



MONACAN INDIAN NATION HOUSING DEPARTMENT
PO BOX 960 AMHERST, VA 24521
REHABILITATION ASSISTANCE PROGRAM (RAP)
POLICY & PROCEDURES

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Policy Statement

The Tribal Council of the Monacan Indian Nation (MIN) recognizes the need to establish procedures regarding the rehabilitation of both privately and Monacan Indian Nation owned homes that belong to tribal members who are unable to acquire assistance from other agencies. The MIN Housing Department (MINHD) will provide assistance, within approved budget amounts, for the rehabilitation of privately-owned homes that are owned by enrolled members of the Monacan Indian Nation through its MIN Housing Plan (MINHP).

Individuals and families who apply for assistance, funded by the MINHD, using Indian Housing Block Grant funds (IHBG), will have to meet eligibility standards established by the MINHD, along with other agencies or financial institutions that may be partners in these programs.

1. General Information.

- a. The MINHD, will provide assistance to pay for rehabilitation expenses, including building permits, and local licensing requirements, for homes that are owned by the Monacan Indian Citizens.
- b. Eligible low-income families may receive a grant up to \$10,000 or the amount defined in the most current MINHP for the rehabilitation of their home. *Essential families are eligible to receive rehabilitation assistance in accordance with 24CFR 1000.110.*
- c. Participation in the rehabilitation grant program is limited to low-income families as defined by in the MINHP. Participants will be required to provide documentation to verify the determination of low-income status as defined by NAHASDA.
- d. The Tribal Administrator and/or designated employee of MIN shall review and approve each rehabilitation grant application. Eligible low-income families must make their request for the RAP on an application form developed by the MINHD.
- e. This assistance is a forgivable loan/grant to the tribal member and is paid directly to the MINHD preapproved vendor, contractor or appropriate agency that requires specific types of fees for permits, fees, or licensing requirements to rehabilitate a house. The payment is only made after application has been approved and the tribal member has received a letter of approval from the Monacan Indian Nation. A copy of this letter must be furnished to the MINHD and is verified before payment is made.

- f. The MINHD shall determine the maximum dollar amount that may be spent on the rehabilitation of eligible homes as described in the Monacan Indian Nation Housing Plan (MINHP).

2. **Purpose.** This RAP (this "Policy") has been adopted by the Monacan Indian Tribal Council (the "Council") to provide guidelines for the RAP, which serves to increase the energy efficiency of dwellings owned or occupied by low-income families. This policy describes the type of work that is allowable and the steps that must be followed to request payment for the rehabilitation work. The homeowner that requests this assistance will not be allowed to use rehabilitation funds for luxury items, as determined by the MINHD. Each request will be considered on a case-by-case basis.

- a. Betterment is defined as: Any improvements made to the home or grounds that does not result in additional square footage.
- b. Additions are defined as: Any improvement made to the home that will result in additional square footage. Any request made by the homebuyer/homeowner to make additions or structural changes to the home shall be submitted to the MINHD in writing with a plan and drawing of the proposed change(s) for approval.
- c. Luxury items are defined as hot tubs, spas, pool, electronic equipment, household furniture or any item as determined by the MINHD.

3. **Approval Process.** The Monacan Indian Nation will require the homebuyer to submit the following documents.

- a. A written request to use the rehabilitation funds for betterment, replacement or additions to the unit.
- b. Proof of ownership of the structure to be rehabilitated.
- c. The MINHD shall determine who has approval or denial authority subject to the availability of funds.

4. **Allowable Uses**

- a. Rehabilitation of home to make accessible to persons with disabilities including bathroom(s), doorways, entrance ramps, etc.
- b. Repairs and/or replacement of items that have been identified in a home inspection. Damage items that that create a hazard to the life, health, or safety of the occupants or cause serious damage to the property, shall have priority over other requests.

- c. Improvements such as installation of carpet, upgrade of windows, cabinets, doors, lighting and plumbing fixtures, electrical, insulation, wood stoves, fencing, or other items as determined by the MINHD.
- d. Replacement of appliances such as kitchen stoves, refrigerators, water heaters, furnaces and other items as determined by the MINHD.
- e. Building additional bedrooms, living space, decks, or garages.
- f. Repairs shall be made in accordance with the MINHD prioritization schedule.

5. **Unallowable Uses.** Rehabilitation funds shall not be used for luxury items as determined by the MINHD, such as hot tub, spas, swimming pools, electronic equipment, or household furniture or any other item.

6. **Payment for materials, construction costs and/or contractor services.**

- a. The Monacan Indian Nation will make direct payment to the party performing the work or to the vendor where the purchase for material was made using the Monacan Indian Nation Purchase Order System. At no time will payments be made directly to the homeowner(buyer) for any material or contractor invoices.
- b. For the construction of additions or major improvements, payments shall be processed in accordance with the adopted MIN Finance Policy and/or contract documents.

7. **Inspections.**

- a. For construction of additions or structural changes, the MINHD will conduct an interim inspection, and upon completion of the project, a final inspection will be performed with the homebuyer or homeowner. A certification of completion will be signed by the homebuyer or homeowner along with the MINHD and the contractor prior to final payment being issued.
- b. All completed rehabilitation work must be inspected to assure that work completed meets any Housing Quality Standards established by the MINHD.
- c. All homes must be inspected prior to being rehabilitated to assure that the proper level of environmental review has been conducted in accordance with the National Environmental Policy Act (NEPA) and any other applicable statutes, regulations and Executive Orders.

