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YAKAMA NATION HOUSING AUTHORITY

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**CHÁYANIN WAPÍTA  
– PAHTO VILLAGE –**

A Supportive Services Housing Program

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**ELIGIBILITY, ADMISSIONS  
AND OCCUPANCY POLICIES**

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**Yakama Nation Housing Authority**

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# YAKAMA NATION HOUSING AUTHORITY CHÁYANIN WAPÍITA – PAHTO VILLAGE ELIGIBILITY, ADMISSIONS AND OCCUPANCY POLICIES

## Chapter 1 PURPOSE AND SCOPE

**100.1 Purpose.** The Cháyánin Wapíita Program (“Program”) provides a two-year supportive service housing program to homeless or chronically homeless individuals or families, and/or other qualified persons. Pahto Village is not an assisted living facility or a medical care facility, and tenants must be able to live independently. The Program combines safe, affordable housing with services that help people to live more stable, productive lives.

These Cháyánin Wapíita Eligibility and Occupancy Policies (“Policies”) have been adopted by the Yakama Nation Housing Authority (“YNHA”) Board of Commissioners (“Board”), to provide direction for the staff of the Program to follow in administering housing and supportive services within the Program. This includes determining eligibility, selecting from among eligible applicants, admitting applicants, and applying and enforcing standards for continued occupancy, coordinating resources for case management, and supportive employment, and enforcing standards of conduct for participation.

**100.2 Scope.** These Policies apply to the Cháyánin Wapíita Program and will be applied in conjunction with the YNHA Eligibility, Admissions and Occupancy Policies. To the extent that these Policies may be inconsistent with the YNHA Eligibility, Admissions and Occupancy Policies, these Policies will govern the administration of the Cháyánin Wapíita Program.

## Chapter 2 AUTHORITY, ADMINISTRATION & APPLICABLE LAWS

**200.1 Authority.** The Board has the authority to adopt these Policies under Resolution T-94-77 (June 21, 1977), as amended, and is responsible to ensure that any policies are appropriate for YNHA. These Policies and any amendments to these Policies shall be effective only upon adoption by Resolution of the Board.

**200.2 Delegation of Authority:** The Board delegates the responsibility for the administration and monitoring of these Policies to the YNHA Executive Director. The Executive Director may delegate one or more of his or her duties to a YNHA staff member who is competent to perform those duties, such as to the YNHA Housing Manager and/or the

Resident Manager of the Cháyanin Wapíita Program, provided the delegation is in writing.

- 200.3 Implementation:** The YNHA Executive Director will ensure that any procedures or forms that are developed to implement these Policies conform to these Policies. Work performed under these Policies shall be at all times in the best interests of the YNHA and in accord with other applicable YNHA policies and applicable laws. Personnel using these Policies are responsible for being familiar with their content, as well as the content of any other applicable YNHA policies.
- 200.4 Applicable Laws:** These Policies shall comply with all applicable tribal and federal laws including the Revised Code of the Confederated Tribes and Bands of the Yakama Nation (“RYC”), as amended, and as applicable, the Native American Housing and Self-Determination Act of 1996 (Pub. Law 104-330) as amended (“NAHASDA”), Section 504 of the Rehabilitation Act of 1973 (Pub. Law 93-112), as amended, and applicable regulations of the United States Department of Housing and Urban Development (“HUD”). The Executive Director or his designee(s) will regularly review these Policies and recommend amendments as necessary to comply with applicable laws, or for other purposes.
- 200.5 Sovereign Immunity:** YNHA hereby expressly affirms its tribal sovereign immunity to suit in any jurisdiction or tribunal and does not waive, alter or otherwise diminish that sovereign immunity by adopting or implementing these Policies or any standard, document or law referenced herein. To the extent any provision of these Policies or any referenced standard, document or law is inconsistent with the sovereign immunity of the YNHA or the Yakama Nation, such provision is not adopted by these Policies and is declared void, unenforceable and severable from the remainder of these Policies.
- 200.6 Non-Discrimination Policy:** YNHA does not discriminate against persons on the basis of disability in the admission or access to its federally-assisted programs or activities. YNHA provides reasonable accommodations to qualified persons with disabilities as required by applicable law. YNHA will provide a reasonable accommodation to a person with a disability who requires an accessible feature or policy modification to accommodate his or her disability unless doing so would result in a fundamental alteration to the nature of the program or an undue financial and administrative burden. It will not always be possible to provide the exact modification requested, but YNHA will work with the tenant to determine and provide a reasonable accommodation.
- 200.7 Prior Policies:** These Policies supersede all prior policies and communications on each covered subject. These Policies are a tool to assist the YNHA personnel, and do not create a contract or promise of specific treatment in specific situations. The Board may change, cancel or interpret any YNHA policies at its sole discretion and without prior notice.

