basic record of each family/person applying for admission and/or services. Each applicant will be required to provide all information requested on the application and to sign all necessary forms, documents, and certifications. All information received and any statements made by the applicant are subject to verification. Applications shall be received at the MINHD office located at: PO Box 960 Amherst, VA 24521. All applications are to be fully completed and signed. Completed applications may be mailed or delivered in person. Immediately upon receipt of a completed application, the MINHD shall note the date/time on the application, initial the application, and:
 - A. Assign the next available number for the waiting list; and

 - B. Provide a copy of the application to the applicant with the date/time and number noted and a written notice to retain the application copy and update the application annually. (Applications received by mail will receive a mailed response copy by certified mail, return receipt requested.)

3. Once a numbered application is placed on the waiting list, it remains on the waiting list as a permanent record for internal control purposes only and an assigned number does not in any way represent a selection preference. An updated eligible application shall retain the original number. The failure to update an eligible application annually as required shall result in the application on file being declared ineligible. An application received from a previously ineligible applicant shall receive a new number if eligibility is established. Verification of all information that affects eligibility, family composition, selection, priority or preferences, annual income, unit size, determination of affordable payments or rent, and housing need is required. Each applicant and adult household member must sign a consent form for the release of information.

4. Applicant Responsibilities. The applicant is responsible for providing all of the necessary information and accurately completing the application. The applicant must certify that all information contained in the application is true and accurate to the best of his or her knowledge. The applicant is responsible for making corrections or updating the application on an annual basis. Failure to update an application for a period of thirteen months will result in the application being placed in the ineligible file and the removal of the family from the waiting list.

5. Application File. The MINHD shall maintain a file for each family completing an application. All information supplied by the applicant, verification of information, and all relevant correspondence with the applicant, shall be contained in the file. Files shall be held confidential and shall be placed in one of three categories.

- A. Eligible- This file contains those applications, which have met initial eligibility requirements and have been placed on the waiting list for MINHD programs. Complete applications will be placed on the waiting list by the assigned number.
- B. Ineligible- This file contains those applications, which have not met initial eligibility requirements and have been determined to be ineligible for MINHD programs. Applications that are not updated annually (within 13 months) will be determined to be ineligible and placed in this file.
- C. Incomplete/Pending- This file contains those applications, which have not been sufficiently completed or verified for a determination of eligibility to be made. Applicants submitting an incomplete application will be notified and given ten (10) business days to submit the missing information. If the information is not submitted in a timely manner, the application will be placed in the ineligible file, after notification of ineligibility.
- D. Eligibility Determination

1. Applicant determined eligible. Upon receipt of a completed application, the MINHD will make a determination of eligibility. An applicant determined to be eligible shall be promptly notified and placed on the MINHD housing assistance program waiting list.

2. An applicant may be determined to be ineligible to participate in a housing assistance program if the MIN administrator determines that an applicant's criminal record (including all family members whom are 18 and older) related to drug-related or violence related criminal activity which may endanger other residents. If an applicant or a member of the applicant's household listed on the application is registered under the U.S. Dept of Justice National Sex Offender Registry, the applicant will be determined ineligible.

3. Applicant determined ineligible. Upon receipt of a completed application, the MINHD will make a determination of eligibility. An applicant determined to be ineligible shall be promptly notified in writing. The notice shall state the reason(s) for the ineligibility and advise the applicant of his/her right to appeal. The appeal must be requested within 10 working days to the date of the notice. An appeal hearing to make a final determination of eligibility shall be scheduled at the earliest convenience of both parties. The applicant is given the opportunity to produce evidence, clarify information, and/or ask questions regarding eligibility.

- E. **Waiting List Administration.** The MINHD shall maintain a waiting list for each individual MINHD housing assistance program. The list shall be comprised of applicants who have been determined to be eligible. The eligible applicants will be placed on the waiting list by assigned number. Within each priority group, the applicants will be placed in chronological order, with the oldest application being first and the most recent application being last.
1. **Updating the Waiting List.** The waiting list shall be updated on a regular basis. It is the responsibility of the applicant to keep MINHD updated, in writing, at all times on how and where the applicant can be contacted in the event of being selected for a unit or for updating their application at least annually. Any applicant on the waiting list who wishes to be removed from the list must submit a written request to the MINHD. Otherwise, no eligible applicant may be removed from the waiting list except for failure to update in a timely manner or where fraudulent or materially incorrect information was provided by the applicant in seeking eligibility.
 2. **Suspending the taking of new applications.** The MINHD reserves the right to close the waiting list and suspend the taking of new applications at any given time. The MINHD may also set submission deadlines for inclusion in a particular housing assistance program.
 3. In the event an applicant is determined to be eligible and placed on the appropriate waiting list(s) and subsequently determined to be ineligible for any reason, the applicant will be removed from the waiting list and notified in writing of the reason(s) for ineligibility for MINHD housing programs.

Chapter 5

SELECTION PROCEDURE AND REQUIREMENTS

1. **General Provision (See 24 C.F.R. § 1000.120)** The MINHD shall select eligible applicants from the waiting list in accordance with the selection preferences (priority groups) outlined below and the applicant's respective eligibility dates.
2. **Members of the MIN who otherwise established a need and eligibility for housing assistance under these procedures shall be given priority over eligible members of other federally recognized Indian tribes who have established a need.** All MIN eligible applicants will be served first regardless of any other criteria stipulated in this policy.
3. **MINHD uses a preference point system to rank applications.** The position of any application on a Waiting List will depend upon the number of points that has been

assigned to that application, and other pending applications, as follows: (Note: Victims of documented domestic violence or applicants without housing or are about to be without housing shall have preference on waiting lists in extreme situations as determined by the MIN administrator.)

- Enrolled MIN member who is the Head of Household - 6 points
- Enrolled MIN member spouse of the Head of Household Member - 3 points
- Enrolled MIN members who are not the Head of Household or spouse (only up to 6 points shall be awarded per household) - 3 points
- Elderly person who is the Head of Household (62 years of age or older) - 4 points
- Member of the household who is an elderly person other than the Head of Household (62 years of age or older) - 2 points
- Veteran who is the Head of Household (not HUD-VASH) - 3 points
- Disabled family - 3 points
- Single parent (with one or more children in household) - 3 points
- Full-time college student - 3 points

Example: A two-person family with one enrolled MIN who is a veteran and an elder, and whose spouse is enrolled MIN and an elder, would receive 15 total points. MIN HOH (6) + Veteran (3) + Elder (3) Other MIN Household Member (3) = 15 points.

4. All eligible applicants shall be placed on the Waiting List according to their Selection Criteria Scores in descending order with the highest score being first on the list. If two or more applicants have the same score, placement on the waiting list shall be determined by the time and date on the application with the earlier time and date having preference.



Enacted on this day, 11 of Aug, 2020, in Amherst, Virginia.

Kenneth Branham 08-11-20
Chief Kenneth Branham Date