- d. All homes must have been inspected for the existence of any lead-based paint prior to being rehabilitated in accordance with HUD regulations entitled Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazard in Federally Owned Residential Property and Housing Receiving Federal Assistance contained in 24CFR35.

8. **Eligibility Requirements.** An individual or family must first meet the following eligibility requirements to be eligible for a rehabilitation grant from the MINHD:.

- a. Be a low-income family as defined by NAHASDA, household members must have an annual income that does not exceed 80% of Median Family Income, with certain exclusions from income, as allowed by applicable law.
- b. Reside within the service area as defined in the MINHP. *(Note: The MINHP has the option to serve the following types of families. Non low-income Indian families are eligible to receive rehabilitation assistance in accordance with 24CFR 1000.110. Also, essential families may receive this type of assistance on a reservation or Indian area if the non-Indian family's housing needs cannot be reasonably met without such assistance and the Monacan Indian Nation determines that the presence of that family on the reservation or Indian area is essential to the well-being of Indian families.)*

9. **Ineligible Residences.** The following residences are ineligible for the Program.

- a. Owner-occupied residences that are being offered for sale.
- b. Renter-occupied residences that are being offered for sale, unless it can be demonstrated that the residence will continue to be occupied by eligible tenants, and rehabilitation work performed is not incorporated into the price.
- c. Homes that have previously received funds for rehabilitation from the MINHD , unless written justification for rehabilitation is documented as required in the "WAP Manual". A home may not be subject to rehabilitation with HUD funding unless the dwelling unit has been damaged by fire, flood, or act of nature and repair of the damage to the rehabilitation materials is not paid for by insurance, or unless the service is to provide eligible low-cost/no-cost rehabilitation materials.

d. Additional ineligible residences referenced and defined in the RAP are as follows:

1. the building structure is not safe or structurally sound;
2. the sewage system has failed and requires correction prior to installation of weatherization measures;
3. other sanitary factors are present that prohibit the timely and efficient installation of weatherization measures;
4. the property (house) has been condemned or slated for demolition
5. the presence of actionable levels of lead-based paint that cannot be mitigated by lead-safe weatherization; and
6. the presence of severe moisture problems that cause mold that cannot be corrected by installation of rehabilitation measures.
7. if the job costs would cause the agency to exceed the maximum average job cost or to exceed maximums established in local policy.
8. Under no circumstances shall rehabilitation funds be used on Newly Constructed (constructed within 12 months) housing. Newly constructed is defined as being constructed in the previous 12 months.

10. Resale Restriction

- a. Documents for the Rehabilitation Program shall include resale restrictions. The home must be held for five (5) years, following the completion of rehabilitation. If the owner sell or transfers title to the home within a timeframe of one year, the entire amount of the cost of rehabilitation of the home will be required to be paid back to the MINHD, other than any reason deemed as essential by the MINHD and resale restrictions do not apply. Any sell or transfer thereafter, until the five (5) year anniversary, will require a payback of the prorated amount of the loan, reducing loan amount by twenty five percent (20%) each remaining year. There will be a secured loan agreement between the homeowner and the MIN, which will be attached to the property until the loan is fully forgiven. In the event of the only surviving owner becoming deceased during the restricted period, the loan will be fully forgiven and will not transfer to surviving family members. The loan agreement will become null and void.

Year 1- 100% payback

Year 2 – 80% payback

Year 3 - 60% payback

Year 4 - 40% payback

Year 5 - 20% payback

Year 6 - 0%

11. Other Requirements

- a. As the MINHD rehabilitation program is a forgivable loan program, the homebuyer/homeowner shall be required to carry homeowner insurance coverage on the home during the term of the loan.
- b. The homebuyer/homeowner shall be responsible for having warranty work performed on any manufactured appliances or materials used in the rehabilitation of their home.
 - 1. The MINHD may establish additional warranty periods on workmanship and products used in rehabilitation activities.
 - 2. The MINHD may require the participants in any rehabilitation program to participant in counseling programs sponsored and paid for by the Monacan Indian Nation.
 - 3. All eligible applicants selected to participate in the MINHD RAP shall sign a Rehabilitation Program Agreement with the Monacan Indian Nation.

12. Workmanship. Weatherization work, whether conducted by the agency's own crews or by subcontracted personnel, must meet the standards of workmanship established by the program. Standard work practices are detailed in the VA-aligned SWS Field Guide and VA WAP Quality Work Plan as the primary source for protocols and technical definitions of the work that is required. Program standards and protocols in the Field Guides must be adhered to and may only be altered by subsequent revisions of the guide, or by Virginia DHCD Information Notices. Workmanship standards include the following four basic requirements: • use of qualified and trained personnel to conduct weatherization work; • use of generally accepted weatherization protocols, methods, techniques and tools; • installation of prescribed materials, parts and equipment; and • weatherization work conducted in a safe and healthy work environment.



Enacted, on this day, 15 of MAY, 2020, in Amherst, Virginia.

Kenneth Branham 5-15-20
Chief Kenneth Branham Date