**200.8 Other Policies:** Other YNHA policies may apply and should be consulted and implemented in concert with these Policies.

### Chapter 3 DEFINITIONS

**300.1 Annual Income and Adjusted Income** have the same meanings as in the YNHA Eligibility, Admissions and Occupancy Policies.

**300.2 Abandonment of unit** means when a tenant stops paying rent and reasonably indicates to the landlord, through word or actions, that they no longer intend to continue renting the unit. Abandonment may also be absence from the unit for more than thirty days without prior written notice to the Resident Manager or Case Manager.

**300.3 Homeless** means a person sleeping in a place not meant for human habitation (e.g. living on the streets, for example) or living in a homeless emergency shelter, and may include:

- A. An individual or family who lacks a fixed, regular, and adequate nighttime residence;
- B. An individual or family with a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground, who
  - 1. Has no subsequent residence identified; and
  - 2. Lacks the resources or support networks needed to obtain other permanent housing; and
  - 3. Has experienced persistent instability as measured by frequent moves over such period, and
  - 4. Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health, or mental health conditions, substance abuse addiction, history of domestic violence or childhood abuse, or multiple barriers to employment.

**300.4 Chronically Homeless** means an unaccompanied homeless individual with a disabling condition who has been continuously homeless for a year or more, or an unaccompanied individual with a disabling condition who has had at least four episodes of homelessness in the past three years.

- 300.5 Disabling condition**, as defined by HUD, means a diagnosable substance abuse disorder, a serious mental illness, developmental disability, or chronic physical illness or disability. A disabling condition limits an individual's ability to work or perform one or more activities of daily living.
- 300.6 Disability** means, subject to certain exclusions, a physical or mental impairment that substantially limits one or more major life activities, having a record of such impairment, or being regarded as having such an impairment, consistent with the definition of "handicap" under Section 504 of the Rehabilitation Act of 1973.
- 300.7 Domestic violence** means emotionally and/or physically controlling an intimate partner, family member or roommate, often involving tactics such as physical assault, verbal assault, stalking, and sexual assault.
- 300.8 Elderly person** means a person who is at least 55 years of age.
- 300.9 Veteran** means a person who was separated from active duty in the armed forces with an honorable discharge or under honorable conditions, as verified by a Form DD 214.
- 300.10 Federally-Recognized Tribe** means as a tribal entity on the current list of "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," as published in *the Federal Register*, and includes the Yakama Nation.
- 300.11 Yakama Nation** means the Confederated Tribes and Bands of the Yakama Nation. YNHA was established by the Resolution of the Yakama Tribal Council and is the Tribally-Designated Housing Entity of the Yakama Nation, on whose behalf the YNHA receives funding.
- 300.12 Indian** means, as defined in NAHASDA, any person who is a member of a federally-recognized Indian tribe.
- 300.13 Other terms** not specifically defined herein shall have the same meanings as in the YNHA Eligibility, Admissions and Occupancy Policies.

