

Housing Authority of the Seminole Nation of Oklahoma

HOMEOWNER ASSISTANCE FUND POLICY AND PROCEDURE

These policies and procedures were amended by the Housing Authority of the Seminole Nation of Oklahoma on April 21, 2022.

SECTION 1

GENERAL PROVISIONS

A. Introduction; Tribal Preference. The mission of the Housing Authority of the Seminole Nation of Oklahoma (“HASNOK”) is to provide decent, safe, sanitary and affordable housing to income-eligible Native Americans living or intending to live within its housing service area, as same may change from time to time. The Board of Commissioners (“BOC”) hereby enacts this Homeowner Assistance Program Policy (“Policy”) in order to set forth the policies and procedures applicable to the Homeowner Assistance Program (“Program”) of the HASNOK. Members/Citizens/Freedmen of the Seminole Nation of Oklahoma (“Nation”) will receive preferential consideration in the allocation of resources in compliance with the Homeowner Assistance Program Operating Policy and Procedure (“Policy”), and applicable law.

B. Purpose. This Policy is designed to serve as:

1. A guide regarding participant eligibility and selection and assistance standards;
2. A document to provide consistent, equitable and uniform treatment of applicants; and
3. A basis for decision-making by officers and employees of the HASNOK.

C. Compliance with Applicable Law. This Policy shall be implemented and may be conformed to comply with applicable provisions of section 3206 of the American Rescue Plan Act of 2021 (the ARP) and other applicable tribal, state, and federal laws. This Policy shall not be construed or applied to prevent the HASNOK from complying with the terms and conditions of any federal grant or contract, including any rules or regulations applicable to HUD-assisted programs.

D. Sovereign Immunity. The HASNOK specifically retains all governmental immunities associated with its sovereign status. The HASNOK’s subsidiaries, employees, officers, and agents shall share in its sovereign immunity from suit. The HASNOK does not waive its sovereign immunity in any respect and this Policy shall not be construed as such waiver.

E. Notice. The HASNOK shall post a copy of this Policy in the lobby of its headquarters.

SECTION 2

CONDITIONS OF ELIGIBILITY

A. Participant Eligibility Criteria. The following criteria shall govern eligibility for Program participation.

1. The Applicant must be a Native American member/citizen/Freedmen or a member of a Native American Family. A Native American is defined as any person recognized as being an Indian or Alaska Native by a Tribe, the Federal government, or any State. Native American status must be verified by a Tribal Enrollment Card.

2. The Applicant must be a homeowner.
 - a. A home is defined as any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more individuals.
3. The Applicant must attest that they financial hardship after January 21, 2020.
 - a. The attestation must describe the nature of the financial hardship (for example, job loss, reduction in income, or increased costs due to healthcare or the need to care for a family member).
 - b. Financial hardship means a material reduction in income or material increase in living expenses associated with the coronavirus pandemic that has created or increased a risk of mortgage delinquency, mortgage default, foreclosure, loss of utilities or home energy services, or displacement for a homeowner.
 - c. Mortgage means any credit transaction (1) that is secured by a mortgage, deed of trust, or other consensual security interest on a principal residence of a borrower that is (a) a one- to four-unit dwelling, or (b) a residential real property that includes a one- to four-unit dwelling; and (2) the unpaid principal balance of which was, at the time of origination, not more than the conforming loan limit. For purposes of this definition, the conforming loan limit means the applicable limitation governing the maximum original principal obligation of a mortgage secured by a single-family residence, a mortgage secured by a two-family residence, a mortgage secured by a three-family residence, or a mortgage secured by a four-family residence, as determined and adjusted annually under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2)) and section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)).
4. The Applicant's household income must be equal to or less than 150% of the area median income.
 - a. 150% of the area median income for a means three times the income limit for very low-income families, for the relevant household size, as published by HUD in accordance with 42 U.S.C. 1437a(b)(2) for purposes of the HAF.
 - b. HASNOK may determine income eligibility by using HUD's definition of "annual income" in 24 CFR 5.609 or use adjusted gross income as defined for purposes of reporting on Internal Revenue Service (IRS) Form 1040 series for individual federal annual income tax purposes.
 - i. HASNOK shall use the Definition most advantageous to the applicant. When a Definition allows for excessive mileage, excessive mileage shall mean over 20 miles, traveled one way, for employment or educational related purposes. Excessive travel expenses shall not

exceed twenty-five dollars (\$25) per family per week, for employment or educational related travel.

- ii. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or in indemnity compensation shall be excluded as income from any household annual income calculation.
- c. Applicant must provide written attestation as to household income together with supporting documentation such as paystubs, W-2s or other wage statements, IRS Form 1099s, tax filings, depository institution statements demonstrating regular income, or an attestation from an employer.
- i. Income source documentation must be submitted for at least the two months prior to submission of the application for assistance.
 - ii. Upon approval by the Executive Director, HASNOK may provide a waiver or exception to the documentation requirement as reasonably necessary to accommodate extenuating circumstances, such as disabilities, practical challenges related to the pandemic, or a lack of technological access by homeowners; in these cases, HASNOK must still make the required determination regarding household income and documenting that determination.
5. The assistance must be for Applicant's primary residence and Applicant must produce documents, including but not limited to a deed filed in the county where the primary residence is located, current utility bills, tax records, etc., proving that the residence is Applicant's primary residence.
6. The applicant must be ready, willing, and able to meet all obligations of participation in the Program.

