

Housing Authority of the Seminole Nation of Oklahoma

EMERGENCY RENTAL ASSISTANCE POLICY AND PROCEDURE

These policies and procedures were amended by the Housing Authority of the Seminole Nation of Oklahoma on June 17, 2021.

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 Emergency Rental Assistance Program Policy (“Policy”) in order to set forth the policies and procedures applicable to the Emergency Rental 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 Emergency Rental 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 501 (a) of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260 (Dec. 27, 2020), 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 household of one or more individuals who are obligated to pay rent on a residential dwelling and HASNOK determines that either:
 - a. One or more individuals within the household has:
 - i. Qualified for unemployment benefits; OR
 - ii. Experienced a reduction in household income, incurred significant costs, or experienced other financial hardship due, directly or indirectly, to the COVID-19 outbreak, which the applicant shall attest in writing; OR
 - b. One or more individuals within the household can demonstrate a risk of experiencing homelessness or housing instability, which may include:
 - i. A past due utility or rent notice or eviction notice; OR
 - ii. Unsafe or unhealthy living conditions; OR
 - iii. Any other evidence of such risk, as determined by HASNOK.
3. The Applicant's household income must be at or below 80% of the area median.
 - a. Area Median – with respect to a household, the median income for the area in which the household is located, as determined by the Secretary of Housing and Urban Development.
 - b. HASNOK may determine income eligibility by reference to either:
 - i. household total income for calendar year 2020 or
 - ii. sufficient confirmation of the household's monthly income at the time of application, as determined by the Secretary of the Treasury (Secretary).
 1. Income source documentation must be submitted for at least the two months prior to submission of the application for assistance.
 2. Household income must be re-determined every three months for the duration of assistance.
4. The assistance must be for applicant's primary residence and applicant must produce documents, including but not limited to a lease, a deed, utility bills, tax records, etc., proving that the residence is applicant's primary residence.
5. The applicant must be ready, willing, and able to meet all obligations of participation in the Program.

B. Computation of Income. The Applicant's annual income shall be computed by choosing one of the following definitions of annual income:

1. The Part 5 Definition (as same may change from time to time), which is defined in 24 CFR 5.609 and is incorporated by reference; or
2. The adjusted gross income as defined for purposes of reporting under Internal Revenue Service (IRS) Form 1040 series for individual annual income tax purposes.

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.

D. Income Exclusions. 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.

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.** Incomplete applications will not be accepted.

B. Application Procedure.

1. Applications are accepted by the Intake Clerk. Each application shall reflect the date and time received and shall bear the initial of the employee who accepted the application.
2. An application may be submitted by either an eligible household or by a landlord on behalf of household. All adult household members must sign the application and an authorization for release of information, which is required for third party verification. All HASNOK participants must submit an application.
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 and to the ERAP Spreadsheet (attached) for tracking.

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 page(s) is 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 Landlord Form;

5. Income Verification Documentation; AND
 - a. Income may be determined by:
 - i. The household's total income for calendar year 2020; **OR**
 - ii. The household's monthly income at the time of application of assistance.
 1. Income eligibility must be re-determined every three months.
6. Copy of utility bill.
 - a. Bill must be in Applicant's for Applicant's spouse's name.
7. Documentation proving that that the assistance is for applicant's primary residence, which may include but is not limited to a lease, a deed, utility bills, tax records, etc..
8. Documentation demonstrating that the applicant's household has experienced a reduction in income, incurred significant costs, or experienced other financial hardship due to the COVID-19 outbreak.

SECTION 4

SELECTION OF PARTICIPANTS

- A. Prioritization of Applications. Applications will be prioritized as follows:
 1. Applications shall be prioritized for eligible households who satisfy any of the following conditions:
 - a. Very Low-income applicants will have priority over Low-income applicants. Very Low-income is when the income of the household does not exceed 50 percent of the area median income for the household; or
 - b. One or more individuals within the household are unemployed as of the date of the application for assistance and have not been employed for the 90-day period preceding such date; or
 - c. One or more individuals within the household were unable to reach their place of employment or their place of employment was closed because of a public health order imposed as a direct result of the COVID-19 public health emergency.