## Chapter 4 ELIGIBILITY STANDARDS

### **400.1 Eligibility.**

- A.** To be eligible for the Cháyanin Wapúta Program, an individual must meet the following eligibility requirements:

1. Be a member of a federally recognized tribe.
2. Qualify as homeless or chronically homeless, as defined in this Policy.
3. Eighteen years of age or older.
4. Qualify as low-income under the YNHA Eligibility, Admissions and Occupancy Policies.
5. Provide necessary documentation which may include tribal enrollment card, Social Security card, Driver's License or state ID card, DD214, and/or birth certificate.
6. Sign all forms including Consent for Release of Information to YNHA (HUD Form 9886).
7. Agree to use the housing as their primary residence.
8. Sign Consent for Alcohol and Drug Testing and agree to drug and alcohol testing
9. Complete assessments for mental health, alcohol and drug testing.
10. To make arrangements to repay any outstanding debts owed to YNHA by entering into a signed, written Payback Agreement. Applicants without income may qualify to participate in the YNHA Tenant Empowerment Program and apply some portion of their earnings from that program to back charges.

#### **400.2 Disqualifying Factors.**

- A. YNHA will disqualify an applicant for the Cháyanin Wapúta Program if it is determined during the application or verification process that the applicant or a household member:
  1. Abandoned a YNHA unit or was terminated from a YNHA unit within the last three (3) years;
  2. Has been convicted of three (3) or more violent or drug-related felonies.
  3. Has been convicted of a felony and sentenced or released from prison within the last five (5) years, provided that a person may be considered after three (3) years if he or she is complying with probation requirements and either attending school or gainfully employed.

4. Owes an unpaid debt to YNHA, for any reason, and does not repay the debt or sign a Payback Agreement.
  5. Has caused or permitted damages of over \$500 in repair charges, cleaning, or painting on YNHA property within the last five (5) years and does not pay for the damages or sign a Payback Agreement.
  6. Has engaged in Criminal Activity involving acts or threats of physical violence to persons or property (includes attempted burglary), or Drug-related Criminal Activity.
  7. Is required by law to register as a sex offender.
  8. Tests positive on a drug or alcohol test (refusal to test is treated as a positive); provided that the applicant may reapply within six (6) months.
  9. Has engaged, or is engaging, in other conduct that YNHA determines poses a threat to the health, safety, or peaceful enjoyment of their premises by other housing program residents or persons residing in the immediate vicinity. This includes current illegal drug use. It also may include disturbance of the peace, failure to maintain the home, unlawful activity including criminal gang-related activity, or other similar conduct.
  10. A person in the household made a false or fraudulent statement on the application documents.
- B. Disqualification from this program may not be based on rumor or innuendo, but must be supported by documented evidence such as reports, letters, memoranda and records of interviews with reliable sources.
- C. YNHA will perform a criminal background check and disqualification based on criminal convictions will be based on information from law enforcement agencies. Such information will be used for the purpose of determining eligibility (or continued eligibility) for this Program and will be kept confidential.
- D. A disqualifying factor may not be waived except by the Executive Director, with the reasons for the waiver fully documented.

## Chapter 5 APPLICATIONS AND WAITING LISTS

- 500.1 Applications.** Application forms are available at the YNHA Housing Office, and also may be available at the BIA Social Services Department and nonprofit organizations that assist individuals in finding emergency housing. The individual, case manager or advocate for the individual may submit the application and copies of required documents to the YNHA Housing Office for the initial screening and verification process.
- 500.2 Verification.** YNHA and Cháyánin Wapíita staff will review and verify the application to determine eligibility. If the applicant is eligible and there is no waiting list, steps will be taken to place the individual into the program.
- 500.3 Waiting list.** If there is no vacancy, the individual will be notified and their name will be placed on a waiting list. The waiting list is maintained by the YNHA Occupancy Department. Because this program is focused on individuals who are homeless, the Cháyánin Wapíita Program Case Manager or Resident Manager will refer the applicant to other emergency shelter resources that will not disqualify them from continuing to be on the waiting list for this program.
- 500.4 Preferences.** YNHA gives preference to enrolled members of the Yakama Nation for housing as per YNHA Eligibility, Admissions and Occupancy Policies. Enrolled members of other federally recognized Tribes are also eligible and will be considered in accordance with the preference policy. Special consideration is given under this Policy to elders, families with children, and those living in unsafe conditions for reasons of domestic violence.
- 500.5 Updates.** YNHA will purge its waiting lists at least once every twelve (12) months to maintain a list of active applicants. The primary goals in purging the waiting list are to obtain current information from interested applicants and to remove applicants who are no longer interested or who no longer qualify for the program. Applicants on the waiting list will be informed of the purge and will be given time to respond by updating their applications within a set deadline. An applicant whose notice is returned undeliverable will be removed from the waiting list. Waiting list information will be retained for at least three years.