SECTION 3

APPLICATION PROCEDURES

A. Application Requirement. The application is the basic record of each family applying for admission to the Program. Each applicant is required to provide any and all information requested and to sign the application and all supporting documents. All information and statements made by the applicant are subject to verification. **Providing false statements or making any materially false, fictitious, or fraudulent statement or representation, or making or using any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation renders the applicant ineligible and may subject the applicant to criminal and/or civil sanctions.**

B. Application Procedure.

1. Applications are accepted by the Homeowners Assistance Fund Manager. Each application shall reflect the date and time received and shall bear the initial of the employee who accepted the application.
2. All adult household members must sign the application and an authorization for release of information, which is required for third party verification.
3. In the event it is determined that an applicant has an immediate family tie to any HASNOK employee, Commissioner or elected tribal official, the HASNOK will publish a "Public Disclosure" in accordance with its Conflict-of-Interest Policy.
4. The application and all information relating to the family's eligibility shall be maintained in a file, along with all relevant correspondence. Files will be placed in one of three categories, as follows:
 - a. **"Eligible"** - Applicant has met initial eligibility requirements and has been placed on the waiting list for the program.
 - b. **"Ineligible"** - Applicant has not met initial eligibility requirements and/or has been determined to be ineligible for the program; or
 - c. **"Inactive"**– Applicant has not updated the application within thirty (30) days of notification.
5. If during the application intake and screening process, it is determined that the applicant is ineligible for program participation, the applicant will be informed of such determination, and the application classified as ineligible. In such instances, sufficient information and findings pertaining to the denial of services will be documented for the file. A certified letter with return receipt requested will be mailed to the applicant within thirty (30) days of the date of denial. The notice shall specify the grounds for the denial of service and advise the applicant of his/her right to appeal the decision pursuant to the Grievance Policy and Procedure of the HASNOK.
6. All entries will be made in ink or typed. Corrections or changes will be made by striking through the original entry and entering the correct information. Such changes are to be dated and initialed by the person recording the change, with all changes and explanations noted in the record.
7. Upon request, a disabled person may receive assistance from the HASNOK or a representative of his/her choice in completing the application.
8. All incoming applications must be added into software system.

C. Verification and Documentation of Application Information. Information submitted by each Applicant shall be verified to assure that the information is true and correct. Complete and

accurate verification records will be maintained. Each applicant shall provide the following documents to substantiate his or her Indian status, identity, income and other conditions of eligibility. At a minimum, a complete application includes:

1. Application and Attestation completed with all required information.
2. Copy of Social Security cards for all household members.
3. Copy of Tribal Membership Card for head of household, if applicable.
4. Copy of deed or proof of homeownership.
5. Copy of current mortgage statement.
6. Household income verification documentation.
7. Copy of current utility bills.
 - a. Bills must be in Applicant's name or in the name of the spouse of the Applicant.
8. Documentation proving that that the assistance is for Applicant's primary residence, which may include but is not limited to a deed filed in the county where the primary residence is located, current utility bills, tax records, etc.; and
9. Documentation demonstrating that the Applicant's household has experienced a reduction in income, incurred significant costs, or experienced other financial hardship after January 21, 2020.

SECTION 4

SELECTION OF PARTICIPANTS

- A. Prioritization of Applications. Applications will be prioritized as follows:
 1. Homeowners who have Federal Housing Administration (FHA), Department of Veterans Affairs (VA), or U.S. Department of Agriculture (USDA) mortgages and homeowners who have mortgages made with the proceeds of mortgage revenue bonds or other mortgage programs that target low- and moderate-income borrowers will receive first priority.
 2. Applications will then be further prioritized in the following order:

- a. Households with at least one Seminole Nation members whose household income is equal to or less than 50% of the area median income or equal to or less than 50% of the median income of the United States, whichever is greater.
 - i. 50% of the area median income for a household means the income limit for very low-income families, for the relevant household size, as published by the Department of Housing and Urban Development (HUD) in accordance with 42 U.S.C. 1437a(b)(2) for purposes of the HAF.
 - ii. 50% of the median income for the United States means half the median income of the United States, as published by HUD for purposes of the HAF.
- b. Households with at least one Seminole Nation members whose household income is between 51% and 100% of the area median income or between 51% and 100% of the median income of the United States, whichever is greater.
 - i. 100% of the area median income for a household means two times the income limit for very low-income families, for the relevant household size, as published by the Department of Housing and Urban Development (HUD) in accordance with 42 U.S.C. 1437a(b)(2) for purposes of the HAF.
 - ii. 100% of the median income for the United States means the median income of the United States, as published by HUD for purposes of the HAF.
- c. Households with at least one Seminole Nation members whose household income is between 101% and 150% of the area median income or between 101% and 150% of the median income of the United States, whichever is greater.
- d. Households with at least one Seminole Nation Freedmen whose household income is equal to or less than 150% of the area median income or equal to or less than 150% of the area median income of the United States, whichever is greater.
- e. Households with at least one other tribal members/citizens/Freedmen, provided that the Applicant or household member must possess a valid Tribal

Enrollment Card, whose household income is equal to or less than 150% of the area median income or equal to or less than 150% of the area median income of the United States, whichever is greater.