- d. Applicants that meet any of these three conditions will be served before applications that do not meet any of these three conditions.
2. Applications will then be further prioritized in the following order:
- a. Households with at least one Seminole Nation members whose household income is under 30 percent of the annual median income.
 - b. Households with at least one Seminole Nation members whose household income is 31-50 percent of the annual median income.
 - c. Households with at least one Seminole Nation members whose household income is 51-80 percent of the annual median income.
 - d. Households with at least one Seminole Nation Freedmen;
 - 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. The term “other tribal members/citizens/Freedmen” refers to a members/citizens/Freedmen of a federally recognized tribe other than the Seminole Nation of Oklahoma.

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

SECTION 5

ASSISTANCE

- A. Eligible Assistance. Assistance may be applied for the following:
- 2. Current and Prospective Rent Payments up to \$600 per month
 - a. No commitments for prospective rent payments will be made until rental arrears are paid; and
 - b. HASNOK will only commit to providing assistance for up to three months at a time.
 - i. Households may reapply for additional assistance at the end of the three-month period if needed;

- ii. An additional three months (up to a total of 12 months of assistance) may be provided if HASNOK determines the extra months are necessary to ensure housing stability for a household; and
 - iii. Additional assistance is subject to available funds.
- 3. Rent Arrears
 - a. Past due rent that accrued since March 13, 2020; and
 - b. Assistance will not be applied to delinquent accounts for the period prior to March 13, 2020.
- 4. Rent Deposits
 - a. Rent deposits up to \$600 per residence;
 - b. Assistance is only available one time for each resident; and
 - c. Rent deposits will not be paid for deposits that were due prior to March 13, 2020.
- 5. Current and Prospective Utility Payments
 - a. Water up to \$75 per month, natural gas up to \$75 per month, electric up to \$150 per month, trash removal up to \$25 per month, and energy costs, such as propane, up to \$75 per month;
 - b. No commitments for prospective utility payments will be made until utility arrears are paid;
 - c. HASNOK will only commit to providing assistance for up to three months at a time;
 - i. Households may reapply for additional assistance at the end of the three-month period if needed;
 - ii. An additional three months (up to a total of 12 months of assistance) may be provided if HASNOK determines the extra months are necessary to ensure housing stability for a household; and

iii. Additional assistance is subject to available funds.

6. Utility Arrears

- a. Water, gas, electric, trash removal, and energy costs, such as propane; and
- b. Assistance will not be applied to delinquent accounts for the period prior to March 13, 2020.

7. Utility Deposits

- a. Water deposits up to \$100 per residence, natural gas deposits up to \$100 per residence, electric deposits up to \$300 per residence, and energy costs deposits, such as propane, up to \$100 per residence; and
- b. Assistance is only available one time for each resident; and
- c. Utility deposits will not be paid for deposits that were due prior to March 13, 2020.

8. Other expenses related to housing incurred due directly or indirectly to COVID-19.

B. Ineligible Requests. Funds may not be applied for:

1. Deposits (rent or utility);
2. Tenant damages (charges applied to tenant accounts for tenant caused damages);
3. Telecommunication services (telephone, cable, Internet); and
4. To the extent possible, rental assistance provided to an eligible household should not be duplicative of any other federally funded rental assistance provided to such household.

C. Funds will be paid directly to landlords and utility service providers.

1. HASNOK shall make reasonable efforts to obtain the cooperation of landlords and utility providers 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 landlord or utility provider, and the addressee does not respond to the

request within 21 calendar days after mailing; or, if the grantee has made at least three attempts by phone or email over a 21 calendar-day period to request the landlord or utility provider's participation. All efforts must be documented. The cost of the mailing would be an eligible administrative cost. If landlord 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 landlord or utility provider on the eligible household's behalf.
- D. HASNOK shall determine, in its sole discretion how to allocate the funds of this program.
 - E. 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.

