

POARCH BAND OF CREEK INDIANS
EMERGENCY REHABILITATION PROGRAM
FOR ELDERLY AND DISABLED PERSONS

POLICIES AND PROCEDURES

I. General Policy Statement

The Poarch Band of Creek Indians Housing Department recognizes the need to establish Policies and Procedures for the Emergency Rehabilitation Program for Elderly and Disabled Persons (hereinafter "Emergency Rehabilitation Program").

II. Purpose

This Policy describes who is eligible, what type of rehabilitation is allowable, and what steps must be followed by Tribal Members to request financial assistance. Financial assistance provided may be in the form of a grant. Each request for services will be considered on a case by case basis.

III. General Information

Emergency rehabilitation program funds are grant funds administered by the Housing Department in accordance with the Native American Housing Assistance and Self-Determination Act (NAHASDA) and in coordination with the Department of Housing and Urban Development (HUD). The Housing Department also uses non-federal funding, as available, to assist with emergency rehabilitation services.

IV. Definitions

- a. "Applicant" shall mean the Tribal Member applying for the services. If the Applicant is married, both spouses must sign the application. If both are Tribal Members, one spouse shall be designated as the Applicant for purposes of these services.
- b. "Elderly Person" shall mean a person who is at least 62 years of age, as set forth in Section 4 of the Native American Housing Assistance and Self Determination Act of 1996, as amended ("NAHASDA").

- c. "Emergency" means a condition that represents an existing threat to health and/or safety of the resident.
- d. "Homeowner" shall mean the person(s) who holds title to the property in need of rehabilitation.
- e. "Housing Department" means the Poarch Band of Creek Indians Housing Department.
- f. "Participant" shall mean the Tribal Member who was selected for and continues to have obligations under the terms of the Emergency Rehabilitation Program.
- h. "Persons with Disabilities" or "Disabled Person" shall have the same meaning as set forth in Section 4 of the Native American Housing Assistance and Self Determination Act of 1996, as amended ("NAHASDA"), specifically, 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 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 person who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquires immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for housing assisted hereunder, solely on the basis of any drug or alcohol dependence.
- i. "Tribe" shall mean the Poarch Band of Creek Indians.
- j. "Tribal Member" shall mean an enrolled member of the Poarch Band of Creek Indians.

- k. "Tribal Senior" shall be 55 years or older.

V. Specific Policies

- a. Eligible Tribal Members must submit a request for emergency rehabilitation services using the Program Application (attached hereto as "Exhibit A"). All applications will be reviewed by the Housing Department staff prior to approval/disapproval by the Housing Director. The Housing Director shall have the final approval authority for any rehabilitation.
- b. *Amount of Emergency Rehabilitation Services:* The Housing Director shall have the authority to grant approval for rehabilitation services not to exceed a total of Ten Thousand Dollars (\$10,000.00) to correct the existing threat to health and safety. Subject to the financial limit imposed herein, the Housing Department staff will be responsible for taking such corrective action as may be necessary, either by using Housing Department staff or by contracting for the corrective action in accordance with established procedures.
- c. *Payback:* These funds will be in the form of a grant with no payback required.
- d. Approval of rehabilitation projects are subject to the availability of funds.
- e. The Housing Department will prioritize rehabilitation projects that are allowable in accordance with the point system set forth in Exhibit "B" (attached hereto and made a part hereof).

VI. Eligibility Requirements

- a. All Applicants must meet the following requirements:
 - 1. Must be a Tribal Member;
 - 2. Must meet the definition of Tribal Senior, Elderly Person, or Person with Disabilities, or have a dependent living in the household who meets the definition of Person with Disabilities;
 - 3. Must own or have a long-term (at least 5 years) lease on the home, or if a manufactured home is being rehabilitated, a copy of the title or other proof of ownership or a long term lease;
 - 4. Must not have participated in the Emergency Rehabilitation Program within the last five (5) years preceding the application, unless the Applicant received less than \$10,000 in services during his/her previous involvement, in which case the Applicant is eligible for an amount to be determined by subtracting the cost of the previous services from

\$10,000; and

5. Must not have any delinquent accounts with the Tribe, its departments, authorities, commissions, or other entities.
- b. Additionally, to qualify for Federal funding, the Applicant must meet both of the following criteria:
1. Must meet federal income guidelines as set forth in NAHSADA; and
 2. Applicant must live within the service area to qualify for federal funding.
- c. The home where the emergency repairs will be performed must not have received prior Emergency Rehabilitation Program funding within the last five (5) years, subject to provision of VI, (a) (4) above.
- d. *Participation in Other Programs:* Participation in any other Housing Department program shall not make the Applicant ineligible to participate.

VII. Documentation Required

Applicant must provide sufficient documents with the application ("Exhibit A") to the Housing Department along with the following documentation:

- a. A copy of the deed to the home or, if a manufactured home is being rehabilitated, a copy of the title or other proof of ownership; or a copy of a Long-Term Lease if the Tribal Member does not own the home or manufactured home.
- b. Proof of Applicant's disability if the Applicant is claiming that he or she meets the definition of a Person with Disabilities or proof of the dependent's disability if the Applicant is claiming to have a dependent who meets the definition of a Person with Disabilities.
- c. A copy of Tribal I.D. cards for every Tribal Member living in the home.
- d. A copy of Social Security cards for everyone living in the home.
- e. Utility bills or other documentation evidencing that Applicant maintains the home where repairs will be provided as Applicant's primary residence.