- i. The term “other tribal members/citizens/Freedmen” refers to members/citizens/Freedmen of a federally recognized tribe other than the Seminole Nation of Oklahoma.

B. HASNOK, in its sole decision, can adjust the order in which Applicants are served to ensure that not less than 60% of the funding made available to HASNOK is used from homeowners having incomes equal to or less than 100% of the area median income or equal to or less than 100% of the median income for the United States, whichever is greater.

C. Notification of Selected Applicants. The Nation shall notify applicants who are selected for Program participation in writing.

SECTION 5

ASSISTANCE

- A. Program Goal. The primary goal of this program is to reduce mortgage delinquency. As such, assistance that directly reduces mortgage delinquency will be provided before other assistance.
- B. Assistance Cap. The total amount of assistance available to each household shall be capped at \$15,000.00. All assistance is subject to available funds.
- C. Eligible Assistance. Assistance may be applied for the following types of qualified expenses that are for the purposes of preventing homeowner mortgage delinquencies, homeowner mortgage defaults, homeowner mortgage foreclosures, homeowner loss of utilities, and displacements of homeowners experiencing financial hardship:
 1. Mortgage payment assistance up to \$1,200.00 per month. This payment will include property taxes and insurance if included in the payment amount (escrow).
 - a. Assistance will not be applied to delinquent accounts for the period prior to January 21, 2020.
 2. Financial assistance to allow Applicant to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default up to \$3,600.00.
 - a. Assistance will not be applied to delinquent accounts for the period prior to January 21, 2020.

3. Payment assistance for homeowner's utilities, including electric, natural gas/propane, and water.
 - a. Water up to \$200.00 per month, natural gas/propane up to \$200.00 per month, and electric up to \$400.00 per month.
 4. Payment assistance for homeowner's insurance and flood insurance up to \$2,000.00 annually or annual premium, whichever is less.
 5. Payment assistance for delinquent property taxes to prevent homeowner tax foreclosures up to the amount the property tax statement indicates.
 6. Measures to prevent homeowner displacement, such as home/property repairs to maintain the habitability of a home within the State of Oklahoma only or assistance to enable households to receive clear title to their properties up to \$15,000.00.
- D. To the extent possible, assistance provided to an eligible household should not be duplicative of any other federally funded assistance provided to such household. Applicants will be required to show proof that they have applied for other federal programs that have been created expressly for the purpose of the assistance being sought and that Applicant was either denied assistance or that the assistance provided does not cover Applicant's need before assistance under this program will be provided.
- E. Funds will be paid directly to mortgage servicers, utility service providers, assessors, financial institutions, insurance companies, contractors, and other similar entities.
1. HASNOK shall make reasonable efforts to obtain the cooperation of the aforementioned entities to accept payments from the program. Outreach will be considered complete if a request for participation is sent in writing, by certified mail, to the entity, and the addressee does not respond to the request within 21 calendar days after mailing; or, if HASNOK has made at least three attempts by phone or email over a 21 calendar-day period to request the entity's participation. All efforts must be documented. The cost of the mailing would be an eligible administrative cost. If the entity declines participations, upon approval of the Executive Director, funds may be paid directly to eligible household.
 2. HASNOK shall provide documentation to the household for any payment made to an entity on the eligible household's behalf.
- F. HASNOK shall determine, in its sole discretion how to allocate the funds of this program.

- G. Data assembled in connection with this program shall be maintained for a period of five years after all funds have been expended or returned.

SECTION 6

MISCELLANEOUS PROVISIONS

A. Confidentiality. All information obtained by the HASNOK in order to establish suitability for program participation shall be kept strictly confidential. Additional disclosures of the information may occur during program reviews or audits, investigations by authorized law enforcement personnel or as necessary to comply with any reporting requirements of the Nation or its funding agencies.

B. Limitation of Liability; Indemnification. The HASNOK and/or the Nation shall not be liable to the Participant or any of the Participant's household members, visitors, or patrons for any damage to person or property caused by any action, omission, or negligence of the Participant or any other Participant. Further, the Participant(s) agree to hold the HASNOK and the Nation harmless from any claim, obligation, liability, loss, damage or expense, including without limitation attorney's fees and court costs, arising from any condition or natural feature -- known or unknown -- affecting the premises or resulting from Participant's participation in this program.

C. Appeals. Participants may appeal a denial of service or any other qualifying decision or action relating to implementation of this Policy pursuant to the Grievance Policy and Procedure of the HASNOK.

D. Sovereign Immunity. HASNOK specifically retains its sovereign immunity and nothing contained within this policy shall be considered a waiver of HASNOK's sovereign immunity.