## Chapter 6 CONDITIONS OF OCCUPANCY

- 600.1 Rental Agreement.** As a condition of initial occupancy and before move in, each applicant selected for the Cháyánin Wapíita Program must enter into a written, signed Rental Agreement with YNHA and any other signed documents that YNHA may require.

Each applicant who is made a conditional offer and has accepted must agree to drug testing by YNHA and release of information from the testing agency to YNHA, before a rental agreement is signed. Applicants can only occupy the unit after the Executive Director signs the Rental Agreement on behalf of YNHA. By signing the agreement, the applicant represents that the information in the Agreement is true and accurate when signed.

**600.2 Drug Tests.** The drug testing policy in the YNHA Eligibility, Admissions and Occupancy Policies applies, except that if the result of drug and/or alcohol testing is positive, YNHA may still offer the unit to the applicant, subject to his/her participation in the Cháyanin Wapíita Self-Sufficiency Supportive Services Program.

**600.3 Supportive Services.** The Conditions of participation in the Cháyanin Wapíita Self-Sufficiency Supportive Services Program are as follows:

1. First priority for participation will be given to applicants who within the last 90 days have successfully completed an alcohol and/or drug treatment program and are in compliance with any other recommended treatment.
2. Tenant will agree to obtain a mental health, drug and alcohol assessment prior to or within 30 days of occupancy.
3. A release of information from the Drug and Alcohol agency used will be completed so that the results can be sent to YNHA.
4. Tenant will comply with drug and alcohol recommended treatment program as a condition of continued occupancy
5. Tenant will actively participate in the Cháyanin Wapíita Program by volunteering, taking steps toward becoming gainfully employed, attending educational classes, and/or participating in the YNHA Tenant Empowerment Program.
6. Must maintain compliance with Probation requirements.
7. The applicant will complete at YNHA application for other YNHA rental programs (Low-Rent, Tax Credit or Elderly) and update the application every 6 months or when applicant's income, mailing address, or family composition changes, as part of their program.
8. Make and maintain arrangements for any outstanding debts owed to YNHA through a Payback Agreement, and continue to comply with that agreement.

**600.4 Occupants.** All units are one bedroom with occupancy as one resident per unit with the consideration of married couples sharing one unit.

**600.5 Smoking.** All units are non-smoking units. A designated smoking area will be provided away from door entries.

## Chapter 7 PAYMENT OF RENTS

**700.1 Rent Amounts.** Residents are expected to contribute to the rental cost of their units. The minimum rent for a unit in this program, including utilities, is \$100 per month, and the maximum rent is \$500 per month. No tenant will be required to contribute more than 30 percent of adjusted household income, as determined under the YNHA Eligibility, Admissions and Occupancy Policies.

**700.2 Tenant Empowerment Program.** New applicants and residents who are unable to generate adequate income to pay the minimum rent of \$100 may apply to participate in the YNHA Tenant Empowerment Program, which provides work opportunities at YNHA to eligible tenants who agree to apply a part of their earnings toward their rent. YNHA may consider providing rental credits to tenants who volunteer at events or activities sponsored by YNHA, or by the Yakama Nation, the city, or state nonprofit organizations.