Additional documentation may be requested to establish eligibility and/or points or to determine if the rehabilitation services requested are allowable.

VIII. Allowable Uses

- a. Assistance for routine maintenance is not allowable.
- b. Repairs must be necessary as a result of an Emergency, unless otherwise specified in subsection VIII(c) below. If the repair is not for an Emergency or allowable use within this Section, the Applicant should apply for the Rehabilitation or Renovation Loan programs.
- c. The following are allowable rehabilitation services:
 1. Repairs and/or replacement of items that have been identified as presenting (i) an immediate danger to the life, health, or safety of the Applicant or Applicant's household, or (ii) the possible cause of imminent serious damage to the property. These repairs shall have priority over other requests.
 2. Rehabilitation of an Applicant's home to make it accessible to Persons with Disabilities living in the Applicant's household, which may include, but is not limited to, bathrooms, doorways, entrance ramps, etc.

IX. Rehabilitation Services in the Service Area

- a. If the Applicant is eligible for services and the home is within the Tribe's service area, then the Housing Department staff shall inspect the home in order to establish whether an emergency condition or situation exists. The Housing Director shall have the authority to determine whether an emergency condition or situation exists that is an existing threat to the health and safety of the Applicant such that immediate corrective action is necessary to avoid injury or impairment of the health of the Applicant. If so determined, the required corrective action shall be given priority over all other rehabilitation services that may be pending.
- b. The Housing Department staff shall be responsible for selecting a contractor to perform the rehabilitation services, monitoring and inspecting the work performed by the contractor, and paying the contractor for the services rendered.

X. Rehabilitation Services Outside the Service Area

- a. If the Applicant is eligible for services and the home is outside the Tribe's service area, then the Applicant shall be responsible for having an

inspection performed on the home in order to establish whether an emergency condition or situation exists. If an inspector cannot be engaged after reasonable efforts, the Applicant shall coordinate with the Housing staff regarding an alternative process. The Housing Director shall have the authority to determine whether an emergency condition or situation exists that is an existing threat to the health and safety of the Applicant such that immediate corrective action is necessary to avoid injury or impairment of the health of the Applicant. If so determined, the required corrective action shall be given priority over all other rehabilitation services that may be pending.

- b. The Participant shall be responsible for selecting a contractor to perform the rehabilitation service.
- c. Payment for Contractor Services:
 1. The Poarch Band of Creek Indians Accounting Department will make payment to the contractor performing the work and the Participant via a two-party check. At no time will payments be made only to the Participant for any material or contractor invoices. There will be no exceptions to this rule unless prior arrangements have been made with the Housing Director.
 2. An inspection must be performed and a copy of the inspection report must be sent to the Housing Department prior to any payment being issued. Final payment will not be issued until all of the work has been completed to the satisfaction of the inspector. If an inspector cannot be engaged after reasonable efforts, the Applicant shall coordinate with the Housing staff regarding an alternative process. This alternative process shall include, but not be limited to, the requirement for a contractor licensed in the area of services to be performed to submit: a written report of the repairs needed along with photographs of the damaged area, invoices detailing the work performed, and a written affidavit of completion with photographs of the completed repairs.
 3. The pre-inspection and post-inspection required under this Policy may be paid as part of this Program; provided, however, that payment of the inspections shall not cause the Participant to exceed the Ten Thousand Dollar (\$10,000) Program limit. All payments will be made in the form of two-party checks.

XI. Implementation of Program Policy

The Housing Director and Staff are tasked with the requirement to implement the Emergency Rehabilitation Program by promoting it, developing any other necessary forms, and developing a point system that would lead to the creation of a list of Applicants that is to be prioritized and maintained. Any allegation of a violation of this Policy should be directed to the Tribal Grievance Board. Any other adverse decision, or any instance/decision in which the Housing Department Director has a conflict of interest, should be directed to the Tribal Member Services Division Director.

These policies and procedures are adopted by the Poarch Band of Creek Indians Housing Department on this the 18 day of August, 2015. These Policies and Procedures will apply to any applications approved after the date of adoption.


Susan M. Wicker, Housing Director
Poarch Band of Creek Indians

Exhibit A
Application

Exhibit B

Point System Used to Determine Priorities

Factor	Ranking factor and definition	Ranking description	Point description
1	Annual Household Income: Must include income of all persons counted in Factor 2, 3, 4. Income includes earned income, royalties and one-time income.	Income/125% FPG* (% of 125%FPG*)	Points (maximum=40):
		0-25	40
		26-50	30
		51-75	20
		76-100	10
		101-125	0
2	Aged Persons: For the benefit of persons age 55 or older, and Must be living in the dwelling.	Years of age:	Points
		Less than 55	0
		55 and older	1 point per year of age over 54
3	Disabled Individual: Any one (1) person living in the dwelling, (The percentage of disability must be based on the average (mean) of the percentage of disabilities identified from two sources (A+B) of statements of conditions which may include a physician's certification, Social Security or Veterans Affairs determination, or similar determination).	% of Disability - (A% + B%/2):	Points (Maximum=20):
		100% or	20
		Less than 100 %	10
4	Dependent Children: Must be under the age of 18 or such other age established for purpose of parental support by tribal or state law (if any). Must live in the dwelling and not be married.	Dependent Child – (Number of Children):	Points (Maximum =5):
		1	0
		2	1
		3	2
		4	3
		5	4
		6 or more	5

*FPG means Federal Poverty Guidelines