**700.3 Orientation.** Prior to move in, the resident will meet with the Resident Manager for orientation that will include a tour of the facilities, covering expectations of residency and introduction to available residents, followed by a meeting with the resident's case manager to begin the assessment of qualifying for the YNHA Supportive Services Program and to start creating goals and a Cháyanin Wapúta Self-Sufficiency Plan to achieve these goals.

**700.4 Continued Occupancy.** The conditions of continued occupancy include, but are not limited to, staying in compliance with the Rental Agreement, including required payments and general maintenance, making sure all occupants are authorized by YNHA as residents, cooperating with random inspections, complying with these Policies and other YNHA policies, and not threatening the health or safety of others.

## Chapter 8 TERMINATION

**800.1 Activities.** Tenants are subject to immediate termination from the program if the tenant, or a resident or guest of the tenant, engages in the following types of activities, whether or not the tenant is aware of it:

1. Any activity that threatens the health or safety of other residents of the program, employees of YNHA or other persons authorized by YNHA to be on the premises, or deprives other residents of their right to peaceful enjoyment of their units or the common areas.
2. Any activity that threatens the health or safety of, or right to enjoyment of, persons residing in the surrounding and immediate vicinity of the premises.
3. Criminal activity, including drug-related activity, on or off the premises.
4. Any person who is subject to a registration requirement under any sex offender registration program.
5. Smoking in the unit.

**800.2 Law Enforcement.** Tenants are subject to immediate termination of tenancy if the tenant is fleeing to avoid prosecution, custody or confinement under federal, state or tribal law for committing or attempting to commit a crime or for repeated violations of a condition of probation or parole which is imposed under federal, state or tribal law. This includes

1. Failure to pay court ordered fines or probation fees.
2. Failure to attend and participating in court ordered treatment or classes.
3. Repeated probation and parole violations.

**800.3 No subletting.** Tenants are prohibited from subletting rental units to others and from taking in boarders or lodgers. Any person who resides or stays in a unit must first be determined by YNHA to be eligible to reside in YNHA housing, and must be listed on the family composition.

**800.4 Death of Head of Household.** In the case of death of head of household, if there are no co-head or spouse who has been actively participating in the program, the remaining residents will vacate. If there is a co-head or spouse who has been actively participating in the program, that person will sign a new Rental Agreement.

**800.5 Abandonment.** A tenant who anticipates being absent from a unit for more than one week must notify the Resident Manager or Case Manager in writing of the absence and the return date. If a tenant is absent from a unit for more than thirty days without prior written notice to the Resident Manager or Case Manager, the tenant will be considered to have abandoned the unit. In the case of abandonment, YNHA will prepare the unit for new occupancy and store and dispose of a tenant's personal property in accordance with YNHA policies and applicable law.

- 800.6 Refusing Treatment.** Participants are subject to immediate termination if they refuse to continue, participate in, or complete any and all recommended treatment programs, in accordance with the initial occupancy assessment.
- 800.7 Refusing to Complete Plan.** Participants are subject to immediate termination if they refuse to continue, participate in, or complete any and all necessary programs and steps on their Cháyanin Wapíita Self-Sufficiency plan as outlined by the Resident and Case Manager.
- 800.8 Housekeeping.** Participants are subject to immediate termination if they repeatedly fail in basic housekeeping and passing of inspections.
- 800.9 Referral to Behavioral Health.** Before terminating a tenancy, YNHA will refer all tenants who are danger of termination to the Yakama Nation Behavioral Health Program, except in cases where the tenant poses a direct threat to other tenants or to staff.

## Chapter 9 GRIEVANCES

- 900.1 Filing a Grievance.** The YNHA Grievance Policy and Procedures applies to any dispute brought by a person who applies for or participates in a YNHA program or service with respect to an alleged violation by YNHA of a policy, regulation or law that has resulted in loss or harm to the person with dispute. This includes disputes over eligibility determinations, waiting lists, written agreements, termination of tenancy or any other dispute. Copies of the Grievance Policy and Procedures may be obtained from the YNHA receptionist.